211-7258

CIVIL MINUTES

J

PRINTING BANK AUSTIN TEXAS COUNTY OFFICE SUPPLIES

983

First Court Minutes

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The State of Texas } Be it Remembered, On this the 12th day of January,
County of Travis } A.D. 1869, there was drawn, according to law, by Frank Brown, Clerk of the District Court of Travis County, and Ang. Atte Clerk of the County Court of Travis County, in the presence of William D. Scott, Esq, a Justice of the Peace within and for the County and State aforesaid, the following named persons to serve as jurors at the Spring Term, 1869, of the District Court of Travis County, viz:

First Week

1 Nat. Grumbles (c)
2 H. C. Bergener
3 J. M. Blackwell
4 W.B. Lackey
5 Jno. J. McCuistion
6 Robt J. McLure
7 D.C. Shelp
8 Richard Williams (c)
9 Samuel Wilson (c)
10 L. M. Evans
11 Lewis Johnson
12 Mc M. Grant
13 George Saunders
14 Ishaw McArthur (c)
15 J. A. Collier
16 J.D. Barron
17 J. C. Riley
18 Robt John
19 G. T. Boardman
20 John Jones
21 Claiborne Lawrence
22 A. A. Horne
23 Wm H. Millican
24 John T. McArthur

Second Week.

25 A. A. Renick
26 J. W. Hanning
27 A. Blomeck
28 Philip Jones (c)
29 Jesse Lightfoot (c)
30 Alex Dickinson (c)
31 P. H. Jobe
32 F. Clements (c)
33 Swanto Palm
34 Cato Eagle (c)
35 Orange Hancock (c)
36 Thomas D. Ford
37 J. S. Nichols
38 A. D. Hicks
39 John D McCall
40 Geo. Susman
41 Samuel Mason (c)
42 S. C. Hammond
43 Geo. Doyle (c)
44 Wm Needham
45 S. B. Sawyer
46 Wesley Tomlin
47 John D. Glasscock.
48 P. S. Hopkins

Third Week

49 R. D Eanes
50 Wm News
51 Wm Buffington (c)
52 A G Gatlin
53 Nath. Puckett
54 Robt H. Smith
55 George Pfluger
56 Thos. Miller
57 Thos E. Stanley, Jr.
58 J. B. Banks
59 Chas. W. Deison
60 Chas. Pickt
61 B. Drummonds
62 Edwd Zimmerman
63 P. Gregg (c)
64 Alex Thornton (c)
65 Lee Giles
66 W.S. Parton
67 N. W. Mayfield
68 Fred Houston
69 Edmond Caldwell (c)
70 T. P. Burditt
71 E. Boyce
72 H. E. Habby.

Fourth Week

73 T. C. Collins
74 Jno C. Matthews
75 H. P. Hamilton
76 John Norwood
77 Thomas E. Stanley
78 E. B. Reed
79 Julius Maxwell (c)
80 J. R. Johnson.
81 Erhard Fnt
82 Henry Steussy
83 Edmund Lindsey (c)
84 Chas. Boyd
85 R. C. Bennett
86 Jesse Douglas
87 Caleb Cox
88 Albert Foster
89 James Sylvester
90 E. G. Johns
91 Wm Buttery.
92 Wilson Drew
93 James A. Foster
94 John McBride (c)
95 J. P. Houston
96 Reuben Marshall

Frank Brown Clk DCTC
Jury F. Pltf, " C.C.C.
W.D. Scott J.P.

Venire for above Jurors issued
14th Jany 1869. F. Brown, Clk.

Following is a true copy of the Mandate received and filed this day in Case No. 2422, of Thomas Blair v. R. A. Rutherford. Jan 8th, 1869.

Frank Brown, Clerk.

The State of Texas to the District Court of Travis County— Greeting:

Before our Supreme Court on the 7th day of December, A.D. 1868, the cause upon error to revise or reverse your Judgment between Wm A. Blair and R. A. Rutherford was determined; and thereon our said Supreme Court made its order in these words.

" No 3017. This cause came on to be heard on the transcript of the record of the Court
" below, and the same having been inspected, because it is the opinion of this Court
" that there was error in the Judgment of the Court below. It is therefore considered,
" adjudged and ordered that the judgment of the Court below be reversed; and it
" appearing from the record that a Jury was waived in the Court below, and that
" there are no material facts to be proved. if the cause was remanded not con-
" tained in the record, this Court will proceed to render such Judgment as the
" Court below ought to have rendered, to wit: It is considered, adjudged and ordered
" that W. A. Blair do have and recover of and from the Defendant R. A. Rutherford,
" the sum of Six Hundred and Thirty Eight Dollars and eighty two cents, principal
" debt and interest up to this date, with eight per cent. interest from this date until
" paid, together with all costs in this behalf expended. for which execution may issue,
" and this decision be certified below for observance."

Witness the Hon Amos Morrill, Chief Justice of our said Supreme Court, with the Seal thereof at Austin, this 8th day of January, A.D. 1869. Geo. W. Gray, Clk

(Seal)

The State of Texas } Be it Remembered, On this the 12th day of January AD
County of Travis } 1869, there was drawn, according to law, by Frank Brown, Clerk of the District Court of Travis County, and Aug. Otto, Clerk of the County Court of Travis County, in the presence of Wm D Scott, Esq. a Justice of the Peace within and for the County and State aforesaid, the following named persons, to serve as Jurors at the February Term, 1869, of the County Court of Travis Co. viz

1 E. S. Stanley.	5 Wm C. Jones	9 T. M. Berryman	
2 C. H. Bland	6 ~~Irvin~~ Eggleston	10 A. V. Davis	
3 Geo. Hamilton	7 Rafael Manthe.	11 Albert Musgrove	
4 W P Hall	8 ~~Thomas~~ J. C. Kingsbury	12 Wm H. King	

Frank Brown Clk D C T C
Aug F. Otto " C C T C.
W D Scott J P.

Austin, Jany 30th. 1869

Habeas Corpus Ex Parte W. C Bryant

And now coming on to be heard the applic testimony arising under the return of the Sheriff, why he holds the Defendant in custody and the Court having heard the return of the Sheriff, stating that the Defendant is held in custody under a Warrant issued by W. D. Scott, a Justice of the Peace of Travis County, charging W. C. Bryant with committing an assault with intent to ~~Commit~~ a rape upon the body of Virginia Hagle, and the testimony introduced on behalf of the State, represented by Messrs Gray, Sneed, and Perchals and on behalf of the Defendant, he being present and by his counsel Messrs. Flanagan, Hamsocker, & Whitmore, being heard, and all considered by the Court, and the argument of counsel being heard, and the same considered, It is ordered that the Defendant W. C. Bryant, be required to enter into bond in the sum of Seven hundred and fifty Dollars conditioned for his appearance at the next term of the District Court of Travis County, then and there to answer any charge that may be preferred against him by the Grand Jury of said County for ~~making~~ an assault with intent to commit a Rape upon Virginia Hagle. It is further ordered that a Subpoena duces tecum be issued directing Minerva Hagle to bring and place in the Custody of the State Clerk of this Court the skirt and drawers testified about in this cause

It is further ordered by the Court that the Defendant pay the cost of this proceeding for which execution may issue.

J. J. Thornton
Dist Judge
2nd Dist.

Austin, February 3d 1869

Habeas Corpus. Ex Parte, M. G. Roberts

And now coming on to be heard the testimony arising under the application of the applicant M. G. Roberts to be discharged from custody, and the facts arising upon the return of the Sheriff and the testimony being heard and duly considered by this presiding Judge, It is ordered, that the said applicant M. G. Roberts, be discharged from custody of the Sheriff of Travis County, without day.

J. J. Thornton
Dist judge

2839

Washington Hammett, Plaintiff
v.
R. H. Peck, et al, Defendants

This case coming on to be heard in Chambers on this the 5th day of Feb may, 1868, come the parties by their Counsel On motion of the Defendants this motion is continued until the next term of this Court

J. J. Thornton
Dist Judge

The State of Texas
v.
David Sheets

A writ of habeas corpus being sued out and heard before Judge Bacon, and the evidence being heard, considered by the Court, and the argument of counsel being heard, And it appearing that no probable cause exists that this Defendant has committed the offence charged It is ordered that he be discharged from custody without day.

Spring Term, Monday, March 1, 1869.

The State of Texas } Be it Remembered That on this The 1st
County of Travis } day of March, A. D. 1869, a Special Term
of The District Court of Travis County was begun and held at the
Courthouse in The City of Austin by virtue of the following General
Order No 36, issued by Major General E. R. S Canby, commanding
Fifth Military District, (Present His Honor W. P. Bacon, Judge of
the Eleventh Judicial District presiding; R. Hall, Sheriff Travis County;
and Frank Brunn, Clerk of The District Court of Travis County,) to wit:

" Headquarters Fifth Military District, Bureau of Refugees, Freedmen
" and Abandoned Lands, State of Texas, Austin, Texas, February 13, 1869.

" × × × × ×

" General Order No. 36. (Extract.)

" III. It is hereby ordered: That the regular Spring Terms of the District
" Courts, required by statute to be held in the months of March, April, May
" and June, 1869, in the Second and Eleventh Judicial Districts of Texas, are
" hereby suspended; and in lieu of said regular terms the following special
" terms be held, to wit:

" First: That a Special Term of the District Court of Travis County be held
" in and for said County, to Commence on the first Monday of March, 1869,
" and may continue in session ten weeks.

" Second: That a Special term of the District Court for the County of Williamson
" be held in and for said County, to commence on the tenth day of May, 1869,
" and may continue in session two weeks.

" Third: That a special term of the District Court for the County of Burnett be
" held in and for said County, to Commence on the thirty first day of May, 1869,
" and shall continue in session until the business of said Court is disposed of.

" Fourth: That the forgoing Special Terms of the District Court for the counties
" of Travis, Williamson and Burnett shall be held by the Judge of the Eleventh
" Judicial District of Texas.

" Fifth: That a Special term of the District Court of the County of Hays be
" held in and for said County, to Commence on the first Monday in March, 1869,
" and may continue in session two weeks.

" Sixth: That a Special term of the District Court of the County of Guadalupe
" be held in and for said County, to Commence on the fifteenth day of March,
" 1869, and may continue in session six weeks.

" Seventh: That a Special term of the District Court of the County of Caldwell,
" be held in and for said County, to Commence on the 26th day of April, 1869,
" and may continue in session two weeks,

" Eighth: That a Special term of the District Court for the County of Bastrop
" be held in and for said County, to Commence on the Eleventh day of May,
" 1869, and shall continue in session until the business of the Court is disposed of.

" Ninth: That the Special terms of the District Court herein provided for, to be
" held in the Counties of Hays, Guadalupe, Caldwell, and Bastrop, be held
" by the Judge of the Second Judicial District or by some other District Judges with
" whom he may interchange.

" Tenth: That there be held a Special term of the District Court of El

Spring Term, Monday, March 1st 1869

" Paso County in and for said County, to commence on the nineteenth day of July,
" 1869, and shall continue in session until the business of said Court is disposed of;
" which Court shall be held by the Judge of the Seventh Judicial District.
" Eleventh: That all writs and processes returnable to any of said Courts are hereby
" made returnable to the Special terms of said Courts herein provided for; and all
" bail, bonds and recognizances requiring the appearance of parties at the regular
" term of any of said Courts, shall be held to bind and require all such parties
" to be and appear at and before the proper Court at the Special term as herein
" provided for, the same as if it were the regular term thereof

" × × × × × ×

" By order of Brevet Major General C. R. S. Canby.

" Louis V. Caziare,

" A. D. C. Acting Asst. Adj. General."

And thereupon the Court ordered the names of of the persons summoned on the Venire for the Grand Jury to be called, which being done the following persons were found to be in attendance: John Robb, E. S. Berry, J. T. Haynes, J. E. Mowinckle, C. H. Fox, E. M. Earnest, John Drennon, L. D. Collins, J. Hornberger, O. H. Millican, B. Garrett, W. G. Goodenough, Henry Willis, Joseph Pollard, A. Trontwein, Addison S

And a sufficient number not appearing It is ordered that the Sheriff summon two additional persons, well qualified, to complete the panel of Grand Jurymen, which being done, the following named persons were presented. Addison Smith, J. D. McGarey.

And thereupon the above named persons, summoned on the regular Venire and from the bystanders, as aforesaid, seventeen in number, were duly tried by the Court, and examined as to their qualifications to sit as Grand Jurors, and the said persons being found duly qualified according to law, were empannelled, sworn, and tried, as follows, to wit: O. H. Millican[1], John Robb[2], E. S. Berry[3], J. T. Haynes[4], J. E. Mowinckle[5], C. H. Fox[6], E. M. Earnest[7], John Drennon[8], L. D. Collins[9], J. Hornberger[10], B. Garrett[11], W. G. Goodenough[12], Henry Willis[13], Joseph Pollard[14], A. Trontwein[15], Addison Smith, and J. D. McGarey[17].

And thereupon It is ordered that O. H. Millican be appointed Foreman of the Grand Jury for this Term of the Court.

And thereupon the said Grand Jury, so selected, tried, sworn, and found qualified, were duly charged as to their duties by the Court, and ordered to retire upon a discharge of the same.

And thereupon It is ordered that Sam. Johnson be appointed Bailiff to the Grand Jury, who was duly sworn and instructed as to his duties.

And thereupon, It is ordered by the Court that the Criminal Docket be set for hearing and trial for Tuesday morning of the second week of this Special term.

And it is ordered that Court stand adjourned till to-morrow morning at 9 o'clock.

Spring Term, Tuesday, March 2nd 1869.

Tuesday, March 2nd 1869

Court met at 9 o'clock A.M. pursuant to adjournment. Term Hon. H. P. Bacon, Judge of the 11th Judicial District presiding; Frank Brown, Clerk; and R Platt, Sheriff Travis County. Whereupon the following proceedings were had by said Court, to wit.

1021 G. W. Cartwright v. John T. Porter. Ordered that this cause be Continued to await the Survey and report of Commissioners.

1460. C. R. Johns et al. v. J. R. Pace et al. And now at this day came the parties to this cause by their attorneys and moved the Court to dismiss the same at their mutual cost. Whereupon It is ordered by the Court that the above cause be dismissed; that the Plaintiff C. R. Johns pay one-half the cost in and about this suit incurred; and that the Defendants James R. Pace and Thomas L. Story pay the other one-half of the cost thereof to be taxed, for all which execution may issue.

1528. J. S. Thompson v. J. Dyches, et al. Ordered that this cause be Continued for want of Service.

1760 W. M. Wilson v. J. T. Cleveland et al. And now at this day came the parties; and On motion of the plff by Attorney It is ordered that this cause be dismissed from the docket, and that the Defendants do have and recover of and from the said Plaintiff W. M. Wilson, all the cost of this suit, for which execution may issue.

1774. W. H. Luckie v. John H. Conner. And now at this day Came the parties to this Cause by Attorney; and on motion It is ordered that the said cause be dismissed from the docket and that the Plaintiff W. H. Luckie, and the security on his Cost Bond, to wit: W. P. Luckie, pay all the cost thereof to be taxed, for which execution may issue.

1960 Samuel L. Wheeler v. W. P. Newman's Heirs. On this day appeared the Counsel for the plaintiff, T. D. Manley, Esq., and says he will no longer prosecute this cause, and upon his motion It is ordered that the same be dismissed from the docket, and that the plff, Samuel L. Wheeler, do pay all the cost hereof to be taxed for which execution may issue.

1973 Thomas J. Wood v. H. M. White, Com. Ordered that the plaintiff have leave to file an Amended petition.

1989 Ellen Duval v. A. M. Davidson et al. This cause continued to await the appointment of administrators of plff.

Spring Term, Wednesday, March 3d 1869.

2058 J. E Pickle v. Glascock & Millican Ordered by the Court that the parties have leave to amend their pleadings

2416 J A & Geo W. Paschal v. W. G Lane, et als. On motion It is ordered by the Court that this cause be dismissed from the docket, and that the defendants do have and recover of and from the plaintiffs all the costs of this suit, for which execution may issue.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, March 3d 1869.

Court met at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, as follows, to wit.

98. Alex. Thomson et als v. E. S. C. Robertson et Als. Ordered that this cause be passed to the heels of the Docket.

187. Robert Mitchell v. M C. & J. Burditt Ordered that this cause be set for trial on Monday next, the 8th instant.

222 B Grumbles and Isabella Grumbles v. J. J. Grumbles, et. als On this day this cause being called for trial, and the said Plaintiffs not appearing in person or by attorney to prosecute the same, It is ordered that the same be dismissed from the docket for want of prosecution, and that the Defendants herein do have and recover of and from the said plaintiffs Benjamin Grumbles and Isabella Grumbles all the cost herein incurred, for which execution may issue.

259 Edward Grumbles v. W. S. Oldham. On this day this cause being called for trial, and the said Plaintiff not appearing in person or by attorney to prosecute the same, It is ordered that the same be dismissed from the docket for want of prosecution, and that the said Edward Grumbles, and the securities on his cost bond, to wit. J. W Robertson and Ed. Timin all the cost of this suit for which execution may issue.

316 J. J. Grumbles v. Green & Pace. On this day this cause being called for trial, and the said plaintiff not appearing to prosecute the same, It is ordered that the same be dismissed for want of prosecution; and that the Defendants have and recover of and from the Estate of the said J. J. Grumbles deceased all the cost of this suit, and that the bill thereof to be taxed, may be certified to the Probate Court of any County where the estate of said Grumbles may be administered, as a just claim, to be paid in due course of administration.

Spring Term, Thursday. March 4. 1869

1021 G W Cartwright v. J. T. Porter. Ordered that this cause be continued

1164 W D Thomson v. C. & Aug. Reidel. As this day this cause being called for trial, and the cause not being prosecuted in any manner, It is ordered that the same be dismissed from the Docket for want of prosecution, and that the Defendants go hence and recover of and from the plaintiff all the cost of this prosecution suit, and It is Ordered that the bill of cost thereof to be taxed shall be certified to the Probate Court of any County where the administration of the Estate may be pending as a just claim against the estate of the said W. D. Thomson, to be paid in due course of administration.

1733 C. A. Hopkins, et als v. A. Morrell. Ordered that this cause be set for trial after the criminal business shall be disposed of

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, March 4th 1869

Court met at 9 o'clock. A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

1867 John Edgar v. R. J. Nichols, et. al. This Cause Continued

1728 O. B. Calhoun v. Geo. J. Cancock This cause Continued

1844 A. Thompson v. W. D. Thomson, et. als. Passed to bed of Docket

1885. W. G. Wallace v. D. C. Effington. And now on this day this cause coming on to be heard, and the said Plaintiff not appearing by his legal representatives nor by attorney to prosecute the same, It is ordered that the same be dismissed for want of prosecution; and that the Defendant go hence and recover of and from the estate of W. G. Wallace, Deceased, all the cost of this suit. and that a true and correct copy of the bill of cost thereof to be taxed, may be certified to the Probate Court of Travis or any other County where the administration of said Estate may be pending, as a just and valid claim against the estate of said W. G. Wallace, Deceased, to be paid in due course of administration.

1909. Thomas B. Huling v. Jas. M. Bruton. And now on this day appeared the parties to this cause by their respective attorneys, and announced themselves ready for trial. And the Defendants Demurrer to plaintiffs petition coming on to be heard, and the same

Spring Term, Friday, March 5th 1869.

being argued by counsel and duly considered by the Court, It is ordered that the same be overruled, to which Defendants excepts. And the Pff. having offered in evidence the note of hand sued on, the Defendant objected, which objection was overruled, and the Defendants Counsel excepted to said ruling. And thereupon the Defendants Counsel offered in evidence the Deed from plaintiff to Defendant, to which plaintiffs Counsel excepted. The exception was ~~sustained~~, to which Defendants counsel excepted. And then came a Jury of twelve good and lawful men of Travis County, consisting of J. D. Barron and eleven others, who being duly sworn, tried and empannelled according to law, heard the pleadings, the evidence and the Charge of the Court, retired to consider of their verdict. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find "for the Plaintiff in the sum of thirteen hundred and One 18/100 Dollars "($1301. 18 cts) J D Barron, Fm."

Wherefore, It is ordered, adjudged and decreed by the Court that the plaintiff Elizabeth R Barron Huling wife of Thomas D. Huling, Deceased, heretofore made party plaintiff in this cause, do have and recover of and from the Estate of James M. Pinton, Deceased, the sum of Thirteen Hundred, One & 18/100 Dollars, so found due by the Jury aforesaid, together with all the cost of this suit, for which execution may issue. And it is further ordered that this Judgment for may be certified to the Probate Court of Hays County as a valid claim against the estate of James M. Pinton, Deceased, to be paid in due course of administration.

1973 Thomas J Wood v. F. M. White, Comr, et.als On motion it is ordered that the Defendants Cleveland herein have leave to file an amended answer.

And thereupon Court adjourned till to morrow morning at 10 o'clock.

Friday, March 5th 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And now on this day appeared in open Court the Grand Jury, duly empannelled, tried, sworn, and charged for and during the present term of this Court, for the County of Travis, and through their Foreman, O. H. Millican, presented to the Court the following Bills of Indictment, to wit:

1937 The State of Texas v. John Cloe. Theft of a Gelding.
1938 The State of Texas v. Charles Sublett. Aggravated Assault.
1939 The State of Texas v. Charles Sublett. Theft from a House.

Spring Term, Friday, March 5th 1869

1940 The State of Texas v. F. B. Wacker. Murder.
1941 The State of Texas v. C. H. Bryant. Assault with intent to Rape.
1942 The State of Texas v. — Gatlin — Gatlin. Theft of a Beef Steer.
1943 The State of Texas v. E. Otley. Theft of a Steer.
1944 The State of Texas v. Jim Hamilton. Murder.
1945 The State of Texas v. Sanford Vance. Theft of Six Hogs
1946 The State of Texas v. James Moore. Robbery.
1947 The State of Texas v. Richard M. Burrier — Bell. Theft of a Beef Steer.

1958 Susan L. Ward v. Thos. Wm. Ward. Ordered that this cause be healed.

2038. J. H. Lightfoot, et. als. v. W. C. Lightfoot. And now on this day this cause being reached on the docket under peremptory call, and the said plaintiffs not appearing in person or by attorney to prosecute the same, It is ordered that the same be dismissed for want of prosecution. And it is considered that the said Defendant go hence without day, and recover of and from James H. Lightfoot, Mary J. Lightfoot, Amos A. Bales, Harriet V. Bales, Walter H. Lightfoot, Gustavus H. Lightfoot, Sarah I. Lightfoot, G. A. Batt and Mary A. Batt, all the cost of this suit, for which execution may issue.

2342 J. D. McGarey v. A. C. & W. H. Hill. Ordered on motion, that the plaintiff have leave to amend.

2523 L. Brown v. B. P. Hollingsworth. And now at this day came the plaintiff in this cause by his attorney, and says he will no further prosecute this cause, and moves that the same be dismissed at his cost the Defendant being dead and no answer filed. It is therefore ordered that the said cause be dismissed from the docket, and that the pltff. Leander Brown, pay all the cost of this suit, for which execution may issue.

2816 James N. Hamilton v. Mattie L. Hamilton and C. W. Hamilton, Jr. And now at this day appeared the plaintiff by attorney and suggests to the Court that the Defendant C. W. Hamilton, Jr. is a minor under the age of fourteen years and moves the Court to appoint a Guardian ad litem to represent the interests of said minor in this suit. It is thereupon ordered that Robert A. Smith, Esq., an attorney of this Court, be appointed Guardian ad litem in this cause to represent the said C. W. Hamilton, Jr.

2825 The State of Texas v. Lewis Elgin, et. als. Continued for service.

2827 The State of Texas v. Ben. Hines, et. als. And now on this day came the District Attorney, who prosecutes for the State in this behalf, and claims a Judgment final by default. And because it appears to

Spring Term, Friday, March 5th 1869

the Court, that on the 16th September, 1868, Judgment ni si was rendered against the Defendants herein for the sum of One Hundred Dollars on a forfeited appearance bond dated 11th March 1867 payable unto the State of Texas, in the cause No. 1727, of The State of Texas v. Ben. Hines charged with Playing Poker in a House attached to a Grocery, and that the securities Boyce and Cook have been duly served with Scire facias to appear and show good cause why the said Defendants did not appear, which they have wholly failed to do. It is therefore ordered by the Court that the said Judgment ni si be made final, and that the State of Texas do have and recover of and from the Defendants, Ben. Hines, R. A. Boyce and A. H. Cook, the said sum of One Hundred Dollars and all the cost of this proceeding, for which execution may issue.

V

2828 The State of Texas v. Ben. Hines, et. als. And now on this day came the District Attorney, who prosecutes for the State in this behalf, and claims a Judgment final by default. And because it appears to the Court that on the 16th September, 1868, Judgment ni si was rendered against the Defendants herein for the sum of Two Hundred Dollars on a forfeited appearance bond dated 11th March, 1867 payable unto The State of Texas in the cause No. 1756 of The State of Texas v. Ben. Hines, charged with Betting at Hare, and that the securities Boyce and Cook have been duly served with Scire facias to appear and show good cause why the said Defendant did not appear, which they have wholly failed to do, It is therefore ordered by the Court that the said Judgment ni si be made final, and that the State of Texas do have and recover of and from the Defendants Ben. Hines, R. A. Boyce and A. H. Cook the said sum of Two Hundred Dollars and all the cost of this proceeding, for all which execution may issue.

X

V

2836 The State of Texas v. John Cook, et. als. And now on this day came the District Attorney, who prosecutes for the State in this behalf and claims a Judgment final by default. And because it appears to the Court that on the 29th September, 1868, a Judgment ni si was rendered against the Defendants herein for the sum of One Hundred Dollars on a forfeited appearance bond dated 25th. June, 1868, payable unto the State of Texas in the Cause No. 1920 of The State of Texas v. John Cook, and that the sureties A. H. Cook, Jesse Clement, Alexander Lewis and William Jackson, have been duly served with Scire Facias to appear and shew good cause why the said Defendant did not appear, which they have wholly failed to do, It is therefore ordered by the Court that the said Judgment ni si be made final, and that the State of Texas do have and recover of and from the Defendants John Cook, A. H. Cook, Jesse Clement, Alexander Lewis and William Jackson, the said sum of One Hundred Dollars and all the cost of this prosecution, for which execution may issue.

X

Spring Term, Friday, March 4th 1869.

2839. Washington Hammett v. R. H. Peck, et. als. On motion It is ordered that the Plaintiff have Leave to file an amended petition.

2821 The State of Texas v. Josiah Woodward It appearing to the Court that the Defendant Josiah Woodward, at the Fall Term 1868 of this Court, was fined in the sum of Fifty Dollars as a Defaulting Witness in the cause No. 1793, of The State of Texas v. W. P. Rutledge, and that he has been served with Scire facias to appear and show cause why the said Judgment nii si should not be made final, which he has wholly failed to do, but made Default, It is therefore considered by the Court that the said Judgment nii si be made final, and that the State of Texas do have and recover of and from the said Josiah Woodward the said sum of Fifty Dollars and all the Cost of this proceeding, and that the Defendant be committed to the County Jail until the same are paid.

2822. The State of Texas v. Josiah Woodward It appearing to the Court that the Defendant, at the Fall Term, 1868, of this Court, was fined in the sum of Fifty Dollars as a Defaulting Witness in the cause No. 1794 of The State of Texas v. W. P. Rutledge, and that he has been served with Scire facias to appear and show cause why the said Judgment nii si should not be made final, which he has wholly failed to do and made default, It is therefore considered by the Court that the said Judgment nii si be made final, and that the State of Texas do have and recover of and from the said Josiah Woodward the said sum of Fifty Dollars and all the cost of this proceeding, and that the Defendant be committed to the County Jail until the same are paid.

2823. The State of Texas v. Glenn O Davis. It appearing to the Court that the Defendant, at the Fall Term, 1868, of this Court, was fined in the sum of Fifty Dollars as a Defaulting Witness in the Cause No. 1793 of The State of Texas v. W. P. Rutledge, and that he has been served with Scire facias to appear and shew cause why the said Judgment nii si should not be made final, which he has wholly failed to do, and made default, It is therefore considered by the Court that the said Judgment nii si be made final, and that the State of Texas do have and recover of and from the said Glenn O. Davis the said sum of Fifty Dollars and all the cost of this proceeding, and that the Defendant be committed to the County Jail until the same are paid.

2824 The State of Texas v. Glenn O. Davis — It appearing to the Court that the Defendant at the Fall Term, 1868, of this Court, was fined in the sum of Fifty Dollars as a Defaulting Witness in the cause No. 1794, of The State of Texas v. W. P. Rutledge, and that he has been served with Scire Facias to appear and shew cause why the said Judgment nii si should not be made

Spring Term, Saturday, March 6th, 1869.

fvial, which he has wholly failed to do and made default. It is therefore considered by the Court that said Judgment nis ei be made fvial, and that the State of Texas do have and recover of and from the said Henry O. Davis the said sum of Fifty Dollars and all the cost of this proceeding, and that he be committed to the County jail until the same are paid.

And thereupon the Court adjourned till to-morrow morning at 9 o'clock.

Saturday, March 6th, 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

1943 The State of Texas v. Enoch Otley. And now on this day appeared in open Court the Defendant Enoch Otley, who brings with him as security W. L. Robards, and thereupon the said Enoch Otley as principal, and W. L. Robards as security, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Two Hundred Dollars to be levied upon their respective goods and chattels, lands and tenements But to be void nevertheless upon condition that the said Enoch Otley make his personal appearance at the District Court of Travis County now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term of said Court until discharged, to answer the Indictment preferred against him the said Enoch Otley by the Grand Jurors of Travis County at this the Spring Term, 1869 for taking and carrying away from the possession of W. C. Philips, certain personal property belonging to the said Philips, to wit: one brown four year old bay steer of the species of neat cattle of the value of ten dollars, and that he do not depart the Court without leave.

2820 The State of Texas v. J. H. Carlton. And now comes on to be heard the answer of the Defendant in this cause to the scire facias served upon him as a Defaulting Witness, and the same being considered, It is ordered that the fine and Judgment nis so heretofore entered against him be set aside, vacated, and held for naught, and that the said Defendant pay the cost of this proceeding for which execution may issue.

2749 George Lee, et. als. v. Aaron Burleson, et. als. And now on this day came on to be heard the motion of the Clerk to require the Plaintiffs in this cause to give bond and security for the cost of this suit. And the Plaintiffs attorney having been served with notice of said motion

Spring Term, Saturday, March 6th, 1869.

which is now on file among the papers. It is therefore considered by the Court that the said rule be granted, and that the pltffs herein do enter into bond and security for the cost of this suit on or before the first day of the next Term of this Court, otherwise the same shall be dismissed.

Rebecca Butcher, Nellie Roberts
Rebecca Roberts, Geo. W. Kendall,
& his wife Elizabeth D. Kendall
vs,
C. H. Randolph, Treasurer, &c

1 V 1892
X

On this day came the Plaintiffs by their attorney of record, W. L. Robards, and the Defendant by the Attorney General, and by agreement the matters of law and fact being submitted to the Court, and the Court having duly inspected the proof. It appears to the satisfaction of the Court that William Gibson, to whom a Certificate for 2d Class Debt of the late Republic of Texas for six hundred and five Dollars (No. 2721) issued 1st Sept. 1851, and another Certificate for 2d Class Debt of the late Republic of Texas for Fifteen Dollars (No. 32428 issued 1st Sept. 1851 is now deceased; that he died without father; that the Plaintiff Rebecca Butcher is his mother, formerly wife of his father James Gibson Decd; that Nellie and Elizabeth Roberts are the children of his half sister, Mary Roberts, formerly Mary Butcher and Elizabeth D. Kendall formerly Elizabeth D. Butcher, is also his half sister; and all of them are the resident citizens of the State of Kentucky; that his said mother, sister and neices are the heirs and only heirs of the said William Gibson, Decd. and that said George W. Kendall is the husband of the said Elizabeth D. Kendall Decd It is therefore ordered, adjudged and decreed, and it is hereby that the parties hereinbefore named as the heirs at law of William Gibson, decd are entitled to the possession and payment of Certificates No. 2721, issued to William Gibson 1st Sept. 1851, for the sum of Six hundred and five Dollars, 2nd Class Debt of the Republic of Texas; and No. 32428, issued to William Gibson 1st Sept. 1851, for the sum of fifteen Dollars, 2nd Class Debt of the Republic of Texas as against all and every person whomsoever, who claim possession and payment thereof, as the heirs at Law of William Gibson, Deceased; and that a certified copy of this Judgment be delivered by the Clerk to the Plaintiffs or their Attorneys of Record, to be deposited by them in the Treasury of the State of Texas, for the information of the Treasurer. It is further ordered that the Plaintiffs be permitted to withdraw said Certificates, and that they be required to pay all the costs of this suit.

And thereupon Court adjourned till Monday morning at 9 o'clock

Spring Term, Monday, March 8th 1869.

Monday, March 8th 1869.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the Hon. W. P. Bacon, Judge of the Seventh Judicial District presiding. Hank Brown, clerk and R. Platt, Sheriff. Whereupon the following proceedings were had by said Court, to wit:

1847 The State of Texas v Robert Perry. On motion, It is ordered that an attachment issue in this cause on behalf of the Defendant for the witness A. J. Cofer.

1997 M. T. Bell v. J. B. Perry. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And the motion to suppress the deposition of J. A. Black coming on to be heard and considered, the same was overruled, to which defendant excepted. And then came a Jury of twelve good and lawful men of Travis County, consisting of H. Samuels and eleven others, who being tried, empannelled and sworn according to law, heard the pleadings, the evidence, the argument of counsel and charge of the Court, and retired to consider of their verdict. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff in the sum of (78cts) Seventy Eight cents principal & interest. H. Samuels Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the Plaintiff M. T. Bell do have and recover of and from the Defendant John B. Perry, ~~all~~ the ~~cost~~ said sum of Seventy Eight Cents and all the cost of this suit, for which execution may issue.

2058 J. E. Pickle v. Glasscock & Millican. Ordered by the Court that the Defendants herein have leave to amend

2064 James Riley v. Webb & Colman. And now at this day came the representative of the plaintiff by W. L. Robards, Atty and dismisses this cause as to the Defendant J. S. Holman who is dead.

2169 O. Hedgcox v. R. H. Simmons, et als. Ordered that this cause be continued

2176 W. D. Scott v. W. Sams. Ordered that this cause be continued.

2181 Ellen Duval v J. M. Bennett, et als. Ordered that this cause be continued to make parties.

2183 Ellen Duval v. W. T. Dyer, et al. Ordered that this cause be continued to make parties.

2187 J. A. Caldwell v. William Fowler. And now on this day came the parties to this cause by their attorneys and moved the Court that

Spring Term, Monday, March 8th 1869

decree be entred therein in accordance with the agreement
on file in this cause, which agreement is as follows:
" The State of Texas } Dist Court, Dale Term, 1866 No. John a
" Travis County } Caldwell v. Wm Fowler. In the above entitled
" case it is this day agreed by & between the parties that this
" case stand continued till next term of the Court. It is further
" agreed that said Caldwell will sell and convey to said Fowler
" the slip of land between them, being a part of the land in Con-
" troversy, sixty varas wide, and running the entire length of the
" tract, so that said Fowler's & Caldwell's dividing line will be
" straight, and that the County Survey or shall run and plainly
" mark this line, and each party hereto pay one-half the expenses
" of said line being run, or they may agree on any one else to
" make the survey, and the same so made to be returned into Court
" and to be decreed as the true dividing line. It is further agreed
" that said Fowler is to pay said Caldwell five hundred specie
" dollars, on or before the 25th of December next, when said Caldwell
" is to make the deed to said slip of land. It is further agreed that
" if said Fowler shall pay said sum of Five Hundred Dollars, as
" agreed, for which he has given his note of this date, then said sum
" is to be disposed of so as to establish said line as the true dividing
" line between the parties hereto, and the said Caldwell to pay the
" Costs of Court. Signed this day the 18th of November, 1866. Provided,
" however, if said Fowler should fail to pay said sum of five hundred
" dollars, as he has agreed, then this agreement is to be of no force
" or effect Signed on the date last above written. William Fowler
" Witness: C. I West. George J. Durham" Jno A. Caldwell"

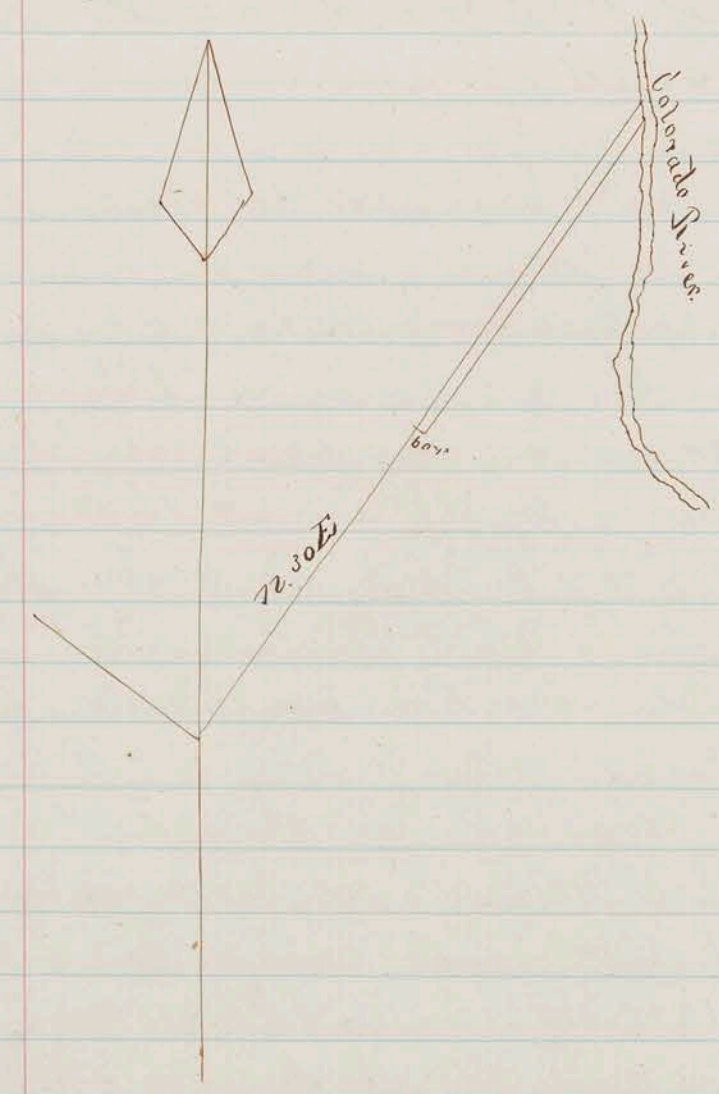
And it further appearing that in accordance with said agreement and the order of this Court a survey of the true dividing line between the parties was made by the Surveyor of Travis County, as follows, to wit:

" To the Hon. District Court Travis County. In accordance with an order
" direct to me by the Clerk of your Hon. Court, I proceeded to run a
" division line between J. A. Caldwell & W. Fowler according to an agree-
" ment entered into between the parties. After having found the corner on
" the Colorado river, of the Orginal division line between the parties, &
" and having my compass to run that line I ran a straight line
" parallel to orginal divisionline sixty varas above same, blazing
" it through where there was timber, using four hacks for blazes. The
" variation of needle in tracing ald line was 11° 5' East.
"Jno. E. Campbell, Surveyor.

It is therefore considered, ordered, adjudged and decreed by the Court that the said agreement and the report of the Surveyor Campbell be made in all respects the judgment and decree of this Court according to the tenor thereof; that the line so run and marked

Spring Term, Monday, March 8th 1869.

ley the Surveyor be adjudged and declared to be the true dividing line between the parties, and that each of them be quieted in the possession of their respective portions as designated by the dividing line aforesaid. It is further ordered that the plaintiff John A. Caldwell, pay the cost of this suit, for which execution may issue.



Variation 11° 5' East.

2192 C. C. Browning et al Adms v. L. S. Friend and J. S. Friend. And now on this day came the plaintiffs to this cause by attorney, and asks a judgment by default as against the Defendant J. S. Friend, who has failed to answer. And because said Defendant has been duly cited and failed to plead, answer or demur against the petition It is ordered that the plffs. herein do have and recover of and from said J. S. Friend according to the prayer of their said petition, and a Jury being called to assess the damages. And the said defendant L. S. Friend having filed a general denial and the Jury called having heard the pleadings, the evidence, and being charged by the Court, retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for plaintiff the amount of $355.30 A. Blomeke, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the plaintiffs, Columbus C. Browning and Sarah E. Dieterich, (formerly Sarah E. Whipple,) do have and Administrators of the Estate of Francis Dieterich, deceased, do have and recover of and from the defendants L. S. Friend and J. S. Friend the said sum of Three Hundred, and Fifty-five & 30/100 Dollars, so found due by the Jury aforesaid, with interest thereon at the rate of ten per centum per annum from date of judgment till paid, and all the costs of this suit, for which execution may issue.

Spring Term, Monday, March 8th 1869.

2209 A. H. Cook v. Wm Wright and J. M. Dickson. And now on this day came the plaintiff in this cause by his attorneys and moved the Court to dismiss the same at his cost. And thereupon It is ordered by the Court that the said cause be dismissed from the docket, that the Defendants go hence and recover of and from the plff A. H. Cook, all the cost of this proceeding, for which execution may issue.

2218 W. Tams v. M. D. Johnson et al Continued to make parties.

2220 Wm Jones v. D. C. Watsons. And now on this day came the parties to this cause by their attorneys and moved the Court to dismiss the same at the cost of plaintiff. And thereupon It is ordered by the Court that the said cause be dismissed from the docket, that the Defendant go hence and recover of the said William Jones all the cost of this suit, for which execution may issue.

2547 Alfred Smith v. L. Mabe. And now on this day came the parties to this cause by their attorneys; and on motion and by consent, It is ordered that the said cause be dismissed from the docket, and that the plaintiff Alfred Smith pay all the cost of this suit, for which execution may issue.

2738 C. W. Dixon v. G. W. Glasscock. And now at this day came the parties to this cause by their attorneys; and by consent and on motion It is ordered that this cause be dismissed from the docket, and that the plaintiff recover of and from the estate of G. W. Glasscock, deceased, all the cost of this suit. and that a certified copy thereof to be taxed, may be certified to the Probate Court of Ivan County, as a just, valid and subsisting claim against said estate, to be paid in due course of administration.

2793 Elizabeth Rapp v. J. M. Rapp. And now at this day came the plaintiff in this cause by her attorney, and suggests to the Court that the original Citation by publication and brief statement, issued, served, returned and filed in this cause has been lost or mislaid from the file, and moves that she be allowed to substitute the same in accordance with the statute in such case made and provided. And the said motion being heard and considered by the Court, It is ordered that the same be granted, and the writ, return and filing be substituted according to law.

And Court adjourned till to-morrow morning 9 o'clock

Spring Term, Tuesday, March 9th 1869

Tuesday, March 9th, 1869.

Court met at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

1335 The State of Texas v. W. C. Leggett Continued for service

1317 The State of Texas v. J. H. Esmond Continued for service

1352 The State of Texas v. Jesse Graham et al Continued for service

1382 The State of Texas v. A. Chamberlain Continued for Service

1468 The State of Texas v. John Martin Continued for Servic

1489 The State of Texas v. J. Hurley Continued for Service

1569 The State of Texas v. J. K. Malone Continued for Servic

1570 The State of Texas v. J. K. Malone Continued for Servic

1584 The State of Texas v. W. Dibrell Continued for Service

1586 The State of Texas v. B. H. H. Datts Continued for Servic

1587 The State of Texas v. W. Dibrell Continued for Servic

1588 The State of Texas v. Milam Duty Continued for Servic

1595 The State of Texas v. F. D. Clifton Continued for Servic

1596 The State of Texas v. I. Jackson Continued for Servic

1598 The State of Texas v. Cyrus Packett Continued for Servic

1605 The State of Texas v. J. H. Brown Continued for Servic

1607 The State of Texas v. P. & J. Jamer Continued for Service

1609 The State of Texas v. R. Lightfoot Continued for Service.

1621 The State of Texas v. Jenkins Continued for Servic

1896 The State of Texas v. Thos Ake et al. And now on this day appeared the District Attorney who prosecutes for the State in this behalf, and in his motion it is ordered that this cause be set for hearing on next Wednesday the 17th instant, and that a special Venire for 36 Jurors be issued by the Clerk returnable as far early as day as practicable.

1848 The State of Texas v. Robert Brown. And now at this day came the District Attorney, who prosecutes for the State in this behalf; and on motion It is ordered that this cause be dismissed from the docket set for hearing on next Monday the 15th instant, and that a Special Venire for 36 Jurors be issued in said cause returnable Two days before the case is set.

1931 The State of Texas v. Ira Carpenter, et. als. And now on this day came the District Attorney who prosecutes for the State in this behalf, and on motion It is ordered that this cause be set for hearing on next Monday, the 15th instant, and that a Special Venire for 60 Jurors, be issued therein returnable two days before the case is set for hearing.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, March 10th, 1869.

Court convened at 9 o'clock A M pursuant to adjournment Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

Spring Term, Wednesday, March 10th 1869.

1619 The State of Texas v. D. Luckinger. And now on this day came the District Attorney on behalf of the State, and the Defendant in person and by attorney and announced ready for trial. And then came a Jury of twelve good and lawful men of Travis County, who being duly tried, elected, empannelled and sworn according to law, heard the Indictment, the evidence, argument of counsel and the charge of the Court and retired to consider of their verdict. And thereupon came a Jury of twelve good and law said Jury returned into Court the following verdict, to wit: "Austin, Mar. 9th, 1869. We the Jury find the Defendant not guilty as charged in the Indictment. J. W. England, Foreman." Whereupon It is ordered by the Court that the said cause be dismissed from the Docket, and that the Defendant Luckinger go hence without day fully discharged and acquitted.

1622 The State of Texas v. Mitchell. And now on this day came the District Attorney who prosecutes for the State in this behalf, and the Defendant by attorney, and announced themselves ready for trial. And then came a Jury of twelve good and lawful men of Travis County, to wit: Wash. Hammett and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleading, the evidence, and charge of the Court, and returned the following verdict, to wit. "We, the Jury, find the Defendant not guilty. Wash. Hammett, Foreman." Whereupon It is ordered by the Court that said cause be dismissed, and that the Defendant Mitchell go hence without day fully acquitted and discharged.

1623. The State of Texas v. Thos. Moran. Continued for cause.

1624 The State of Texas v. Wm. Thompson. Continued for cause

1626 The State of Texas v. Augustine, a Mexican. Continued for cause.

1632 The State of Texas v. John Turner Continued for cause

1636 The State of Texas v. Lewis Elgin Continued for cause

1637 The State of Texas v. Celia Stanley Continued for cause

1644 The State of Texas v Oscar, Freedman. Continued for cause

1645 The State of Texas v. Carr. And now comes the District Attorney and by leave of the Court enters a Nolle Prosequi in this cause. And it is ordered that the said cause be dismissed from the docket and the Defendant go hence discharged.

1646 The State of Texas v. Walter, The Baker. And now comes the District attorney, and by leave of the Court enters a Nolle Prosequi in this cause. And it is ordered that the said cause be dismissed from the docket and the Defendant go hence discharged.

1649 The State of Texas } Plaintiff } This cause being called for trial
vs } the Defendant Thomas W. Blount
Thos. W. Blount } Defendant } failing to appear and answer to
the Indictment in this case, he and his securities W. H. Branch and

Spring Term, Wednesday, March 10th 1869.

S B Bewley being distinctly called at the door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time, did fail to appear. And it appearing to the Court that the Defendant Thomas W. Blount with the said W. H. Cronch and S. B. Bewley as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 30th day of December, 1868, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said Defendant Thomas W. Blount make his personal appearance at the District Court of said County of Travis on the 1st Monday in March 1869, to answer the Indictment prefered against the said Defendant Thomas W. Blount, by the Grand Jurors of Travis County at the Fall Term, A. D. 1866, for Betting at a Gaming Bank called Faro, and then remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Thomas W. Blount the said sum of One Hundred Dollars and of his said securities the sum of One Hundred Dollars; and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Thomas W. Blount did not appear. And further ordered that citations do issue to the said securities.

1651 The State of Texas v. George Martin. Continued for service.

✓ 1653 The State of Texas v. Jack O'Gorman. And now comes the District Atty who prosecutes for the State, and by leave of the Court enters a Nolle Prosequi in this case. And it is ordered that the case be dismissed and the Defendant discharged.

✓ 1654 The State of Texas v. Jack O'Gorman. } In these three causes comes
✓ 1656 The State of Texas v. Schilling } the District Attorney and by
✓ 1657 The State of Texas v. Schilling } leave of the Court enters a
Nolle Prosequi therein. And thereupon It is ordered by the Court that said causes be dismissed from the docket, and that said Defendants therein go hence discharged.

1660 The State of Texas v. Henry Alexander. Continued for service.

✓ 1663 The State of Texas v. J. B. Perry. On this day came the District Atty and the Defendant by Counsel; and said Defendant submitted his motion to quash the Indictment. And the same being considered, and the matters of law thereon arising being heard, It is ordered that the said motion be sustained; that said Indictment be quashed; that the cause be dismissed; that the Defendant go hence fully discharged.

1666 The State of Texas v. Wheelock & Bellamy. Continued for service.

1690 The State of Texas v. Thos. Swisher. Continued

1691 The State of Texas v. Aurora Alexander. Continued for service.

1698 The State of Texas v. Geo. Martin. Continued for service.

1819 The State of Texas v. Hame Burditt. On motion It is ordered that an

✓ attachment issue in this case for the witness Denmark Burditt, re-

Spring Term, Thursday, March 11th, 1869

turnable on the 19th instant, and that the case be set for hearing on that day.

1847. The State of Texas v. Robert Brown. On this day appeared in open
V Court Andrew J. ~~Brown~~ Cope who acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars, to be levied upon his goods and chattels, lands, tenements and estate, but to be void nevertheless upon condition that he, the said Andrew J. Cope do make his personal appearance at the District Court of Travis County now in session at the Courthouse thereof in the City of Austin and there remain from day to day and from term to term of said Court, to give evidence on behalf of the Defendant in the above entitled cause of The State of Texas v. Robert Brown, charged with An Assault with intent to kill and murder, and that he do not depart the Court without leave.

1848. The State of Texas v. Robert Brown. On this day appeared in open
V Court Andrew J. Cope who acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars, to be levied upon his goods and chattels, lands, tenements and estate, but to be void nevertheless upon condition that he, the said Andrew J. Cope do make his personal appearance at the District Court of Travis County now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term of said Court, to give evidence on behalf of the Defendant in the above entitled cause of The State of Texas v. Robert Brown, charged with Murder, and that he do not depart the Court without leave.

✓ 1910 The State of Texas v Richard Rutherford. On this day appeared the parties, and the Defendant submitted his exceptions and motion to quash the Indictment. And the same being heard and well considered, It is ordered that said motion be sustained; that said Indictment be quashed; that the cause be dismissed from the docket and that the Defendant go hence discharged.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, March 11th 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

✓ 1935 The State of Texas v. Ruffin + Friday. And now on this day appeared in open Court Nelson Clanton, who acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of Fifty Dollars,

Spring Term, Thursday, March 11th 1869.

to be levied upon his goods and chattels, lands, tenements and estate, But to be void nevertheless upon condition that the said Nelson Overton make his personal appearance before the Honorable District Court of Travis County now in session at the Courthouse thereof in the City of Austin, and there to remain from day to day and from term to term thereafter, until discharged by due course of law, to give evidence on behalf of the State in the above entitled cause wherein The State of Texas is Plaintiff and Ruffin and Friday, charged with Stealing a Beef Steer, are Defendants, and that he do not depart the Court without leave.

1818 The State of Texas v. Aaron F. Boyce. And now at this day came the
V State by David Sheeks, Esq. who prosecutes for the State in this behalf, the District Attorney having recused himself, and announced ready for trial. And then came a Jury of twelve good and lawful men of Travis County, who were duly tried, elected, empannelled and sworn, who heard the pleading, the evidence, the argument of Counsel and the charge of the Court and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury find the Defendant not guilty. Wash Hammett, foreman." Whereupon It is ordered by the Court that said Defendant A. F. Boyce, go hence without day, fully acquitted and discharged.

1845 The State of Texas v. Charley Thompson, et. als. And now at this day
V came the District Attorney and moves the Court that A. W. Fort, Sheriff of Bastrop be fined for contempt of Court in failing to execute the process of this Court. And because it appears that a writ of attachment was issued in this cause, directed to the Sheriff of Bastrop County and placed in his hands for service, for the witnesses Charles Thompson, Harrison Thompson and Harriet Thompson, on behalf of the Plaintiff; and the said Sheriff, as appears by said return, had arested the witnesses, but failed to produce them in Court here, or take their bonds, as he was required by law to do. It is ordered that the said A. W. Fort be fined in the sum of two hundred and fifty Dollars, and that Scire facias do issue to him, returnable to the next term of this Court, commanding him then and there to appear and show cause, if any he can, why this judgment nisi should not be made final against him.

1846 The State of Texas v. B. Ake, et. al. And now at this day came
V the District Attorney and moves the Court that A. W. Fort Sheriff of Bastrop County be fined for contempt, in failing to execute the process of this Court. And because it appears that a writ of attachment was issued in this cause, directed to the Sheriff of Bastrop County and placed in his hands for service, for the witnesses Charles Thompson, Harrison Thompson and Harriet Thompson, on behalf of the Plaintiff

Friday, Spring Term, March 12th 1869

and the said Sheriff, as appears by his return, had arrested the witnesses, but failed to produce them in Court, or take their bonds, as he was required to do by law. It is therefore ordered by the Court that the said A. W Fort be fined in the sum of two hundred and Fifty Dollars, and that Scire facias do issue to him, returnable to the next term of this Court, commanding him then and there to appear and show cause, if any he can, why this Judgment nisi should not be made final against him as aforesaid.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, March 12th 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

1699 The State of Texas v. Sampson Murry. Continued for cause
1700 The State of Texas v. Sampson Murry Continued for cause
1701 The State of Texas v. Geo. Martin Continued for cause
1705 The State of Texas v. Martin Continued for cause
1710 The State of Texas v. Ges. Martin Continued for cause
1711 The State of Texas v. Frank Freedman Continued for cause
1712 The State of Texas v. Frank Freedman Continued for cause
1713 The State of Texas v. Crawford Kimbro. Continued for cause
1714 The State of Texas v. Crawford Kimbro Continued for cause
1716 The State of Texas v. Lee & Thompson Continued for cause
1727 The State of Texas v. Dan Morris et al Continued for cause
1755 The State of Texas v. Dan Morris Continued for cause

1758 The State of Texas v. Tom Ochiltree. And now on this day came the District Attorney who prosecutes for the State in this behalf, and the Defendant appeared by counsel, Messrs. Hancock & West, and the parties announced ready for trial. Then came a Jury of twelve good and lawful men of Travis County, consisting of J. L. Nichols and eleven others, who were duly tried, elected, empannelled and sworn. And thereupon the Defendant enters the plea of guilty to the Indictment presented in the case. And being charged by the Court the Jury returned the following verdict, to wit: "We, the Jury, assess the fine one hundred dollars. J. L. Nichols, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of the Defendant Tom P. Ochiltree the sum of One Hundred Dollars, so found and assessed by the Jury, together with all the costs of this prosecution and that Ca Capias may issue to collect the same

1759 The State of Texas v. O. H. McFarland. Continued for cause.

Spring Term, Friday, March 12th 1869

1786 The State of Texas v. Leranch, et. als. And now comes the District Atty who prosecutes for the State, and by leave of the Court enters a nolle Prosequi in this cause. And it is ordered that the said cause be dismissed from the dockets, and that the Defendants go hence fully acquitted discharged.

1793 The State of Texas v. W. P. Rutledge. And now on this day comes the District attorney and represents to the Court that the witness Tom McGuire, who has been regularly subpoened as a witness in this case, has failed to answer, and that his testimony is material, and moves that a fine of $25 be entered against him. And because of the premises It is ordered by the Court that the said Tom McGuire, a defaulting Witness in this case, be fined in the sum of Twenty-Five Dollars, and that Scire facias issue to him, returnable to the next term of this Court, commanding him then and there to appear and show cause, if any he can, why this ni si Judgment should not be made final against him.

1793 The State of Texas v. W. P. Rutledge. And now at this day came the District attorney, who prosecutes for the State in this behalf, and the Defendant by his attorney, O. H. P. Carrington, Esq. and announced ready for trial. And the Jury having heard the Indictment, the plea of not guilty, the evidence, argument of counsel, retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We the Jury find the Defendant guilty, and assess the fine three dollars. J. L. Nichols, foreman." Whereupon It is ordered by the Court that The State of Texas do have and recover of and from the Defendant W. P. Rutledge, the said sum of Three Dollars and all the Cost of this prosecution, and that a capias issue to collect the same.

1911 The State of Texas v. August B. Braker. And now comes the Defendant. And the said August B. Braker, as principal, and August H. Otto and Henry Means as securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon their respective goods and chattels, lands, tenements and estate, But to be void nevertheless upon condition that the said August B. Braker do make his personal appearance before the Honorable District Court of Travis County now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term until discharged, to answer the Indictment preferred against him by the Grand Jurors of Travis County, at the Fall Term 1868, of the District Court of Travis County, for Branding a Yearling not his own without the consent of the owner, and that he do not depart the Court without leave.

Spring Term, Friday, March 12th 1869.

1715 The State of Texas v. G. R. Reeves. This cause being called for trial,
V the Defendant G. R. Reeves failing to appear and answer to the In-
dictment in this case, he and his securities G. W. Simpson and T. W.
Randolph being distinctly called at the door of the Courthouse of
Travis County, and the Defendant, after a reasonable length of time,
still failed to appear, And it appearing to the Court that the Def
endant G. R. Reeves; with the said G. W. Simpson and T. W. Randolph
as his securities, did execute the Bail Bond on file in this case, sub-
stantially as follows: Dated 24th day of July, 1867, payable unto the
State of Texas in the sum of five hundred dollars, conditioned that
the said defendant G. R. Reeves make his personal appearance at
the District Court of said County of Travis, on the first Monday in
September, 1867, to answer the Indictment preferred against the
said Defendant G. R. Reeves, by the Grand Jurors of Travis County at
the Fall Term, 1866, for Betting at Faro, and there remain from day
to day, and from term to term of said Court, and that he do not depart
thence without leave of said Court, which said Bond is forfeited. And
it is considered by the Court that the State of Texas do have and recover
of the said G. R. Reeves the said sum of Five Hundred Dollars and of
his said securities the sum of Five Hundred Dollars, and that this
Judgment will be made final unless good cause be shown at the
next term of this Court why the said Defendant G. R. Reeves did not
appear. And further ordered that citations do issue to the said securities.

V 1752 The State of Texas v. John H. Conner. And now on this day came the
District Attorney who prosecutes for the State and the Defendant in person
and by attorney and announced ready for trial. And then came a Jury of
twelve good and lawful men of Travis County, who were duly tried, elected,
empannelled and sworn as the law directs. And the Jury having heard
the Indictment, plea of not guilty, the evidence and the charge of the Court,
returned the following verdict, to wit: "We, the Jury, find the Defendant
not guilty. J. L. Nichols, Foreman." Whereupon It is ordered by the Court
that said Defendant Conner go hence without day fully acquitted and
discharged.

1787 The State of Texas v. John H. Conner. And now on this day came the District
V Attorney who prosecutes for the State in this behalf and the Defendant in
person and by attorney and announced ready for trial. And then came a jury of
twelve good and lawful men of Travis County who were tried, elected, sworn and
empannelled as the law directs. And the Jury having heard the Indictment,
plea of not guilty, the evidence, and the charge of the Court, returned the
following verdict, to wit: "We, the Jury, find the Defendant not guilty. J. L.
Nichols, Foreman." Whereupon It is ordered by the Court that the said
Defendant Conner go hence without day fully acquitted and discharged.

Spring Term, Saturday, March 13th 1869

1794 The State of Texas v. W. P. Rutledge. And now on this day comes the District Attorney and represents to the Court that Thomas McGuire has been duly subpaened as a witness on behalf of the State, in this case; that he has failed to obey the same; and that his evidence is material; and that he cannot go safely to trial without him. And because of the premises It is ordered by the Court that the said Thomas McGuire be fined in the sum of twenty-five Dollars as a Defaulting Witness, and that Scire facias issue to him, returnable to the next term of this Court, commanding him then and there to appear and shew cause if any he can, why this Nisi Judgment should not be made final against him.

1800	The State of Texas v. Catarine Luci Reis.	Continued for service.
1801	The State of Texas v. Albert, a Freedman	Continued for service
1802	The State of Texas v. Billy Thompson	Continued for service
1803	The State of Texas v. Billy Thompson	Continued for service
1805	The State of Texas v. George Deal	Continued for service
1809	The State of Texas v. Chester Williams	Continued for service
1813	The State of Texas v. John Green	Continued for service
1817	The State of Texas v. John Jackson	Continued for service
1821	The State of Texas v. P.O.C. Barker	Continued for service
1832	The State of Texas v. Alfred Morris	Continued for service
1837	The State of Texas v. John Lynch	Continued for service
1838	The State of Texas v. John Lynch	Continued for service
1839	The State of Texas v. John Lynch	Continued for service

And thereupon Court adjourned until to-morrow morning at 9 o'clock.

Saturday, March 13th 1869.

Court convened at 9 o'clock a. m. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

1948 And now at this day came in open Court the Grand Jury of Travis County, duly tried, elected, empannelled, sworn and charged to enquire within and for the County aforesaid, for and during this term of the Court, and through their foreman O. H. Millican, Esq. presented to the Court the following Bills of Indictment, to wit:

1948	The State of Texas v. Richard Bourrier & G. B. Bell.	Theft of 4 Beef Steers.
1949	The State of Texas v. R. M. Burrier & G. B. Bell.	Theft of one Beef Steer.
1950	The State of Texas v. R. M. Burrier & G. B. Bell.	Theft of a Beef Steer
1951	The State of Texas v. Richard M. Burrier & G. B. Bell.	Theft of a Beef Steer
1952	The State of Texas v. Richard M. Burrier & G. B. Bell.	Theft of a Beef Steer.
1953	The State of Texas v. James Moore.	Robbery.
1954	The State of Texas v. A. J. Green	Assault with intent to kill and murder.
1955	The State of Texas v. Burris Milam	Theft of a Cow.
1956	The State of Texas v. Burris Milam.	Removing hide from a Cow.

Spring Term, Saturday, March 13th 1869

1957 The State of Texas v. Jesse Boman, Aleck McLane & Thomas Lee. } Theft of one
1958 The State of Texas v. Munroe Gatlin. Theft of a Beef Steer } Beef Steer.
1959 The State of Texas v. Joseph Willebahn. Assault with intent to kill and murder.
1960 The State of Texas v. Sandy Haden, Lewis Willebahn and Joseph Willebahn. Un-
1961 The State of Texas v. Jack Pruitt. Theft of a Hog. lawful assembly.
1962 The State of Texas v. Jesse Bowman, Alex. McLane, Thomas Lee. Theft of Beef Steers.
1963 The State of Texas v. Joseph Kuhn & August Jaergens. Theft of two mules.
1964 The State of Texas v. Nace Gardner. Theft of one mare

✓ 1890 The State of Texas v. Sam Johnson. And now on this day appeared the parties and announced ready for trial. And then came a jury of twelve good and lawful men of Travis County, who heard the Indictment, the plea of not guilty the, evidence and the charge of the Court and returned the following verdict, to wit: "We, the Jury, find the Defendant not guilty, J. L. Nichols, foreman." Whereupon It is ordered by the Court that the Defendant go hence fully acquitted and discharged.

✓ 1889 The State of Texas v. Sam Johnson. And now on this day appeared the parties and announced ready for trial. And then came a jury of twelve good and lawful men of Travis County, who heard the Indictment, the plea of not guilty, the evidence and the charge of the Court and returned the following verdict, to wit: "We, the Jury, find the Defendant not guilty. J. L. Nichols, foreman." Whereupon It is ordered by the Court that the Defendant go hence fully acquitted and discharged.

1937 The State of Texas v. John Clow. And now on this day came the District attorney who prosecutes for the State in this behalf and the Defendant in person, and also by his attorney, Thomas E. Sneed, Esq. heretofore
✓ appointed by the Court, and announced ready for trial. Thereupon came a Jury of twelve good and lawful men of Travis County, consisting of J. L. Nichols, R. E. Barrington, John B. Stringer, B. Boyd, H. Samuels, Nat. Singleton, P.H. Jobe, A. Blomeke, Chas. Pecht, Isaac Eagle, H. Clements and Sam Mason, who having heard the Indictment, the plea of not guilty, the evidence and the charge of the Court, retired to consider of their verdict. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty & assess the punishment to five years in the Penitentiary. J. L. Nichols, foreman." Whereupon It is ordered that the prisoner at the Bar be remanded to jail to await sentence.

And thereupon Court adjourned till Monday morning at 9 o'clock.

Monday, March 15th 1869.

Court convened at 9 o'clock a m pursuant to adjournment. Present the same as on Saturday. Whereupon the following proceedings were had by said Court, to wit.

Spring Term, Monday, March 15th 1869

1819 The State of Texas v. Harve Burdett. And now on this day appeared in open Court Denmark Walter, who acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of Fifty Dollars, to be levied upon his goods and Chattels, lands, tenements and estate, But to be void nevertheless upon condition that the said Denmark Walter do make his personal appearance before the Honorable the District Court of Travis County, now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on behalf of the plaintiff in the above entitled cause of The State of Texas v. Harve Burdett, and that he do not depart the Court without leave.

1848 The State of Texas vs. Robert Brown. This cause being called for trial the Defendant Robert Brown failing to appear and answer to the Indictment in this case, he and his securities Nathaniel Moore, Washington Hammett, Thomas W. Moore and Jackson N. Moore being distinctly called at the door of the Courthouse of Travis county, and the Defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant Robert Brown, with the said Nathaniel Moore, Washington Hammett, Thomas W. Moore and Jackson N. Moore, as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 15th day of April, 1868 payable unto the State of Texas in the sum of Three thousand dollars, conditioned that the said Defendant Robert Brown make his personal appearance at the District Court of said County of Travis on the first Monday in September, 1868, to answer the Indictment preferred against the said Defendant Robert Brown by the Grand Jurors of Travis County at the Spring Term A D 1868 for Murder, and there remain from day to day, and from term to term of said Court and that he do not depart there without leave of said Court, which said Bond is forfeited, and it is considered by the Court that the State of Texas do have and recover of the said Robert Brown the said sum of Three thousand Dollars and of his said securities the sum of Three thousand Dollars and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Robert Brown did not appear. And further ordered that citations do issue to the said securities.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Tuesday, March 16 1869

Court convened at 9 o'clock, A. M. pursuant to adjournment. Present Hon. W. R. Bacon, Judge of the Eleventh Judicial District presiding, Frank Brown, clerk and R. Platt, Sheriff.

Spring Term, Wednesday, March 17th 1869

Whereupon the following proceedings were had by said Court, to wit.

1623 T. R. Baker v. R. J. Nichols. Continued.
2821 The State of Texas v. Josiah Woodward
2822 The State of Texas v. Josiah Woodward
2823 The State of Texas v. Glenn O. Davis
2824 The State of Texas v. Glenn O. Davis

And now on this day appeared the District attorney on behalf of the State and these Defendants in person and by attorney, and upon a proper showing that said Defendants were not in contempt of the Court; and that good reason exists why they should be relieved of the fines entered against them in these causes, It is ordered that the Judgments heretofore at a former day of this term entered against them be remitted, and that the final Judgments rendered against the said Josiah Woodward and Glenn O. Davis be vacated, set aside, and held for naught, and that said Defendants go hence with their cast.

1845 The State of Texas v. Charley Thompson, et.als
1846 The State of Texas v. Thos Ake, et.als

And now on this day appeared the District attorney, and also came the Sheriff of Bastrop county against whom in the each of the two last above causes a fine of two hundred and fifty dollars was entered: and by consent of the Court the said Sheriff was allowed to make a showing and to purge himself of contempt. And the said answer and showing being heard understood, and considered, and being deemed sufficient, It is ordered that the said entries of fines entered at a former day of this term against A. C. Hart, Sheriff of Bastrop County, for the sums of two hundred and fifty dollars, in each of the above named causes, be set aside, vacated, and held for naught, and that he go hence discharged.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, March 18th 1869.

Court convened at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

1963 The State of Texas v. Kuhn & Jaegens. And now on this day came the Defendant August Jaegens, who brings with him as securities Samuel R. Schwenk and Thomas P. Hunt; And thereupon the said August Jaegens, as principal, and Samuel R. Schwenk and Thomas P. Hunt, as securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Five Hundred Dollars, to be levied upon their respective goods and chattels, lands, tenements

Spring Term, Thursday March 18th 1869

and estate, But to be void nevertheless upon condition that the said August Jaensen do make his personal appearance before the Honorable District Court of Travis County now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term of said Court, to answer the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term 1869, of the District Court of said County, for Stealing Mules the Theft of two brown Mules, and that he do not depart the Court without leave.

✓ 2793 Elizabeth Rapp v. John M. Rapp. And now on this day this cause coming on to be tried, the Plaintiff by attorney appeared and announced ready for trial. And it appearing to the Court that the Defendant John M. Rapp has been duly cited as required by law, to appear and answer the allegations in plaintiff's petition. And the said Rapp failing to appear and plead, answer or demur to plaintiffs petition, it is ordered that a Jury be called to try said cause and to enquire of the truth of the allegations of plaintiff's petition. Thereupon came a Jury of good and lawful men of Travis County to wit: Thos. E. Sneed and eleven others, who being elected, empannelled and sworn well and truly to enquire and true verdict render upon the law and the evidence, and who having heard the pleadings and evidence and charge of the Court and considered the same, returned into Court the following verdict, to wit: "We, the Jury, find that the allegations in the plaintiff's petition are true as therein stated. Thos. E. Sneed, foreman."

The plaintiff proved by the license and the return made thereon, that the Defts John M. Rapp and Elizabeth Saïers were married by John J. Graves, a Justice of the Peace of Travis County, Texas, in said County, on the 17th day of November, A. D. 1868. Plaintiff also proved that the residence of the parties was in Travis County while they lived together as man and wife. That the Defendant was improvident, and failed and neglected to provide for the support and maintenance of his wife and children, the issue of said marriage. That there were two children, the issue of said marriage - one was dead, and the other, a daughter about eight years, was living. That the plaintiff, by her own exertions, had maintained and supported herself and child, without the aid of the Defendant. That on or about the eleventh or twelfth day of June, A.D. 1865, the Defendant had abandoned his wife, the plaintiff, and the country, with the intention of never returning. That the plaintiff had been a dutiful and obedient wife, and that the abandonment of the plaintiff by the Defendant, as his wife, had continued for more than three years next before the institution of this suit; and that the Defendant had not, during said three years communicated with his said wife or done anything for her support

Spring Term, Friday, March 19th 1869.

or for the support and education of his Child, a daughter named Sallie. Plaintiff also proved that the Defendant had some property in the County of Travis, State of Texas, consisting of a stock of horses, and that the Defendant had been enjoined upon the filing of the petition in this cause from selling or disposing of the same. That the Plaintiff is without the means of support, having no separate property except her own labor and exertions.

It is thereupon ordered, adjudged and decreed by the Court, that the Bonds of Matrimony heretofore subsisting between the Defendant John M. Rapp and the plaintiff Elizabeth Rapp, be and the same are hereby dissolved and annulled; and that the care, custody and control of the child Sallie Rapp, the issue of the marriage between plaintiff and Defendant, be and the same is hereby committed to the plaintiff Elizabeth Rapp, free from the control or interference of the said John M. Rapp. And the said John M. Rapp is hereby forever enjoined and prohibited from interfering with or disturbing the control, guardianship, custody or care of said Child Sallie, by the said plaintiff Elizabeth.

It is further ordered, adjudged and decreed by the Court that the sum of Fifteen Hundred Dollars be and the same is hereby allowed to the plaintiff, to be paid by the Defendant, and to be collected out of any of his property or effects as an execution, for the maintenance and support of the said Plaintiff, and for the maintenance and education of the daughter Sallie Rapp, and that the plaintiff have execution therefor.

It is further ordered and adjudged that the plaintiff have and recover of the Defendant all cost in and about this suit expended, for which execution may issue, &c.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, March 19th 1869.

Court opened at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday whereupon the following proceedings were had by said Court, to wit:

2715 Isaac Jalonick, et. al v. Pleasant Taylor et al, Ordered that the plaintiffs have leave to amend

2411 A. H. Barnes v Joseph Harrell. Ordered that the plaintiff herein have leave to amend.

Spring Term, Saturday, March 27th 1869

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Saturday, March 20th 1869.

Court convened at 9 o'clock, A.M. pursuant to adjournment. Present the Hon. W. P. Bacon, Judge of the Eleventh Judicial District; Frank Brown, clerk, and Radcliff Platt, Sheriff. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till ~~Monday~~ morning at 9 o'clock.

Monday, March 22d 1869.

Court convened at 9 o'clock A.M. pursuant to adjournment. Present the same as on yesterday. And thereupon the foelowing proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Tuesday, March 23d 1869.

Court convened at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, March 24th 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, March 25th 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, March 26th 1869.

Court met at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Saturday, March 27th 1869

Court met at 9 o'clock A. M. pursuant to adjournment. Present the Hon. W. P Bacon, Judge of the 11th Judicial District presiding; Frank Brown, clerk and R. Platt, Shff. &c. Whereupon the following proceedings were had by said Court, to wit:

Spring Term, Monday, March 29th 1869.

1931 The State of Texas v. J. A. Carpenter. And now at this day and term came the District Attorney who prosecutes for the State in this behalf, assisted by M. H. Bowers and James P. Morris Esquires, and also came the Defendants J. A. Carpenter and Ann Carpenter in person and also by their attorneys Messrs. A. G. Shelley, George F. Moore and William M. Walton, Esquires. And thereupon the said Defendants submitted to the Court their exceptions going to the sufficiency of the Indictment herein in this case, which being heard, argued by counsel and well considered by the Court, It is ordered that the said exceptions be overuled, to which ruling of the Court the said Defendants excepted. And thereupon the State announced ready for trial. And the Defendants moved the Court that they be allowed to sever according to law, which motion is sustained. And thereupon the Defendant J. A. Carpenter announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: John Stelfox, Eugene Desmond, James A. Foster, Hart Samuels, James Phillips, E. S. Matthews, A. B. Naumann, T. J. Pendill, Eugene S. Cohen, W. J. Oliphant, John Pitts and J. W. Hannig, who were tried according to law, empannelled and sworn. And thereupon the said Jury having heard the evidence introduced Indictment read, and the plea of not guilty by the Defendant upon being arraigned, and having heard the evidence introduced by the parties, the argument of the Counsel, and being charged by the Court as to the law of the case, retired to consider of their verdict. Whereupon, the Defendant being present and the Jury returned into Court, the following verdict, to wit: "We, the Jury, find the Defendant J. A. Carpenter guilty of Murder in the Second degree and assess his punishment to confinement in the Penitentiary for a term of ten years. John Stelfox, Foreman." And thereupon It is ordered that the Defendant remain in custody to await the Judgment of the Court.

1831 The State of Texas v. Byron Glasscock et al. And now on this day came M. B. McRae, security for the Defendant Byron Glasscock in this case and surrendus into Court his principal according to the statute in such case made and provided. And upon motion It is ordered by the Court that the Defendant be committed to the custody of the Sheriff and that the said surety M. B. McRae be discharged from his said surety ship and go hence discharged from all liability by reason of his said undertaking.

And thereupon Court adjourned until to-morrow morning at 9 o'clock

Monday, March 29th 1869.

Court convened at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Spring Term, Saturday, April 3d 1869.

Tuesday, March 30th 1869

Court convened at 9 o'clock A.M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, March 31st 1869

Court convened at 9 o'clock, A.M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, April 1st 1869

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. W. P. Bacon, Judge of the 11th Judicial District presiding, Frank Brown, Clerk, and Radcliff Platt Esq Sheriff of Travis County, by Geo E Haynie, Deputy. Whereupon the following proceedings were had by said Court, to wit: And thereupon Court adjourned till to-morrow morning at 1/2 past 8.

Friday, April 2d 1869.

Court met at 8 1/2 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit. And thereupon Court adjourned till to-morrow morning at 1/2 past 8 o'clock

Saturday April 3d 1869.

Court convened at 8 1/2 o'clock A M pursuant to adjournment. Present the Hon. W. P. Bacon, Judge of the 11th Judicial District presiding, Frank Brown, Clerk; and Radcliff Platt, Sheriff Travis County, by Geo E. Haynie, Deputy. And thereupon the following proceedings were had by said Court, to wit:

1846 The State of Texas v. Elijah Oats and Thomas Ake. And now at this day came the District Attorney who prosecutes for the State in this behalf and also came the Defendants in person and by their Counsel, M. H. Bowers, Esq. And thereupon the said parties announced ready for trial. And then came a Jury of twelve good and lawful men of Travis County, consisting of W. E. Fisher, J. Wahrman, A. Moseley, Thomas Godey, Thomas Hancock, J. C. Petmecky, John Baier, Henry Steiner, Thomas Merry, Lewis Green, Wm Holder and Sam J Cameron who were duly tried, elected, empannelled, and sworn as the law prescribes. And thereupon the said Defendants being duly arraigned plead not guilty. And the Jury having heard the evidence introduced by the parties, the argument

of counsel and the charge of the Court retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, To wit: "We, the Jury, find the Defendants not guilty. John Bates, Foreman." Whereupon, It is ordered by the Court that the said cause be dismissed, and that said Defendants Thomas Ake and Elijah Bates go hence fully acquitted and discharged from the Indictment in this case.

And thereupon Court adjourned till 9 o'clock Monday morning at 9 o'clock.

Monday April 5th 1869.

Court convened at 9 o'clock A. M. pursuant to adjournment. Present the Hon. W. P. Bacon, Judge of the 9th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

1847 The State of Texas vs Robert Brown. Continued for service

1955 The State of Texas vs Burris Milam.

And now at this day appeared in open Court J F Bottom who acknowledged himself to owe and be indebted to the State of Texas in the penal sum of fifty dollars, to be levied upon his goods and chattels, lands and tenements ~~and Estate~~ But to be void nevertheless upon the condition that the said J F Bottom make his personal appearance before the Hon. The District Court of Travis County now in session, at the Court House thereof in the City of Austin, and there remain from day to day and from term to term thereafter to give evidence on behalf of the State of Texas in the above entitled Cause, and that he do not depart the Court without leave.

1956 The State of Texas vs Burris Milam.

And now at this day appeared in open Court J F Bottom who acknowledged himself to owe and be indebted to the State of Texas in the penal sum of fifty dollars, to be levied upon his goods, Chattels, lands, Tenements, and estate. But to be void nevertheless upon the condition that the said J F Bottom make his personal appearance before the Hon the District Court of Travis County now in Sepion, at the Court house thereof in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on the part of the State of Texas in the above entitled Cause, and that he do not depart the Court without leave.

Spring Term Monday April 5th 1869.

1851 The State of Texas vs G W Morris Continued for service
1852 The State of Texas vs Julius Seidel Continued for service
1853 The State of Texas vs Anderson Hill Continued for service
1854 The State of Texas vs Jonny Houston Continued for service
1857 The State of Texas vs Johnson Davis Continued for service
1858 The State of Texas vs Johnson Davis Continued for service
1878 The State of Texas vs Green Smith Continued for service
1881 The State of Texas vs Julius Seidel Continued for service
1883 The State of Texas vs James P Major Continued for service
1892 The State of Texas vs Gabe (Freedman) Continued for service
1893 The State of Texas vs Gabe (Freedman) Continued for service
1894 The State of Texas vs Gabe (Freedman) Continued for service
1896 The State of Texas vs N Puckett Continued for service
1898 The State of Texas vs Jonny Johns Continued for service
1905 The State of Texas vs John Rogers Continued for service
1906 The State of Texas vs Charles High Continued for service
1908 The State of Texas vs Jeremiah Ogle Continued for service
1909 The State of Texas vs Jeremiah Ogle Continued for service
1912 The State of Texas vs B N C Bancum Continued for service
1955 The State of Texas vs Burris Milam.

And now at this day appeared in open Court Joshua Petty. H M McClure. J A Thurman. T A Glapcock. E Buck and B F Carter and each for himself acknowledged himself, jointly to owe and be severally indebted to the State of Texas in the penal sum of fifty dollars to be levied of his goods. Chattels, lands, tenements and estate But to be void nevertheless upon Condition that they the said Joshua Petty. H M McClure J A Thurman. T A Glapcock. E Buck and B F Carter Make (each for himself) his personal appearance before the Hon the District Court of Travis County now in sesion at the court house thereof in the City of Austin, and there remain from day to day and from term to term thereafter to give evidence on behalf of the Defendant in the above entitled Cause of the State of Texas against Burris Milam, and not depart the Court without leave.

1895 The State of Texas Vs Ben Thompson, And now comes the District attorney and by leave of the Court enters a Nole Prosequi in this Cause. and it is Ordered that the Case be dismissed and the defendant discharged

1914 The State of Texas Vs James Gatlin
And now Comes the District Attorney and by leave of the Court enters a Nole Prosequi in this Case. and it is Ordered that the Case be dismissed and the defendant discharged

And thereupon the Court adjourned to Tuesday Morning at Nine Oclock

Spring Term April 6th 1869.

Court Convened at 9 Oclock A M in pursuance to adjournment Present the Hon W P Bacon Judge of the 11th Judicial District presiding whereupon the following proceedings were had by the Court.

V 1899 The State of Texas vs Moses Scott. And now at this day and term came the District attorney who prosecutes for the State in this behalf and also came the defendant Moses Scott in person and also by Geo H Gray his Attorney. and announced ready for trial. thereupon came a Jury of twelve good and lawful men of Travis County. To wit John Washington. J. B. Perry. B. O. Staveley - J. O. Riley. B. W. H. Sherman Joshua Johnson. Raphael Monthe. A. R. Rennick. Robert Smith Theodore Hill. Isaac Smith. and Plum Plumer who were duly tried. elected. empannelled and Sworn according to law and Sat together and heard the evidence. the arguments of Counsel and the Charge of the court. and thereupon retired to Consider of their Verdict. and after a short absence returned into Court the following Verdict to wit "We the Jury find the defendant guilty, and apess his punishment by Confinement in the penetentiary for two years A R Rennick Foreman" and thereupon it is ordered that the defendant remain in Custody to await the Judgment of the Court.

1861 The State of Texas Vs George W. Malone. And now at this day and term came the District Attorney who prosecutes for the State in this behalf. And also came the defendant George W Malone in person and also by N. G. Shelley his attorney and announced ready for trial. thereupon came a Jury of twelve good and lawful men of Travis County. to wit John Washington. J O Reiley. B W H Sherman. Joshua Johnson Raphael Monthe. A R Rennick. Robert Smith. D W Wilson. Eli Green. B Radkey & E Krohn who were duly tried elected empannelled and Sworn. and Sat together and heard the evidence, the arguments of Counsel and Charge of the Court. and retired to Consider upon their verdict. and after a short absence returned into Court the following verdict "We the Jury find the defendant not guilty. A. R. Rennick Foreman" Whereupon it is ordered by the Court that the defendant George W Malone go hence without day fully acquitted and discharged.

1862 The State of Texas vs George W Malone. and now Comes the District Attorney. and by leave of the Court enters a nolle Prosequi in this Case. and it is ordered that the Case be dismissed and the defendant discharged.

Spring Term April 6th 1869

1863 The State of Texas vs Geo. W. Malone. And now comes the District Attorney and by leave of the Court enters a nolle Prosequi in this Case and it is ordered that the case be dismiped and the defendant discharged

1943 The State of Texas vs Enoch Ottley. And now on this day appeared in Open Court Michael Horst (Freedman) and acknowledged himself to owe and be indebted to the State of Texas in the penal Sum of fifty Dollars ~~B N A to be void nevertheless upon the condition~~ to be levied of his goods and Chattels lands, tenements and estate. But to be void nevertheless upon the condition that the said Michael Horst make his personal appearance before the Hon the District Court of Travis County now in Sepion, at the Court House thereof in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on the part of the defendant in the above entitled Cause of the State of Texas against Enoch Ottley, and that he do not depart the Court without leave.

And thereupon the Court adjourned to Wednesday Morning at 8 o'clock A M.

Wednesday April 7th 1869. Court Convened at half past Eight Oclock A M pursuant to adjournment Present the Hon W P Bacon Judge of the 11th Judicial District Presiding. Whereupon the following proceedings were had by the Court.

1855 The State of Texas vs John Mulsett. And now on this day Came Richard King, DeKalb Bonner & John H Sulk and each for himself acknowledged himself to owe and be indebted to the State of Texas in the penal Sum of fifty dollars to be levied of his goods and Chattels lands, tenements and estate. But to be void nevertheless upon the condition that the said Richard King, DeKalb Bonner, & John H Sulk each for himself, makes his personal appearance before the Hon, the District Court of Travis County now in Session, at the Court house of said County in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on the part of the defendant in the above entitled cause of the State of Texas against John Mulsett, and that he dosnot depart the Court without leave

1923 The State of Texas vs Giles Burleson. And now on this day Came the District attorney, and upon his motion this Cause is Continued, and an attachment ordered to San Saba County for Jerry Flemming a Witnes for the State returnable at the next term of this Court.

1935 The State vs Ruffin & Friday. (Freedmen) and now Comes the District attorney, and by leave of the Court enters a nole Prosequi in this Case. And it is Ordered that the Case be dismiped and the defendants discharged.

Spring Term Wednesday April 7th 1869.

1901 The State of Texas vs N Baker & William Brown. And now on this day appeared in Open Court Washington Hammett and acknowledged himself to owe and be indebted to the State of Texas in the penal Sum of fifty dollars. to be levied of his goods, Chattels, lands, tenements and estate But to be void nevertheless upon the Condition that he the said Washington Hammett Make his personal appearance befor the Hon the District Court of Travis County now in Sepion, at the Court house thereof in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on the part of the State in the above entitled cause of the State of Texas against N Baker and Wm Brown. And that he do not depart the Court without leave.

1900 The State of Texas vs N Baker and William Brown and now on this day appeared in Open Court. William Piper and acknowledged himself to owe and be indebted to the State of Texas in the penal Sum of fifty dollars to be levied of his goods and Chattels, lands. tenements and estate. But to be void nevertheless upon the Condition that he the said William Piper Make his personal appearance before the Hon the District Court of Travis County now in Sepion at the Court house thereof in the City of Austin. and there remain from day to day and from term to term thereafter. to give evidence on the part of the State in the above entitled Cause of the State of Texas against N Baker and Wm Brown, and that he do not depart the Court Without leave

~~XXXXX The State of Texas vs Jim Washington (Forfeited)~~

1945 The State of Texas vs Sanford Vance. and now on this day appeared in open Court. Jim Washington, and acknowledged himself to owe and be indebted to the State of Texas in the penal Sum of fifty dollars. to be levied of his goods and Chattels, lands, tenements, and estate. But to be void nevertheless upon the Condition that he the said Jim Washington Make his personal appearance befor the Hon the District Court of Travis County now in Sepion, at the Court house thereof in the City of Austin and there remain from day to day and from term to term thereafter to give evidence on the part of the State in the above entitled Cause of the State of Texas against Sanford Vance, and that he do not depart the Court without leave.

1945 The State of Texas vs Sanford Vance. On motion of the District Attorney it is ordered that an attachment ipsne returnable instanter for C N Rutherford. Robert A Rutherford. Thomas Mc Lellan and S B Barron. Witnpes for the State

1922 The State of Texas vs A Morse. Continued for Service

Spring Term Wednesday April 7th 1869

1911 The State of Texas vs August B Braker, and now on this day Came on to be heard the Motion of the defendant by his attorney M H Bowers to quash the indictment in this Cause for insufficiency, and after hearing the the arguments of counsel it is ordered by the Court that the motion to quash be overruled and on motion of the District Attorney this Cause is Continued.

1926 The State of Texas vs C C Clark Et al. This Cause being called for trial and the defendant C C Clark failing to appear and answer to the indictment in this cause and he and his securities William Perkins and Henry Harris being three times distinctly called at the door of the Court house of Travis County, and the defendant C C Clark after a reasonable length of time still failed to appear, and it appearing to the Court that the defendant C C Clark with the said William Perkins and Henry Harris as his securities did on the 16th day of August A D 1868 before the Hon J B McFarland ~~the Hon~~ Judge of the first Judicial District of the State of Texas, enter into a bond in the Sum of five hundred dollars payable to the State of Texas, and Conditioned that the said C C Clark make his personal appearance before the Honorable District Court of Travis County State of Texas at the next ensuing term thereof to be holden at the Court house in said County on the first Monday in September A D 1868 then and there to answer to any bill of Indictment which the Grand Jurors of said County May prefer against him said C C Clark on a charge of Stealing neat Cattle in the County of Travis State of Texas on or about the first day of August A D 1868 the property of A P Blocker. Which said Bond is forfeited, and it is considered and adjudged by the Court that the State of Texas do have and recover of the ~~State of Texas~~ defendant C C Clark and of his said securities William Perkins and Henry Harris the said Sum of five hundred dollars, and that this Judgment be made final unless good Cause be shown at the next term of this Court why the said C C Clark did not appear and answer in said Cause at the present term of this Court. It is further ordered that Citations do issue to said Sureties, returnable at the next term of this Court. And further ordered alias Capias issue to the County of Bell for the arrest of the Dept Clark.

1928 The State of Texas vs C C Clark Et al. This Cause being called for trial, and the defendant C C Clark failing to appear and answer to the indictment in this Cause, and he and his securities William Perkins, and Henry Harris, being three times distinctly called at the door of the Court house of Travis County, and the defendant C C Clark after a reasonable time still failed to appear, and it appearing to the Court that the defendant C C Clark with the said William Perkins and Henry Harris as his securities did on the 16th day of August A D 1868 before the Hon J B McFarland Judge of the first Judicial District of the State of Texas enter into a bond in the Sum of

(over)

Spring Term Wednesday April 7th 1869

five hundred dollars payable to the State of Texas, and Conditioned that the said C C Clark Make his personal appearance before the Honorable District Court of Travis County State of Texas at the next term thereof to be holden at the Court house in said County on the first Monday in September A D 1868 then and there to answer to any indictment that the Grand Jury of said County May prefer against him said C C Clark on a Charge of Stealing neat Cattle in the County of Travis State of Texas on or about the first day of August A D 1868 the property of A P Bleeker Which said Bond is forfeited, and it is Considered and adjudged by the Court that the State of Texas do have and recover of the said defendant C C Clark and of his said Securities William Perkins and Henry Harris the said Sum of five hundred dollars, and that this Judgment be made final unless good Cause is Shown at the next term of this Court why the said C C Clark did not appear and answer in said Cause at the present term of this Court. ~~&~~

It is further Ordered that Citations do ipsue to said ~~said~~ Sureties returnable at the next term of this Court. And it is further Ordered that alias Capias ipsue to Bell County for the arrest of the Defendant Clark

No 1900 The State of Texas vs N Baker & Wm H Brown. And now at this day and term came the District Attorney who prosecutes for the State in this behalf, and also came the defendants Nelson Baker and William H Brown in person and by M H Bowers their attorney and announced ready for trial, and thereupon came a Jury of twelve good and lawful Men of Travis County To Wit A R Rennick, J B Perry, Lewis Meeks, Ted Carrington Cato Eagle, Robert Wright, John Washington, B Radkey, James O Reiley Robt Smith, Chas Krohn & B W H Shumann, who were duly tried, elected, empannelled and Sworn, and Sat together and heard the evidence, the arguments of Counsel and Charge of the Court, and retired to Consider of their Verdict, and after a short absence returned into Court the following Verdict to wit: "We the Jury find the defendants guilty of a simple Assault and "Assess the Punishment at one dollar: A R Rennick Foreman"

Whereupon it is ordered and adjudged by the Court that the State of Texas Do have and recover of the defendants Nelson Baker and William H Brown the Sum of one dollar So found by the Jury together with all the Costs of this prosecution and that a Capias ipsue to Collect the Same.

And thereupon the Court adjourned to Thursday morning at half past Eight Oclock

Spring term Thursday April 8th 1869

Court Convened at ½ past 8 Oclock A M pursuant to adjournment. Present the Hon W.R. Bacon Judge of the 11th Judicial District Presiding. Whereupon the following proceedings were had by the Court.

1965 The State of Texas vs Moses Steiner. Continued by the State.
1964 The State of Texas vs Nace Gardner Continued
1962 The State of Texas vs Jepe Bowman, Alex McLane and Thomas Lee. And now at this day Came the District attorney and on his motion this Cause is Continued for Service, and an Alias Capias Ordered to Caldwell County for the arrest of Defendants

1961 The State of Texas vs Jack Pruitt. Continued for Service.
1958 The State of Texas vs Munroe Gatlin Continued for Service
1957 The State of Texas vs Jesse Bowman, Aleck McLane & Thomas Lee. And now on this day Came the ~~Prosecuting~~ District Attorney and on his motion this Cause is Continued for Service, and an Alias Capias Ordered to Caldwell County for the arrest of the Defendants.
1954 The State of Texas vs A.J. Green Continued for Service.
1953 The State of Texas vs James Moore Continued on Statement of Dist. Atty.
1946 The State of Texas vs James Moore, And now on this day Comes the District Attorney and by leave of the Court enters a Nolle Prosequi in this Case. And it is ordered that the Case be dismissed and the Defendant discharged
1944 The State vs Jim Hamilton, Continued for Service
1942 The State of Texas vs Gatlin & Gatlin. Continued for Service
1940 The State of Texas vs F.B. Walker Continued for Service
1939 The State of Texas vs Charles Sublett Continued for Service
1938 The State of Texas vs Charles Sublett Continued for Service
1929 The State of Texas vs Gen. James McKinney & others Continued for Service
1927 The State of Texas vs C.C. Clark Et al. Alias Capias Ordered to Bell County
1921 The State of Texas vs James Tedders Et al. Continued by agreement
1920 The State of Texas vs James Tedders Et al. Continued by agreement.
1914 The State of Texas vs Tom Swisher Continued for Service.
1917 The State of Texas vs James Tedders Et al. Continued by agreement

1945. The State of Texas vs Sanford Vance. and now at this day appeared in open Court Thomas McLellan. Robert A Rutherford and C.N Rutherford who, each for himself acknowledged himself to owe and be indebted to the State of Texas in the penal Sum of fifty Dollars to be levied of his goods and Chattels lands, and tene= ments, and estate. But to be void nevertheless upon the Condition that the said Thomas McLellan. Robert A Rutherford and C.N Rutherford, each for himself makes his personal appearance before the Hon the District Court of Travis County now in Session at the Court house there of in the City of Austin, and there remain from day to day and from term to term there= after to give evidence on behalf of the State of Texas in the above entitled Cause of the State of Texas against Sanford Vance, and that he do not depart the Court without leave.

Spring Term Thursday April 8th 1869.

2860 W L Chalmers vs Mathew Brown. And now at this day appeared the plaintiff in the above entitled cause by his attorney and asks judgment final therein by default. And it appearing to the Court that this suit was originally brought before a Justice of the Peace on a note executed by the defendant on the 20th day of January 1862 for the sum of ninety 66/100 dollars, due and payable on the 1st day of January 1863, and drawing interest from Maturity at the rate of eight per cent per annum and that Judgment was rendered thereon by said Justice of the Peace on the 5th day of September 1868 for the amount of said note and Interest according to the tenor and effect of said note, and for Costs of said suit, and it further appearing to the Court, that said defendant appealed from said Judgment to this Court, and that said Defendant Mathew Brown, and John D Grumbles and E S Berry his Sureties on the 14th day of September 1868 executed their bond in the Sum of two hundred ~~Dollars~~ and Seventy Dollars payable to the said plaintiff, and conditioned as as required by law for the removal of said Cause by appeal from said Justices Court to this Court, and that said Defendant Brown has failed to make any appearance in said Cause in this Court or show any cause why judgment should not be rendered against him on said note but has wholly Made default. It is therefore Ordered and adjudged by the Court that the plaintiff W L Chalmers do have and recover of and from the defendant Mathew Brown and his Sureties on appeal John D Grumbles and E S Berry the Sum of one hundred and thirty six Dollars as his principal debt and Interest due on the note aforesaid to this date to draw interest at 8 per Centum per annum from date until paid together with all the Costs in said Suit expended both in the Court below and in this Court, for all which execution may issue.

1943 The State of Texas vs Enoch Ottley. And now at this day and term came the District Attorney who prosecutes for the State in this behalf, and also came the defendant Enoch Ottley in person and by Mesrs Sheeks and Morris his attorneys and announced ready for trial, and thereupon came a jury of twelve good and lawful Men of Travis County, to wit. B O Staveley, B W H Shumann, John Washington R P Wright. B Radtkey, J O Reiley, J L Nichols, Cato Eagle, Joshua Johnson, Philip Jones, ~~Jarvis~~ Eli Green and J B Perry, who were duly tried elected, empannelled and sworn and sat together and heard the evidence the arguments of Counsel and Charge of the Court, and retired to Consider of their verdict, and after a short absence returned into Court the following Verdict, to wit: "We the jury find the defendant guilty and apess his punishment at one hour in the County Jail and ten dollars fine" It is thereupon Considered and adjudged by the Court that the defendant Enoch Ottley be Committed to the County Jail of the County of Travis for the term of One hour, and that the State of Texas have and recover of the said defendant Enoch Ottley the said Sum of ten Dollars fine, and all

Spring Term Thursday April 8th 1869.

the Costs of this prosecution and that he stand Committed to the Jail of Travis County until said fine and Costs are fully paid.

And thereupon the Court adjourned to Friday Morning at 9 Oclock

Friday April 9th 1869

Court Convened at ½ past 8 Oclock A M pursuant to adjournment Present the Hon W. P. Bacon Judge of the 11th Judicial District of the State of Texas Presiding.

And thereupon the following proceedings were had in said Court to wit.

1945 The State of Texas vs Sanford Vance. and now at this day and term came the District attorney who prosecutes for the State in this behalf, and also came the defendant Sanford Vance in person and by his attorney David Shecks and announced ready for trial. and the defendant having the indictment in this Cause distinctly read to him in open Court pleaded thereto not guilty, and thereupon Came a Jury of twelve good and lawful men of said County of Travis To wit. B. O. Staveley. B W H Shumann. B Radkey. J O Reiley. Charles Krohn. Robert Smith. Cato Eagle. Joshua Johnson. Eli Green. Fayette Carrington. Stewart Hamilton. and John Price. who were duly elected. tried. empannelled and Sworn. and sat together and heard the evidence. the arguments of Counsel and Charge of the Court. and retired to Consider of their Verdict. and after a short absence returned into Court the following Verdict to wit. "We the "Jury find the defendant guilty and assess the punishment of two years in the Penitentiary B O Stavely Foreman" and thereupon it is ordered that the defendant remain in Custody to await the Sentence of the Court.

1945 The State of Texas vs Sanford Vance. And now at this day and term Came the District Attorney who prosecutes for the State in this behalf. And also Came the defendant Sanford Vance in person, and by David Sheeks his attorney, and announced ready for trial, and thereupon Came a Jury of twelve good and lawful men of Travis County to wit B O Stavely. B W H Shumann. B Radkey. J O Riley. Chas Krohn. Robt Smith Cato Eagle. Joshua Johnson. Eli Green. Fayette Carrington. Stewart Hamilton & John Rice. who were duly tried. elected empannelled and Sworn. and thereupon the defendant having the indictment herein read to him in Open Court. pleaded thereto "not Guilty" and the Jury having sat together and heard the evidence. the arguments of Counsel and Charge of the Court. retired to Consider of their Verdict. and after a short absence returned into court the following Verdict to wit. "We the Jury find the defendant guilty and assess the punishment of two years in the penitentiary, B O Stavely Foreman" and thereupon it is ordered by the Court that the defendant remain in Custody to await the sentence of the Court, and it is further ordered that the next preceding order in this Cause be vacated and set aside. and that this order stand as the Order of the Court therein.

Spring Term Friday April 9th 1869.

1884 The State of Texas Vs Charles Wooldridge. This Cause being called for trial, and the defendant Charles Wooldridge failing to appear and answer and he and his securities Allen Musgrove and L.P. Hopkins being distinctly called three several times each at the door of the Court house of Travis County, and the defendant after a reasonable length of time still failing to appear, and it ~~still~~ appearing to the Court that the defendant Charles Wooldridge, with the said Allen Musgrove and L.P. Hopkins as his securities did at the March Term of this Court for the year 1868. To wit on the 27th day of March in said March term enter into a recognizance in open Court in the Sum of two hundred dollars. Conditioned for the personal appearance of the said Defendant Charles Wooldridge at the then next term of this Court to be held in the city of Austin on the first monday in September A.D 1868 to answer the charge of Betting at a gaming table exhibited for the purpose of gaming, preferred against him the said defendant Charles Wooldridge by the Grand Jurors of Travis County at the Spring Term of said Court A.D 1868 and that he would there remain from day to day and from term to Term of said Court, and not depart thence without leave of the Court, which said Recognizance is forfeited, And it is Considered and adjudged by the Court, that the State of Texas do have and recover of the said defendant Charles Wooldridge and of his said Securities Allen Musgrove and L.P. Hopkins the said Sum of two hundred dollars, and that this Judgment be Made final unless good Cause be shown at the next term of this Court why the said Charles Wooldridge did not appear and answer in said Cause at the present term of this Court. It is further Ordered that Citations issue to said Sureties, returnable at the next term of this Court, and it is further ordered that this Cause Stand Continued.

2855 John W Bunton. Vs William B Burdett Giles H Burdett and A McDavidson. And now at this day appeared the plaintiff in the above entitled Cause by T B Wheeler his attorney and asks Judgment by default, and it appearing to the Court that this Suit was originally brought before a Justice of the Peace on a note executed by the defendants for the Sum of eighty five dollars in Specie. And it further appearing to the Court that this Cause was brought into this court by appeal from the Judgment of a Justice of the Peace and that said defendants have failed to make any appearance in said Cause in this Court, or show any Cause why Judgment should not be entered against them on said note, but have wholly made default. It is therefore Ordered adjudged and decreed by the Court that the Plaintiff John W. Bunton do have and recover of the Defendants William B Burdett, Giles H Burdett

Spring Term Friday April 9th 1869.

and A M Davidson the Sum Eighty Eight dollars and ninety seven cents for his principal debt and Interest, in Specie, due on the note aforesaid. Said Sum to draw Interest at the rate of eight per Cent per Annum until paid. — Together with all the Costs in said Suit expended both in this Court and the Justices Court. for all which execution shall issue.

And thereupon the Court adjourned to Saturday Morning at 9 Oclock.

Saturday April 10th 1869.

Court Convened at 9 Oclock AM Pursuant to adjournment. Present the Hon W P Bacon Judge of the 11th Judicial District. Presiding

And thereupon the following proceedings were had in said Court to wit.

2858 A R Crozier vs John J Sneed. and now at day Came the plaintiff by his attorney and asks Judgment by default. and it appearing to the Court that this Suit was originally brought before a Justice of the Peace upon Contract. and that it was brought into this Court by appeal from the Judgment of the Justices Court, and that the Defendant has failed to make any appearance in said Cause in this Court it is ordered by the Court that final Judgment by default be entered against said John J Sneed, and that a Jury be Called to apesp the plaintiffs Damages.

2798 James P Neal vs J A Bittick & W L Brizendine. and now at this day and term Comes the plaintiff by T. D. Moseley his Attorney and asks Judgment by default. and the defendants not having appeared therein. and it appearing to the Court that the said defendants have been duly Cited to appear therein at the present term of this Court. and the demand of the plaintiff being liquidated and evidenced by an instrument in writing purporting to have been executed by the Defendants. It is ordered that it be refered to the Clerk of this Court to apesp the plaintiffs Damages, and the Clerk having apessed the plaintiffs damages at the Sum of three hundred and fifty five dollars. and twenty eight cents. the amount of principal and interest upon the note sued on in this Cause, It is further Ordered adjudged and decreed by the Court that the Plaintiff James P Neal have and recover of the defendants J A Bittick and W L Brizendine the said Sum of three hundred and fifty five — Dollars and twenty eight Cents. for his damages so apessed by the Clerk. and also all the Costs of this Suit to be taxed. and that execution issue therefor.

1716 The State of Texas vs Jo Lee. Billy Thompson Et al. and now Comes the District Attorney and by leave of the Court enters a Nolle Prosequi in this Cause. It is thereupon Ordered that the Cause be dismissed and the defendants discharged.

1717 The State of Texas vs Billy Thompson. and now Comes the District Atty and by leave of the Court enters a Nolle Prosequi in this Cause. It is thereupon ordered that the Cause be dismissed and the defendant discharged.

Spring Term Saturday April 10th 1869.

1802 The State of Texas vs Billy Thompson. And now comes the District Attorney and by leave of the Court enters a Nolle Prosequi in this Cause It is thereupon Ordered by the Court that the Cause be dismissed and the defendant discharged.

1803 The State of Texas vs Billy Thompson and now comes the District Atty and by leave of the Court enters a nolle Prosequi in this Cause, it is thereupon Ordered by the Court that the cause be dismissed and the defendant discharged.

1624 The State of Texas vs Billy Thompson. And now at this day and term came the District Attorney who prosecutes for the State in this behalf, and also came the defendant by N G Shelley his attorney, and announced ready for trial, and thereupon the defendant by his said attorney pleaded Guilty to the indictment in this Cause, and the parties having waived a Jury, and Submitted the Case to the Court. as upon the Verdict of the Jury, it is considered and adjudged by the Court that the State of Texas do have and recover of the defendant William Thompson the Sum of ten dollars fine, and all the Cost of this prosecution and that a Capias ipsne to Collect the same.

2830 The State of Texas vs Wm Thompson Principal and D.W. Leovell & R E Carrington securities. And now Comes the District atty and asks that this Cause be dismissed. It is thereupon Ordered by the Court, that this Cause be dismissed and that the defendants go hence without day

2831 The State of Texas vs Wm Thompson, Principal, and D. W. Leovell and R E Carrington Securities. And now Comes the District Attorney and asks that this Cause be dismissed. It is thereupon Ordered by the Court that this Cause be dismissed, and that the defendants go hence without day.

2832 The State of Texas vs Wm Thompson Principal and D W Leovell and R E Carrington his Securities, And now Comes the District Attorney and asks that this Cause be dismissed. It is thereupon Ordered by the Court that this Cause be dismissed, and that the said defendants go hence without day

2833 The State of Texas vs Wm Thompson, Principal, and D W Leovell and R E Carrington his Securities, and now Comes the District Attorney, and asks that this Cause be dismissed. It is thereupon Ordered by the Court that the Cause be dismissed and that the defendants go hence without day.

In the Matter of the application of George W Schobey to be Licenced to Practice as an Attorney and Counsellor at Law. It appearing to the Satisfaction of the Court that the applicant has heretofore been admitted to the practice of the law in the Supreme and other Courts of Record of the State of Illinois, and that he has a good reputation for Moral Character and honorable deportment. It is ordered by the Court that the said George W Schobey be enrolled as an Attorney of this Court, to practice in the District and Probate Courts of this State and that a License ipsne to him accordingly

And thereupon the Court Adjourned to Monday Morning at 9 Oclock

Spring Term, Monday, April 12th 1869.

Monday, April 12th 1869.

Court convened at 9 o'clock A M pursuant to adjournment. Present the Hon. W. P. Bacon, Judge of the 11th Judicial District presiding; Frank Brown, Clerk; and R. Platt, Sheriff. Whereupon the following proceedings were had by said Court, to wit:

1845 The State of Texas v. Thos. Ake, et al. And now on this day comes the Defendants by attorney; and move the Court for writs of attachment for the following witnesses on behalf of the defendants, to wit: To Williamson County for Ed. R. Anderson, Allen Clark, Wm. A. Clopton, John J. Dimmitt, James A. Smith, John Compton, W. H. Warnock, Ezekiel Rhea, James M. Page, Jack A. Houghton, W. K. Makemson, Bruce Makemson, Ben. Smith (all whites) also the following Colored persons to Williamson County: Henry Parker, Creecy Ake, Dalley Snyder, Robt. Ake, Eliza Williams, Sara Knight, Matilda Organ, John Ambrose Ake, Rufus Carruthers, Geo. Snyder, Thos. Anderson, Amanda Peace, Mark Cook. And to Bastrop County for Harrison Thompson, Charles Thompson, Harriet Thompson, Ben. Smith.

1822 The State v. N. B. Mitchell, et al. And now on this day came the District Attorney who prosecutes for the State in this behalf, and also came the Defendants by attorney; and thereupon said Defendants submitted their motion to set aside the final Judgment rendered at a former term of this Court in this cause. And the same being heard and well considered by the Court, It is ordered that the said motion be sustained; and that the Judgment rendered in this cause against the Defendants at a former term of this Court be set aside, vacated and held for naught. and the cause dismissed.

1845 The State of Texas v. Thos. Ake, et al. Ordered, on motion that this cause be continued, as by the 2nd And thereupon It is ordered by the Court that the bail of Thomas Ake in this case be fixed at Fifteen Hundred Dollars, and that the bail of Elijah Oats in this case be fixed at Five Hundred Dollars.

1897 The State of Texas v. Geo. Golden. And now at this day came the District Attorney who prosecutes for the State in this behalf and also came the Defendant ~~in person and~~ by attorney, and announced ready for trial. And the parties having waived a Jury submitted the case to the Court. And thereupon the said Defendant pleads guilty to the Indictment in this case. And the Court here having assessed the fine at Five Dollars. It is ordered by the Court that the State of Texas do have and recover of and from the said Defendant George Golden the said sum of Five Dollars together with all the cost in this behalf expended. for and it is considered by the Court that a capias do issue to collect the said fine and costs.

1917 The State of Texas v. Scott Wilson. And now on this day came the

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District Attorney who prosecutes for the State in this behalf, and also came the Defendant Scott Wilson by his Attorney Thomas E. Snead Esq and announced ready for trial and waiving a Jury submit the case to the Court. And thereupon the Defendant pleads guilty to the Charges Contained in the Indictment. And the Court here fixing the fine at Five Dollars, It is ordered that the State of Texas do have and recover of and from the said Defendant Scott Wilson the said sum of Five Dollars and all the cost of this prosecution and that a capias do issue to collect the same.

1941 The State of Texas v. C. W. Bryant. This cause being called for trial the Defendant C. W. Bryant failing to appear and answer to the Indictment in this case, he and his Securities T. W. Whitmore and Ralph Long being distinctly called at the door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant C. W. Bryant with the said Ralph Long and G. W. Whitmore as his securities, did execute the Bail Bond on file in this case substantially as follows. Dated 30th day of January, 1869, payable unto The State of Texas in the sum of Seven Hundred and Fifty Dollars, conditioned that the said Defendant C. W. Bryant make his personal appearance at the District Court of said County of Travis on the 1st Monday in March, 1869, to answer any Indictment that might be presented against him by the Grand Jurors of Travis County at the Spring Term A.D. 1869. for Committing an Assault upon Virginia Hugle, with the intent to commit the crime of Rape, and then remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said C. W. Bryant the said sum of Seven hundred and Fifty Dollars and of his said Securities the sum of Seven Hundred and Fifty Dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant C. W. Bryant did not appear. And further ordered that Citations do issue to the said Securities.

1947 The State of Texas v. R. M. Burrier and D. Defd. This cause being called for trial the Defendant R. M. Burrier failing to appear and answer to the Indictment in this case he and his securities W. C. Burrier and J. B. Blalock being distinctly called at the door of the Courthouse of Travis County, and the Defendant after a reasonable length of time still failed to appear. And it appearing to the Court that the Defendant R. M. Burrier with the said W. C. Burrier and J. B. Blalock as his securities, did execute the Bail Bond on file in this case substantially as follows. Dated 11th day of January, 1869 payable unto The State of Texas in the sum of two hundred Dollars conditioned that the said Defendant R. M. Burrier make his personal appearance at the District Court of said County

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of Travis on the 1st Monday in March, 1869, to answer any Indictment that might be preferred against the said Defendant R. M. Burrier, by the Grand Jurors of Travis County, at the Spring Term, A. D. 1869, for the Theft of one Beef Steer of the Species of neat cattle, of the value of ten Dollars of the property of C. R. Thompson, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said R. M. Burrier the said sum of Two Hundred Dollars, and of his said securities the sum of Two Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant R. M. Burrier did not appear. And further ordered that citations do issue to the said securities.

1948. The State of Texas v. R. M. Burrier. This cause being called for trial the Defendant R. M. Burrier failing to appear and answer to the Indictment in this case, he and his securities W. C. Burrier and J. B. Blalock being distinctly called at the door of the Courthouse of Travis County, and the Defendant after a reasonable length of time still failed to appear. And it appearing to the Court that the Defendant R. M. Burrier with the said W. C. Burrier and J. B. Blalock as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 11th day of January, 1869, payable unto The State of Texas in the sum of Five Hundred Dollars conditioned that the said Defendant R. M. Burrier make his personal appearance at the District Court of said County of Travis on the 1st Monday in March, 1869, to answer any Indictment that might be preferred against the said Defendant R. M. Burrier by the Grand Jurors of Travis County at the Spring Term A. D. 1869, for the Theft of three Beef Steers of the Species of neat cattle of the value of ten dollars each, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said R. M. Burrier the said sum of Five Hundred Dollars and of his said securities the said sum of Five Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant R. M. Burrier did not appear. And further ordered that Citations do issue to the said securities.

2881

1949 The State of Texas v. Burrier and Bell. Continued for service.

1950 The State of Texas v. R. M. Burrier. This cause being called for trial the Defendant R. M. Burrier failing to appear and answer to the Indictment in this case, he and his securities W. C. Burrier and Henry Garner being distinctly called at the door of the Courthouse of Travis County, and the Defendant after a reasonable length of time still failed to appear. And

2882

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it appearing to the Court that the Defendant R. M. Burrier, with the said W. C. Burrier and Henry Garner as his Securities did execute the Bail Bond on file in this case substantially as follows. Dated 19th day of December, 1868 payable unto The State of Texas in the sum of Two Hundred Dollars conditioned that the said Defendant R. M. Burrier make his personal appearance at the District Court of said County of Travis on the 1st Monday in March, 1869. to answer any Indictment that might be preferred against the said Defendant R. M. Burrier by the Grand Jurors of Travis County at the Spring Term AD 1869 for the Theft of a Beef Steer of the species of neat cattle of the value of ten Dollars and there remain from day to day and from term to term of said Court, and that he do not depart there without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said R. M. Burrier the said sum of Two Hundred Dollars and of his said Securities the sum of Two Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant R. M. Burrier did not appear. And further ordered that citations do issue to the said Securities

1951 The State of Texas v. Burrier and Bell. Continued for venire and Capias ordered to Bastrop County for the Defendants.

1952 The State of Texas v. Burrier and Bell. Continued for venire and Capias to Bastrop County for Defendants.

1953 The State of Texas v. James Moore. Bail fixed at $500.

1955 The State of Texas v. Burris Milam } And now comes the District
1956 The State of Texas v. Burris Milam } Attorney and moves the Court to dismiss these two causes. And upon a consideration of the same. It is ordered by the Court that the said motion be granted, and that said cause be dismissed and the Defendant Burris Milam go hence discharged.

1963 The State of Texas v. Kuhn & Jaynes. This cause continued.

And thereupon Court adjourned till to-morrow morning 9 o'clock.

Tuesday, April 13th 1869.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

1859 The State of Texas v. O. Baker, et al } And now on this day came the
1860 The State of Texas v. John Meeks, et al } District Attorney who prosecutes for the State in this behalf and moves the Court to dismiss these two causes. And the same being considered. It is ordered that said motion be sustained; that said two causes be dismissed from the docket and that the Defendant therein go hence without day fully discharged from the same.

Spring Term, Tuesday, April 13th 1869.

2588 Joseph Harrell v. James Humphrey. Ordered, on motion, that plaintiff have leave to amend.

1793 The State of Texas v. W. P. Rutledge. And now on this day came the parties by attorney, and the Defendant submitted his motion heretofore filed praying for a new trial. And the same being heard and duly considered by the Court, It is ordered that the said motion be overruled

1937 The State of Texas v. R. I. Glow. And now on this day came the parties by attorney; and the Defendant submitted his motion heretofore filed praying for a new trial. And the same being heard and duly considered by the Court It is ordered that the said motion be overruled.

1937 The State of Texas v. R. I. Glow. And now on this day came the parties by attorney; and the Defendant submitted his motion heretofore filed praying for a new trial. And the same being heard and duly considered by the Court, It is ordered that the said motion be overruled.

1945. The State of Texas v. Sanford Vance. And now on this day came the parties by attorney; and the Defendant submitted his motion heretofore filed praying for a new trial. And the same being heard and duly considered by the Court, It is ordered that the said motion be overruled, to which the Defendant excepted.

F. J. Marlow. And now on this day came A. G. Shelley, Esq. an attorney of this Court, and presented the written application of F. J. Marlow, for License to practice as an Attorney and Counsellor at Law in the District and Inferior Courts of this State, accompanied by the certificate of residence and reputable character required by the Statute in such cases, and asks that a Committee be appointed to make the necessary examination in open Court. And thereupon the motion is granted, and Ordered that A. G. Shelley, A. S. Walker and W. M. Walton, be appointed a Committee to make said examination and make report as early thereafter as practicable.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Wednesday April 14th 1869.

Court convened at 9 o'clock A M pursuant to adjournment Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

1931 The State of Texas v. Ara Carpenter. And now at this day came Messrs Shelley and Walton, attorneys for the Defendant appointed by the Court and submit the following statement and application:

" Hon. W. P. Bacon, Presiding Travis Dis Court:

" The undersigned attorneys appointed to represent Miss Ara Carpenter, " in the case of The State v. her, in which she is charged with Murder

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" respectfully represent that her condition physically and mentally, is such as
" to render it proper in our opinion that a board of physicians shall be
" appointed by the Court to examine and report to the Court what her
" condition is, that the Court may be advised by the opinion of such board of
" physicians as to what steps are necessary and proper to be taken in respect
" to her case. N. G. Shelley. W. M. Walton.

" The Court having considered the foregoing application and fully
concurring therewith & in the necessity for the appointment of a committee
of physicians as therein suggested, appoint the following named persons
such committee, to wit: Drs Graham, Shirk and Litten.

↓

Declaration of Intention to Become a Citizen.

Nesbit H B Jenkins. The State of Texas } Nesbit H. B. Jenkins being duly sworn according to
County of Travis } law in the District Court of the County of Travis in and
for the State of Texas, doth declare that he was born in the year of our Lord One
Thousand Eight Hundred and Thirty-Four, in the Kingdom of Great Britain
where he emigrated in the year 1858 to the United States of America, and
has selected the State of Texas as the place of his intended settlement. And
he further declares that it is bona fide his intention to become a citizen of
the United States and of the said State of Texas. And renounce forever all
allegiance and fidelity to every Prince, Potentate, State or Sovereignty
whatsoever, and particularly to the Queen of England, of whom he was late a
subject. Nesbit H. B. Jenkins.
Sworn to and subscribed before me in Open Court this April 14th 1869.
Frank Brown, Clerk, D.C.T.C.

1901 The State of Texas v. Sam. Piper. Continued by the State.

1925 The State of Texas v. C. C. Clark, et al. Continued for service.

1926 The State of Texas v. C. C. Clark, et al. Continued for service.

1927. The State of Texas v. Wm. Perkins. This cause being called for trial the
Defendant Wm. Perkins failing to appear and answer to the Indictment
in this case, he and his securities R. J. Hooker and Henry Harris being
distinctly called at the door of the Court House of Travis County, and the
Defendant, after a reasonable length of time, still failed to appear. And it
appearing to the Court that the Defendant Wm. Perkins, with the said R. J.
Hooker and Henry Harris as his securities, did execute the Bail Bond
on file in this case substantially as follows. Dated 16th day of August, 1868,
payable unto The State of Texas in the sum of Five Hundred Dollars, con-
tioned that the said Defendant Wm. Perkins make his personal appearance
at the District Court of said County of Travis on the 1st Monday in September
1868, to answer any Indictment that might be preferred against him by
by the Grand Jurors of Travis County at the Fall Term A.D. 1868 for stealing
neat cattle, the property of William C. Jones, and there remain from day to

day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is Considered by the Court that the State of Texas do have and recover of the said William Perkins the said sum of Five Hundred Dollars and of his said securities the sum of Five Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant William Perkins did not appear. And further ordered that Citations do issue to the said Securities. alias Capias To Bell Co.

1927. The State of Texas v. James C. Collins. This cause being called for trial the Defendant James C. Collins failing to appear and answer to the Indictment in this case, he and his securities J. A. Perkins and Wm Perkins being duly called at the door of the Courthouse of Travis County, and the Defendant after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant James C. Collins, with the said J. A. Perkins and William Perkins as his securities did execute the Bail Bond on file in this case substantially as follows: Dated 16th day of August, 1868, payable unto The State of Texas in the sum of Five Hundred Dollars, conditioned that the said Defendant James C. Collins make his personal appearance at the District Court of said County of Travis on the 1st Monday in September, 1868, to answer any Indictment that might be preferred against him by the Grand Jurors of Travis County at the Fall Term, A.D. 1868, for Stealing Neat Cattle in the County of Travis, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said James C. Collins the said sum of Five Hundred Dollars and of his said Securities the sum of Five Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant James C. Collins did not appear. And further ordered that citations do issue to the said securities. alias Capias to Bell Co

1928 The State of Texas v. Wm Perkins. This cause being called for trial the Defendant William Perkins failing to appear and answer to the Indictment in this case, he and his securities R. J. Hooker and Henry Harris being duly called at the door of the Courthouse of Travis County, and the Defendant after a reasonable length of time still failed to appear. And it appearing to the Court that the Defendant Wm Perkins with the said R. J. Hooker and Henry Harris as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 14th day of August, 1868 payable unto The State of Texas in the sum of Five Hundred Dollars conditioned that the said Defendant William Perkins make his personal appearance at the District Court of said County of Travis on the 1st Monday in September, 1868, to answer any Indictment that might be preferred against him by the Grand Jurors of Travis County at the Fall Term, A.D. 1868 for Stealing Neat Cattle in said County of Travis, and there remain

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from day to day and from term to term of said Court and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said William Perkins the said sum of Five Hundred Dollars and of his said Securities the sum of Five Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant William Perkins did not appear. And further ordered that citations do issue to the said Securities.

2853 F. W. Chandler v. Wm Sainer. And now at this day came the plaintiff in this case and suggests to the Court that the Defendant herein has failed to answer within the time prescribed by law, that he says nothing, but makes default. And because it appears that this is an appeal from the Justices Court by the Defendant, and he wholly fails to appear, It is ordered that the plaintiff F. W. Chandler do have and recover of the Defendant William Sainer according to the pleading of said plaintiff, and that a writ of inquiry be awarded

2854 F. W. Chandler v. Wm Sainer. And now on this day came the plaintiff in this case and suggests to the Court that the Defendant herein has failed to answer within the time prescribed by law, that he says nothing, but makes default. And because it appears that this is an appeal from the Justices Court by the Defendant and he wholly fails to appear, It is ordered that the Plaintiff F. W. Chandler do have and recover of the Defendant William Sainer according to the pleading of said plaintiff, and that a writ of inquiry be awarded.

And thereupon Court adjourned till 9 to-morrow morning at 9 o'clock.

Thursday April 15th 1869

Court convened at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Thereupon the following proceedings were had by said Court, to wit:

F. J. Marlow — And now on this day appeared the Committee appointed by the Court to enquire into and examine as to the qualifications of F. J. Marlow to practice as an Attorney and Counsellor at Law in the several District and Inferior Courts of this State, and made their written report that said applicant is qualified by reading and comprehension of the law and the practice thereof and recommending that License do issue. It is therefore ordered by the Court that the said F. J. Marlow be admitted to practice as an Attorney and Counsello at Law in the several District and Inferior Courts of this State and that a License do issue to him accordingly.

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√ 187 Robert Mitchell v. M. & J. Burditt. Continued by agreement of parties.

√ 257 J. C. Stephenson et al v. Sam Craft et al Continued.

√ 560 L. F. Price v. M. Short. Continued.

√ 1613 M. R. Cannon et al v. Martha Smith et als. Continued

√ √ 2525 E. H. & C. A. Denny v. John H Conner. And now on this day came the parties
↑ to this cause by their attorneys and on motion and by consent It is ordered that the said cause be dismissed from the docket, that the parties go hence and that the plaintiffs do have and recover of and from the said Defendant John H Conner all the cost of this suit for which execution may issue.

√ √ 2627 Joseph Harrell v. J. D. McGarey. And now on this day appeared the parties to
X this cause by their attorneys and on motion and by consent It is ordered that the said cause be dismissed from the docket; that the parties go hence, and that the Defendant J D McGarey pay all the cost hereof for which execution may issue.

√ √ 2646 Wilson Green v. Joseph Harrell. And now on this day appeared the parties to
X this cause by their attorneys, and on motion and by consent It is ordered that the said cause be dismissed from the docket, that the parties go hence; and that the Defendant Joseph Harrell go hence pay all the cost of this suit for which execution may issue.

Order of Sale
In favor of
July 1869

√ √ 2588 Joseph Harrell v. James Humphrey. Now comes the plaintiff in the
X above styled cause by his attorney, and announced himself ready for trial; and the Defendant, although he was duly called, came not. And it appearing to the satisfaction of the Court that the said Defendant James Humphrey has been duly cited by publication in the manner prescribed by law; and it further appearing to the satisfaction of the Court that the demands of the said plaintiff are liquidated and evidenced by two promissory notes bearing interest at the rate of 10 pr ct pr annum; and the Clerk now here in the presence of the Court having now here ascertained the amount of the demand of said plaintiff to be the sum of One thousand and thirty dollars and fifty five cents principal debt and interest due upto this date, It is therefore ordered, adjudged and decreed by the Court that the said plaintiff Joseph Harrell do have and recover of and from the said James Humphrey the full sum of /$1030 55/ One thousand, thirty and 55/100 Dollars, with interest on the same from the date hereof at the rate of ten per cent. per annum, with all costs of this proceedings. And it further appearing to the satisfaction of the Court that a writ of attachment has been duly issued by this Court and legally and formally levied upon the following described tracts of land to wit and Land Certificate, to wit: "the Unlocated balance of Land Certificate No. 186 issued by the Commissioner of Claims of the State of Texas, March 5th 1860, for one League of Land, which Certificate is in the name of E. G. Rector and is now on file in the General Land Office of the State of Texas. Also,

"A." Field Notes of a Survey of 2.912820 square varas of land for James Humphrey, assignee, it being a part of the land to which he is entitled by virtue of Certificate No. 186, issued to E. G. Rector by W. S. Hotchkiss, Comr. of Claims, dated March 5th A.D. 1860, said land is situated in Falls County, West of the Brazos, and on the waters of Deer creek about 18¼ miles S. 70 W. from the town of Marlin. Beginning at the corner of the J. C. Robinson Survey. Thence N 28

Received of Barnes Parker one hundred and Dollars for the balance that may be due on this Judgment - with the cost of Suit, up to the 9th July 1869.
J. Harrell
Mitchell & Sullivan

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W. at 200 vs a branch 600 vs Another branch 2100 vs corner in Ed. Fitzsimmons West line in prairie. Thence S. 62 W. 1388 vs to the N. E. corner of M. D. Taylor's Survey for the N. W. corner of this. Thence S. 28 E. 2100 vs to a stake in the North line of I. C. Robinson's Survey for the S. W. corner of this from which a Cottonwood brs. N. 40 W. 130 vrs. Thence N. 62 E. 1388 vrs to the place of beginning Surveyed June 30th 1860.

"B" Field Notes of a Survey of 1148 acres of land made for P. H. Bell, by virtue of Certificate No. 446 issued by Board of Land Commissioners of Harris burg County, dated June 7th 1838, Said Survey is situated in Falls County west of the Brazos River. Beginning this Survey at a stake in the prairie 7438 vs from the point where the lower line of the I. M. Sanchez 1/4 league skirtes the river, and being the S. W. corner of said Sanchez Survey with N. boundary line of the John Littlewood Survey from which a Hackberry bears N. 63 E. 187 vrs marked I another bears at 68 1/2 E. 166 vrs marked H. Thence N. 29 W. 1600 vrs to the E. boundary line of the Frances Mahon Survey from which a Gum Elastic bears S. 62 E. 54 vrs marked I a Mulberry bears S. 72 1/2 E. 261 vrs. Thence S. 60 W. 863 vrs. to the S. W. corner of the Mahan Survey, and set a stake from which an Elm bears N. 40 1/2 E. 61 vrs. Another bears N. 10 1/2 W. 68 vrs. Thence N. 30 W. at 100 vrs. a branch crossed Perry creek at 1180 vrs at 2500 vrs the N. W. corner of the Mahan league, from which an Elm bears S. 32 1/2 E. 250 vrs Thence S. 60 W. 866 vrs. Croped a branch of Deer creek at 1526 vrs. corner from which an Elm marked H bears N. 60 E. 460 vrs. Thence S. 30 E. 3030 vrs with the E. boundary line of the Wm. Gilmore South corner its S. corner. Thence S. 60 W. 100 vrs. a stake in the S. boundary line of the William Gilmore Survey No. bearings. Thence S. 30 E. 838 vrs to the N. W. corner of the Geo. Webster Survey a stake from which an Elm bears S. 67 E. 702 (or 302) vrs. mkd B. Another bears S. 44 1/4 E. 387 vrs. Thence N. 60 E. 594 vrs. to a corner of the Webster Survey from which an Elm bears S. 79 1/2 E. 310 vrs marked H Thence N. 71 E. with the Webster & Littlewood N. boundary line to place of beginning. Survey 8, 9, 10, 11 & 12 July 1860.

It is further ordered and decreed by the Court that the above described tracts of land and the said unlocated balance of the land Certificate be condemned as the property of the said James Humphrey and that they be sold to satisfy the above amount due said Harrell together with all costs of this suit. It is further decreed that the order for the sale of the said lands be directed to the proper officer of the County of Falls in the State of Texas, and that the order for the sale of the unlocated balance of said land certificate be directed to the proper officer of the County of Travis in the manner prescribed by law. It is further ordered that if the sale of the above described property shall fail to satisfy the amount due said Harrell & all costs of this proceeding then a writ shall issue against said James Humphrey for said unsatisfied balance.

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James N. Hamilton
vs.
Chas. W. Hamilton Jr &
Mattie L. Hamilton

In this case appeared the parties plaintiffs and defendants by their attorneys; and the Defendants submitted to the Court their demurrer to the plaintiffs petition, the same having been considered, It is ordered, adjudged and decreed by the Court that the demurrer be and the same is overruled. And thereupon the parties plaintiff and Defendants waived a Jury and submitted the matters in controversy to the Court. And after hearing the evidence introduced by the parties plaintiff and defendants, and the same being submitted to the Court, and the Court having fully considered it, It is ordered, adjudged and decreed by the Court that the plaintiff James N. Hamilton do have and recover of and from the Defendants Mattie L. Hamilton and Charles W. Hamilton Jr. the lots and blocks of land claimed in the plaintiffs petition to wit: Lots Number Seven, Eight, Nine, Ten, Eleven and Twelve in Block Number Eighty Six; Lots Number Eleven and Twelve in Block Number Eighty One, Lots Numbers Ten and Eleven in Block Number One hundred and twenty one; Lots Number Seven and Eight in Block Number Nine, Lot Number Eight in Block Number Seventy Nine; & Lots Number Four, Five and Nine in Block Number One Hundred and Seventy Two, all situated in the City of Austin, in the County of Travis and State of Texas

It is further ordered, adjudged and decreed by the Court that the Defendants Mattie L. Hamilton and Charles W. Hamilton, Jr. be and they are hereby divested by this decree of all right, title, interest and claim in and to the aforesaid lots and blocks of land, and the same is hereby vested in the plaintiff James N. Hamilton.

It is further ordered, adjudged and decreed by the Court that R. A. Smith, Esq. the Guardian ad litem of the minor C. W. Hamilton, Jr. be allowed Fifty Dollars as attorney's fees for his services in this case, that the same be taxed in the Bill of Costs and paid over to him when collected.

It is further ordered, adjudged and decreed by the Court that the Defendants Mattie L. Hamilton and Charles W. Hamilton Jr do have and recover of and from the plaintiff James N. Hamilton all their costs of this suit, including R. A. Smith's attorney's fees, for all which execution may issue.

1733. C. A. Hopkins, et al. v. A. Morrill. And now comes the Defendant, and on motion, It is ordered that said Defendant have leave to amend. And thereupon on motion It is ordered that this Cause be continued as upon affidavit of the plaintiff

1743 H. G. Stemmons v. D. C. & G. R. Freeman. And now on this day came the parties to this cause by attorney, and upon suggestion of the bankruptcy of the said plaintiff It is ordered that this Cause be continued.

1842 M. C. Burditt v. G. N. & J. F. Burditt, admrs. And now on this day came the parties to this cause by attorney, and upon suggestion of the bankruptcy of said Plaintiff. It is ordered that this cause be continued.

Spring Term, Thursday, April 15th 1869.

1916 F. J. Barziza, Admr. of B. J. Collins v. Thos. Griffin, Edwin L. & J. L. Holman. Ordered, on motion and by consent of parties that this cause be dismissed from the docket the said parties appearing by their attorneys. And thereupon It is ordered, as by consent of parties, that the said Defendant go hence and do have and recover of and from the plaintiff B. J. Collins, all the cost of this suit, for which execution may issue.

1913 F. J. Barziza, Admr. v. J. L. Holman. Ordered, on motion and by consent of parties that this cause be continued to make parties.

2724 W. H. Morris v. D. C. & L. Shelp. And now on this day appeared the parties by their attorneys, and suggest to the Court that the plaintiff has gone into bankruptcy, and suggesting to the Court that R. A. Smith, Esq. has been appointed assignee of the said Morris, It is ordered that the said Smith, assignee, do be made a party to this suit.

2725 W. H. Morris v. D. P. Cottingham. And now on this day appeared the parties by their attorneys and suggest to the Court that the plaintiff has gone into Bankruptcy, and the plaintiffs Counsel suggesting to the Court that the plaintiff has gone into Court bankruptcy, and suggesting that R. A. Smith Esq has been appointed assignee of the said Morris, It is ordered that the said Smith, assignee as aforesaid, be made a party to this suit.

2726 W. H. Morris v. A. C. & S. E. Cottingham. And now on this day came the plaintiff by his attorney and suggests to the Court that the Plaintiff has gone into Bankruptcy: and the Counsel suggesting to the Court that the R. A. Smith has been appointed assignee of the said Morris, It is ordered that the said Smith, assignee as aforesaid, be made a party to this suit.

2727 W. H. Morris v. Jack Moore. And now on this day came the plaintiff by his attorney and suggests to the Court that the Plaintiff has gone into Bankruptcy; and the Counsel suggesting that R. A. Smith has been appointed assignee of the said Morris, It is ordered that the said Smith, assignee as aforesaid, be made a party to this suit.

2728 W. H. Morris v. R. C. & R. A. McLaren. And now on this day came the plaintiffs Counsel and suggests to the Court that said Plaintiff has gone into Bankruptcy; and suggesting that R. A. Smith has been appointed assignee of the said Morris, It is ordered that the said Smith, assignee as aforesaid, be made a party to this suit.

2757 W. L. Smith v. Bethel Coopwood. And now on this day came the pltff. in this cause by attorney and asks for judgment by default. And because it appears to the Court that the Defendant in this cause has been

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duly cited and failed to answer within the time prescribed by law, but wholly made defaunt, It is ordered that the plaintiff do have and recover of and from the Defendant according to the prayer of his petition. And further ordered that a writ of inquiry be awarded.

2839 Washington Hammett v. A.H. Peck, Trustee, et al. And now at this day appeared the parties to this cause, and by Consent and agreement of parties It is ordered by the Court that this cause be Consolidated with Cause No. 2846, of Richard Patrick v. Washington Hammett and S.B. Hammett,

2846 Richard Patrick v. Washington Hammett and S.B. Hammett. And now at this day appeared the parties by attorney, (this cause having consolidated with it No. 2839, of Washington Hammett v. A.H. Peck, Trustee, et al) and moved that said cause be dismissed at the cost of the plaintiff Richard Patrick, the subject matter being embraced in the Arbitration Cause No. 2864, of Wash. Hammett v. R. Patrick. And It is therefore adjudged by the Court that the said cause No. 2839 of Hammett v. Peck, Truste, and No. 2846, of Patrick v. Hammett et al as by consent and agreement of parties be and the same (as consolidated) are hereby dismissed from the docket, and that the said Richard Patrick do pay all the cost herein expended, for which execution may issue

2864 Wash. Hammett v. R. Patrick This cause being submitted to Arbitration the clerk fixes Wednesday the 21st instant as the day for the hearing of the same.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, April 16th 1869.

Court convened at 9 o'clock A.M. pursuant to adjournment. Present the Hon. W.P. Dacon, Judge of the 11th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2013 E. Henry et al v. A.M. Davidson. Ordered by the Court that this cause be continued

2724 W.H. Morris by R.A. Smith, Assignee v. Daniel C. Shelp and Leucey Shelp. And now comes R.A. Smith, Esq. assignee in Bankruptcy of the plaintiff in this case, and claims a Judgment by default. And because it appears to the Court that the Defendants in this cause have been duly cited and failed to answer within the time prescribed by law, and wholly made default, and the demand sued on in this case being liquidated as evidenced by an instrument of writing commonly called a note of hand, It is therefore ordered, adjudged and decreed by the Court that the said R.A. Smith, assignee in Bankruptcy of the said W.H. Morris, do have and recover of the said Daniel C. Shelp and Leucey Shelp the sum of Four Hundred, Thirty 43/100 Dollars ($430.43) principal and interest due on the note sued on to date and all the cost of the suit, for which execution may issue

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2727 W. H. Morris v. Jack Moore. And now on this day comes R. A. Smith, Esq, assignee of W. H. Morris in Bankruptcy heretofore made party plaintiff to the record, and claims a judgment final by default And because it appears to the Court that the Defendant has been cited according to Law, and failed to answer within the time prescribed, and wholly made default, And the demand sued on being liquidated, as evidenced by the note of hand sued on, It is therefore ordered, adjudged and decreed by the Court that the plaintiff W. H. Morris R. A. Smith, assignee of W. H. Morris, do have and recover of and from the Defendant Jack Moore, the sum of One Hundred, Seventy-Four & 2/100 Dollars, the amount of the principal and interest due on the note sued on in this case, with ten per centum per annum interest thereon till paid, together with all the cost of this suit, for which execution may issue.

2728. W. H. Morris v. R. C. McLaren and R. A. McLaren. And now on this day comes R. A. Smith, Esq. assignee in Bankruptcy of W. H. Morris heretofore made party plaintiff to the record, and claims a Judgment final by default. And because it appears to the Court that the Defendants has been cited according to law, and failed to answer within the time prescribed and wholly made default. And the demand sued on being liquidated, as evidenced by the note of hand sued on, It is therefore ordered, adjudged and decreed by the Court that the plaintiff R. A. Smith, assignee of W. H. Morris, do have and recover of and from the Defendants R. C. McLaren and R. A. McLaren the sum of One Hundred, Eighty-Eight & 54/100 Dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from date till paid, and all the cost of this suit, for which execution may issue.

2826 The State of Texas v. Geo. C. Haynie et.al It is ordered by the Court that the ni si Judgment heretofore entered against the Defendants in this case be set aside, vacated and held for naught, (the showing made being deemed sufficient) that the Defendants go hence fully discharged and case dismissed.

And thereupon Court adjourned till 9 o. clock morning.

Saturday, April 17th 1869.

Court convened at 9 o'clock AM pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

1964 The State of Texas v. Nace Gardner. And now on this day came the Defendant Nace Gardner, who, as principal, with John H. Johnson and W. A. Johnson as securities, came into Court. And thereupon the said Nace Gardner as principal, and John H. Johnson and W. A. Johnson

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as securities, acknowledged themselves jointly, severally and severally to owe and be indebted unto The State of Texas in the penal sum of One Hundred Dollars to be levied upon their respective goods and chattels, lands, tenements and estate But to be void nevertheless upon condition that the said Race Gardner do make his personal appearance before the Honorable District Court of Travis County to be held at the Courthouse thereof in the City of Austin on the first Monday in September AD. 1869. then and there to answer the Indictment preferred against him the said Race Gardner by the Grand Juors of Travis County at the Spring Term 1869 of the District Court of said County, for the theft of a Mare, and that he do not depart the Court without Leave

Jury Service Report. The State of Texas } The undersigned, Clerk of the District Court within
County of Travis } and for the County and State aforesaid hereby reports
to the Court the Petit Jury Service at the Spring Term, 1869 thereof as follows:

	names	Days	Amt		names	Days	Amt
1	H C Pengener	6	12 00	32.	W. Hammett	7	14 00
2	J. J. McChristian	6	12 00	33.	J. W. England	5	10 00
3	R. J. McClure	6	12 00	34.	A. Robinson	5	10 00
4	Sam Wilson	6	12 00	35.	N. Singleton	6	12 00
5	Nat. Grumbles	6	12 00	36.	J. H. Walker	5	10 00
6	W. H. Millican	6	12 00	37.	R. Barr	5	10 00
7	J. D. McCall	6	12 00	38.	J. L. Nichols	15	30 00
8	T. B. Burditt	8	16 00	39	R. E Carrington	1	2 00
9	A. O. Horne	6	12 00	40	B. Boyd	4	8 00
10	J. B. Barron	6	12 00	41	John Stringer	1	2 00
11	John Jones	6	12 00	42	E. E Cohen	5	10 00
12	Thomas Miller	6	12 00	43	J. A. Foster	5	10 00
13	Lacy McKenzie	1	2 00	44	A B Neumann	5	10 00
14	S. Hemphill	2	4 00	45	C Desmond	5	10 00
15	A. H. Barnes	8	16 00	46	W J Oliphant	5	10 00
16	Clay Eames	7	14 00	47	John Price	5	10 00
17	H. Samuels	8	16 00	48	James Phillips	4	8 00
18	Geo. Busman	5	10 00	49	J. W. Canning	3	6 00
19	J. S. Mansfield	5	10 00	50	E. E. Matthews	2	4 00
20	W. T. Patterson	5	10 00	51	John Stelfox	2	4 00
21	Philip Jones	12	24 00	52	Steve Hopkins	3	6 00
22	Sam Mason	6	12 00	53	R. Manlke	5	10 00
23	F. Clements	6	12 00	54	C. Krohn	7	14 00
24	Cato Eagle	16	32 00	55	Robert Smith	7	14 00
25	Chas Peeht	6	12 00	56	R. R. Jones	2	4 00
26	A. Scroggins	6	12 00	57	C Granberry	2	4 00
27	W. Fonville	5	10 00	58	B. Schumann	8	16 00
28	A. Homeke	6	12 00	59	B. O. Staveley	7	14 00
29	P.W. Tobe	6	12 00	60	D. M. Wilson	7	14 00
30	J B. Perry	18	36 00	61	James Brown	7	14
31	Don. Wilson	5	10 00	62	W.S. Palm	2	[illegible]

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63	James O'Reilley	7	14	00	79	Eli Green	6	12 00
64	Tom Ward	1	2	00	80	A. R. Renick	4	8 00
65	Joshua Johnson	7	14	00	81	R. P. Wright	4	8 00
66	Henry Steiner	6	12	00	82	Fayette Carrington	3	6 00
67	B. Radkey	6	12	00	83	Stewart Hamilton	1	2 00
68	W. C. Risher	5	10	00	84	John Price (add'l)	1	2 00
69	Mr. Wahrman	5	10	00	85	Lucius Holliday	1	2 00
70	Wm Moseley	5	10	00	86	John Holder	5	10 00
71	Thomas Godey	5	10	00	87	J. T. McArthur	5	10 00
72	Thomas Hancock	5	10	00	88	James Reed	5	10 00
73	John Baker	4	8	00	89	Le Grand Wood	5	10 00
74	Thomas Morey	5	10	00	90	Thomas King	5	10 00
75	Lewis Green	5	10	00	91	Fayette Franklin	5	10 00
76	Wm Holder	5	10	00	92	Wm Owens	5	10 00
77	Dan Hamilton	5	10	00	93	H. W. Ingerson	5	10 00
78	John Washington	6	12	00	94	P. S. Hopkins	1	2 00

Respectfully Submitted April 17th 1869.

Frank Brown, Clk, D.C.C.

Approved April 17th 1869.

W. P. Bacon, Judge Presiding.

1727. The State of Texas v. Dan Morris, et al. On motion of the District Attorney It is ordered that this Indictment be quashed, the same being insufficient. It is therefore considered that the Defendants go hence and case dismissed

1756 The State of Texas v. Wm. Haines, et als On motion of the District Attorney and the Defendants this cause came on to be heard on the exceptions to the sufficiency of the Indictment. And the same being considered and deemed insufficient, It is ordered that this cause be dismissed and defts discharged

1936 The State of Texas v. Scipio McKee. And now at this day came the District Attorney, on behalf of the State, and also came the Defendant in person and by attorney and announced ready for trial. And the cause on appeal from the Court below being submitted, heard, argued by counsel and duly considered, and there being no error committed by the County Court, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the said Defendant Scipio McKee, the sum of Twenty-Five Dollars, assessed by the Jury in the Court below, together with all the cost in and about this proceeding incurred, in the County Court and in this Court, and that a Capias issue to collect the same.

882 Henry P. Hill v. M. C. Hamilton, and heirs of Jno. D. Grumbles.

And now on this day came the parties by their attorneys, and announced themselves ready for trial. And then

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came a Jury of twelve good and lawful men of Travis County, consisting of J M. Reid, foreman, and eleven others, who being duly empannelled and sworn well and truly to try the issue joined between the parties, upon their oaths return the following verdict, to wit: "We, the Jury, find for the Plaintiff the land described in his petition and one cent. damages this April 15, 1869. J. M. Reid, foreman of Jury." Wherefore, It is considered by the Court that the plaintiff, Henry P. Hill, do have and recover of and from the Defendants herein the lands and premises described and bounded as follows, to wit:

"In the County of Travis beginning at the North West corner of League No. 20, on Spring Creek. Thence up the Colorado river with the meanders thereof to a stake and North West corner of League No. 21, from which a Cedar 8 inches in diameter bears N. 40° E. 15 varas a Do. 8 inches in Diam., brs. S. 40° W. 4 vs. Thence South 30° West six thousand one hundred varas to Spring Creek and South West corner of League No. 21. Thence South 60° East One thousand varas To Spring creek runs S. W. two thousand and seven hundred varas to Spring Creek runs S. E. four thousand one hundred and eighty four varas to a stake and South East corner of League No. 21. Thence North 30° East three thousand and three hundred varas to Spring Creek and place of beginning" except two subdivisions thereof containing 177 acres and 210 acres described as follows:

Beginning on the West side of the Colorado River on said Spring Creek, at an Elm at the mouth of said Creek. Thence North 60° West three hundred and forty varas. Thence 73° West two hundred varas to a stake from which a Hickory bears N. 55° E. 3 varas, and another Hickory bears N. 12° W. 2 varas. Thence South 67° West two thousand one hundred varas to a stake from which a cedar bears N. 85° E. 2 varas And another cedar bears S. 24° W. 3 varas. Thence South 67° East at one hundred varas a wet weather creek 4 varas wide, at two hundred and eighty varas a cedar from which an two others one S. 65° E 5 varas the other N. 15° E. 9 varas. Thence North 85° East sixteen hundred and eighty varas intersect Dickens line a Spanish Oak from which a Live Oak bears N. 35° W. 11 varas and a cedar bears S. 22° W. 1 vara. Thence North 50° East with said Dickens line three hundred and fifty varas to the corner on said Spring Creek. Thence North 67° East five hundred varas to the place of beginning.

And the other of said subdivisions containing two hundred and ten acres is bounded as follows: Beginning at the upper corner of said above described tract or subdivision. Thence North 42° West seven hundred varas. Thence North 45° West seven hundred and twenty varas to a stake from which a willow bears N. 10° W. 2½ varas, and a Hackberry bears N. 61° E. 2 varas. Thence South 30° West eighteen hundred and eighty varas to the North West Corner of said above described subdivision. Thence North 67° East two thousand one hundred varas to the place of beginning.

For which the said Henry P. Hill may have his writ of Possession. It is further considered by the Court that the plaintiff recover of said Defendants said sum of one cent, his damages

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as assessed by the Jury aforesaid, together with all costs in this behalf expended, for which execution may issue.

2134 The State of Texas v. Ben. Hines, et.als
2135 The State of Texas v. Ben. Hines, et.als

And now on this day Comes the District Atty and on his motion It is ordered that these two causes be dismissed from the docket and that the forfeitures therein be set aside and vacated.

2859 Susan Cunningham, Admx v. C. A & E. H. Denny, Admrs.

And now at this day came the parties by their attorneys and the motion to dismiss the appeal for want of an appeal bond coming on to be heard, and the points of law arising thereon and the being duly considered by the Court, after argument of counsel, It is considered that said motion be sustained, and the cause dismissed And it is further ordered that the said C.A. and E.H. Denny, Administrators of the estate of Lyman Cronkite, Decased, do have and recover from Susan Cunningham as Admx of J.C. Cunningham all the costs of this suit in this Court and the Court below, and the same shall be certified to the County Court of Bastrop County as a just and valid claim against the estate of said J.C. Cunningham, to be paid in due course of administration.

1164 W.D. Thompson v. A. Reidel et.al. Motion to revive take Dismissed.

2501 B & A. Luckett v. J.B. Perry. Motion being made in this cause to compel the plaintiffs to enter into bond and security for the cost of this suit, It is ordered that the same being granted. And that the plaintiffs herein be required to enter into bond and security for the cost of this suit on or before the first day of the next term hereof, otherwise that the same will be dismissed, and that the plffs. or their attorneys be notified of this rule.

1899. The State of Texas v. Moses Scott. And now on this day came the District Attorney who prosecutes for the State in this behalf and also came the Defendant. And the motion for a new trial coming on to be heard, and the same being argued and duly considered It is ordered that the same be overruled.

Ben. Chote. The State of Texas v. Benjamin Chote. On motion of the Defendant It is ordered that the Judgment entered against him in this case as a Defaulting Witness be set aside and that the said cause be dismissed and that the said Chote pay all the cost of this proceeding, for which execution may issue.

1945 The State of Texas v. Semford Vance. And now at this day came the District Attorney in behalf of the State and came the

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Defendant by counsel; and said Defendants motion heretofore filed in arrest of the Judgment coming on to be heard, and argued, and being duly considered by the Court, It is ordered that said motion be overruled. And thereupon said Defendant gave notice in open Court of an appeal to the Supreme Court.

1 C 2853 F. W. Chandler v. Wm Sauer And now comes the Defendant by counsel and submits his motion to set aside the judgment by default heretofore at a former day of this term rendered in this case. And the same being heard and considered It is ordered that the same be granted; and that the said Judgment by default be set aside, vacated and held for naught

1 C 2854 F. W. Chandler v. Wm Sauer. And now comes the Defendant by counsel and submits his motion to set aside the Judgment by default heretofore at a former day of this term rendered in this case. And the same being heard and considered, It is ordered that the said motion be sustained; and that the said Judgment by default be set aside, vacated and held for naught.

1 C 1743 Stemmons v. Freeman, et.al. Come the Defendants and ask the Court to grant a rule for security for cost against the plaintiff in this causes. And it is ordered that the said motion be granted; and that said plaintiff be required to enter into bond and security for the cost of this suit on or before the first day of the next term of this Court, otherwise that the same will be dismissed and that plaintiffs or his Attorney be notified.

Frank Brown Clerk — It is ordered by the Court that the clerk of this Court, (Frank Brown) be allowed the sum of Sixty Dollars for extra services at this term of the Court and that the County Treasurer of Travis County be required and is ordered to pay and allow the same, upon presentation to him of a certified copy of this order.

Radcliff Platt Sheriff — It is ordered by the Court that the Sheriff of this Court, (Radcliff Platt) be allowed the sum of Sixty Dollars for extra services at this term of the Court, and that the County Treasurer of Travis County be required, and is ordered to pay and allow the same, upon presentation to him of a certified copy of this order.

V 1899 The State of Texas v. Moses Scott The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had anything to say why Judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury, who tried his cause; and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed that the said prisoner Moses Scott is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged; and it is further Considered by the Court that the said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years.

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1937 The State of Texas v. John Clow. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner John Clow is, and he is hereby adjudged to be guilty of Felony as in the indictment against him in this behalf is alleged. And it is further Considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid; and it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of five years.

1945 The State of Texas v. Sanford Vance. The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had any thing to say why Judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury, who tried his cause and said prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the said prisoner Sanford Vance is, and he is hereby adjudged to be guilty of Felony as in the indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the Jury aforesaid; and it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the agent or Superintendent of said Penitentiary to be by him safely Confined at hard labor for the space of two years, from which Judgment and Sentence the said Defendant gives notice in open Court of an appeal to the Supreme Court.

1931 The State of Texas v. J. A. Carpenter. And now on this day came the District Attorney on behalf of the State, and also came the Defendant by his Counsel and submitted to the Court the motion for a new trial heretofore filed in this case. And the same being heard, as well as the argument of Counsel thereon, and duly considered by the Court, It is ordered that the said motion be overruled, to which ruling Defendant excepts and gives notice in open Court of an appeal to the Supreme Court

1931 The State of Texas v. J. A. Carpenter. And now on this day came the District Attorney on behalf of the State, and also came the Defendant by his counsel, and submitted to the Court the motion in arrest of the Judgment, heretofore filed in this case. And the same being heard, as well as the argument of Counsel thereon, and duly considered by the Court, It is ordered that the said motion be overruled, to which ruling the Defendant excepts and gives notice in open Court of an appeal to the Supreme Court.

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1842 C. R. Johns, Admr of James Park, Dec'd vs. Sarah Harris, & her husband J. W. Harris. In this case comes the plaintiff by his attorney, as well as the Defendant; and the matters in the petition and answer being considered It is ordered by the Court that said motion be sustained, and that the Cause No. 403, of C. R. Johns, Admr of James Park vs. W. T. Oldham et al. heretofore on the docket of this Court, for the reasons alleged, be reinstated, and that this cause be consolidated with the said cause No. 403; that the judgment heretofore at the Spring Term 1868 entered in said cause against J. Johnson be set aside as against him, because it appears he was dead at the time thereof, and that the said cause No. 403 be revived against Sarah Harris formerly widow of said John C. Johnson and her husband J. W. Harris, as administrators of said Johnson, and proceed regularly to trial as provided by law.

1931 The State of Texas v. J. A. Carpenter The motions for a new trial and in arrest of judgment in this case having been passed upon, the Court proceeds to enter judgment in accordance with the verdict of the jury heretofore returned. It is ordered adjudged and decreed that the said J. A. Carpenter is guilty of Felony as in the Indictment against him in this behalf is alleged, and that the prisoner stand committed to the custody of the Sheriff of Travis County to await the appeal taken in said cause.

2382 Frank Brown v. W. M. Walton et al. And now on this day came the plaintiff and asked that the judgment in this case be revived according to the prayer of his petition, And the Defendants having accepted service of the petition in this case, and failed to answer the same and wholly made default, It is ordered that the prayer of the petition be granted; and that the judgment entered in this cause on the 21st November, 1865 be in all respects revived; and that the said plaintiff Frank Brown, do have and recover of and from the Defendants William M. Walton and Josephus M. Steiner the said sum of Eleven Hundred and fifty one dollars as of date 21st Nov. 1865, less the credit endorsed on the motion and petition in this case, as follows: May 14, 1866 - $280.33 - May 16/66 - $20 - May 16/66 $100 - May 21/66 - $100 - May 21/66 - $20 - Aug. 17, 1866, $110.00 Dec. 15. 1866, $110.00 - Dec. 20. 1866, $138.00 amounting to a credit of $878.33. And it is further ordered that the Austin City town lots described in said former judgment be held bound for the satisfaction of this judgment, and that an order of sale issue requiring the Sheriff of Travis County to sell under the law regulating Sheriffs sales the said property described as follows: Being Lots Seven, Eight and Nine (7, 8. 9) in Block Six (6) together with the improvements and appurtenances belonging thereto: the proceeds of the sale to be applied to the payment of this Judgment, and the residue, if any, to be returned to W. M. Walton, and if the sale do not bring sufficient to pay the judgment, then execution to issue for the remainder. This judgment shall bear interest at the rate of ten per centum per annum.

1980 Ellen Duval v. H. Holman. And now comes the attorney for the plaintiff and asks that judgment be entered against the Garnishee Seth Mabry

Spring Term, Monday April 19th 1869.

according to his answer. And it appearing that the Garnishee has answered under oath that he is indebted to the Defendant Sharp in the sum of Fifty Nine Dollars and Seventy two Cents U. S. currency. It is therefore ordered, adjudged and decreed by the Court that the plaintiff Ellen Duval, do have and recover of and from the Garnishee, Seth Mabry, the said sum of Fifty Nine Dollars and Seventy two Cents admitted to be due in his answer, for which execution may issue. And further ordered that the plaintiff pay the cost of this proceeding for which execution may issue.

And thereupon Court adjourned till Monday morning May 19th 1869 at 9 o'clock

Monday April 19th 1869

Court convened at 9 o'clock A M pursuant to adjournment. Present the same as on Saturday. Whereupon the following proceedings were had by said Court, to wit:

John F. Stokes

And now on this day appeared John F. Stokes, who made proof that he is an alien above the age of twenty one years and was heretofore an enlisted and honorably discharged soldier, in the United States Army, having served three years therein, and having filed his petition in due form of law making the proper allegations, and also proving that he has resided one year within the United States previous to this said application, that he is a man of good moral character, and having fully complied with the statute in such cases made and provided, as set forth in Article 5412 of Paschals Digest. It is therefore ordered, adjudged and decreed that the said John F. Stokes is admitted to become a Citizen of the United States and he is hereby declared to be and that a Certificate issue to him according ly.

The foregoing Minutes examined and approved and ordered that Court stand adjourned until May 3d 1869.

W. P. Bacon
Judge presiding

Additional Jury Report

95	T. C. Barton	1 day	—	2.00
96	T. Bostick	1 "	—	2.00

Steve Humphill

And thereupon It is ordered by the Court that Stephen Humphill be allowed pay as a Petit Juror for Eleven Days Service at the Fall Term of this Court, 1868, the same not having been allowed him at said term, and that T. C. Barton and T. Bostick be allowed pay for One day's service each at this term the same having failed to be reported by the Clerk.

Spring Term, Monday, May 3rd 1869

Monday, May 3rd 1869.

Court met at 9 o'clock A M pursuant to adjournment Present Hon. J. P. Bacon Judge 11th Judicial District presiding; Frank Brown, Clerk and R. Hall, Sheriff Whereupon the following proceedings were had by said Court, to wit.

2827 The State of Texas v. Ben. Hines, A H Cook et al
2828 The State of Texas v. Ben. Hines, A H Cook et al
2831 The State of Texas v. John. Cook, A H Cook et al

And now comes the District Attorney and moves the Court that the final Judgments rendered in the three causes last above named be set aside at the cost of the Defendants therein. And because it appears satisfactory to the Court it is ordered that said motion be granted; and that the judgments rendered in the said causes at this term of the Court be set aside vacated and held for naught and as to the principal thereof, but that said Defendants pay the cost in each of said causes for which execution may issue.

2864 Washington Hammett & J. P. Hammett v. Richard H. Patrick.

In this cause the matters in dispute between the parties having at a former day of this term been submitted to the arbitration of Giles H. Burdett and O. H. Millican, on the following agreement, to wit.

" 2839. Washington Hammett v. Richd. H Peck, et al and
" 2846 Richard Patrick v. Washington & J. P. Hammett.
" In the District Court of Travis County Spring Term, 1869.
" In the above named cases it is agreed between Washington Hammett
" and J. P. Hammett as plaintiffs and Richard Patrick as Defendant,
" that the same be consolidated, and thereupon they shall be dismissed
" from the docket at the cost of Richard Patrick and that the following
" agreement shall be filed in lieu thereof as an arbitration of the matters
" in dispute in said cases, the same to be had in conformity with the
" statute in such cases provided, and to be final; that this arbitration
" shall be filed, without delay in said District Court and to be referred
" at once so that return can be made and judgment had thereon at
" the present term of the Court And for the purpose of facilitating the
" labor of the referees or arbitrators the following stipulations or agreements
" are made.
" 1. It is agreed that Richard Patrick, as alleged in the pleadings
" and answers in said suits, sold to Washington and J. P. Hammett
" the tract of land mentioned as the "Jennings" place" consisting of about
" 2000 acres, that the said Hammetts went into possession thereof as
" alleged on the 16th day of Nov. 1866 and that they continued in
" possession till the 21st Feby, 1869; that the consideration of said
" purchase was six thousand Dollars in coin to be paid as alleged,

Spring Term, Monday, May 3. 1869

" and that on the 7th day of Apl 1868 Washington Hammett
" one of the parties to said purchase paid thereon the sum of One
" thousand Dollars in coin.
" (2) It is agreed that the property mentioned shall be sold by
" virtue of the Deed of Trust recited in the pleadings in said causes
" and in conformity therewith; and Richard Patrick binds himself
" to bid for the same at said sale to the extent of the full amount
" of the purchase money and interest due thereon - so that in of-
" fecting said sale no debt shall remain due from said Hammetts
" on the said purchase money.
" (3) It is agreed further that in this Arbitration Richard Patrick
" shall account to Washington Hammett for the one thousand Dollars
" received by him in coin upon the purchase money aforesaid with
" interest at 8% from the date of the receipt thereof.
" 4. And also the value of all permanent and valuable im-
" provements and work made or performed on the land by said
" Hammetts, which are a benefit to the same.
" 5. The said Hammetts shall account to said Patrick for the costs
" of redeeming said land from tax sale suffered whilst said Hammetts
" were in possession. The ordinary Taxes for this period are not to
" be accounted for by them, but are to be paid by said Patrick
" 6. The said Hammetts shall also account for the value of the
" rents, and use and occupation of said land for the time they were in
" possession thereof, together with legal interest on same from the first
" of January of each year after the accrual of the same, but not for
" timber used as merchandize.
" 7. The claims of the parties against each other as ascertained by this
" agreement shall be offsets as far as they go.
" 8. The Hammetts are to deliver to the Arbitrators the muniments of
" title and deeds they have received from said Patrick
" 9. Whatever sum may be found due under this Arbitration to either
" party is to be paid at the time of entering judgment thereon - and the
" costs of this proceeding are to be equally divided between the said
" Hammetts as plaintiffs and the said Patrick as Defendant.
" 10. The said Washington and J. B. Hammett to effect this
" agreement select Giles H. Burditt as Arbitrator or referee on their
" part, and the said Patrick selects O. H. Millican as referee or Arbi-
" trator on his part.

In witness whereof we have set our hands
" this 7th Apl. 1869. Richard Patrick by his Agent and Atty in fact R. K. Peck.
" Washington Hammett
" J. B. Hammett

And the said Arbitrators having been duly sworn as required by law, proceeded to the discharge of their duties under said agreement, and thereupon on the 23d day of April, 1869 the said Arbitrators, upon the said agreement, returned and filed in this Court the following award, written on the back of said agreement, viz:

Spring Term, Monday May 3d 1869

" We find for the plaintiff Washington Hammett the sum (833 20/100
" eight hundred and thirty three Dollars and 20/100 in Coin this 23
" April, 1869. O. H. Millican. J. H. Burdett."

And thereupon It appearing to the Court that the amount adjudged by the Arbitrators against the said Richard Patrick in favor of Washington Hammett, one of the plaintiffs, by said award, to wit: the sum of Eight hundred and thirty three 20/100 Dollars, has been paid to the said Hammett in gold. It is ordered adjudged and decreed that the said award be ratified, confirmed and made final in respect to the matters involved in said cause: and in further accordance with the said agreement It is ordered and adjudged that the said plaintiffs pay half the costs in this cause, and that the Defendant pay half the costs in this cause, for which execution may issue

The foregoing minutes of the Court read and approved ~~Approved~~ May 5th 1869. and adjourned to May 7th 1869, at 9 o'clock W. P. Bacon
judge presiding

Austin, May 7th 1869.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. W. P. Bacon, Judge of 7th Judicial District presiding. Frank Brown, Clerk and Radcliff Platt, Sheriff. Whereupon the following proceedings were had by said Court, to wit:

1963 The State of Texas v. Joseph Kuhn and August Jurgens. And now at this day came the District attorney who prosecutes for the State in this behalf, and moves the Court to set aside the Continuance heretofore at a former day of this term entered in this cause, and that the cause be dismissed. For reasons appearing satisfactory to the Court It is ordered that the motion be granted, that the Continuance be set aside; that the cause be dismissed, and the Defendants go hence fully acquitted and discharged.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Austin, May 8th 1869

Court met at 9 o'clock a m pursuant to adjournment. Present the same as on yesterday. And thereupon the following proceedings were had by said Court, to wit.

2863 William H. Brown v. Mathew Brown, Admr, &c And now at this day and term of the Court came the parties to this cause by their attorneys. And thereupon came on to be heard the motion, duly submitted, to dissolve the injunction heretofore granted in this cause. And the said motion being heard, argued by counsel, and duly considered by the Court, and the

It is ordered that the said motion be sustained. And thereupon It is ordered by the Court that the said Injunction be dissolved, in all respects, that the said plaintiff take nothing by reason of the ~~behalf~~ injunction and that the plaintiff William H. Brown and the securities on his Injunction bond, to wit. W. A. Townsley and E. L. Berry pay all cost in this behalf incurred, for which execution may issue, to which the plaintiff excepts and gives notice in open Court of an appeal to the Supreme Court.

And thereupon the foregoing minutes having been duly read, examined and approved, It is ordered that Court do now stand adjourned Till the next regular term in course.

W. P. Bacon
Judge presiding

State of Texas
County of Travis } Be it remembered on the 2d day of August A. D. 1869, there was drawn, according to law, by Ele. Bartholomew, Clerk of the District Court of Travis County and Aug. Otto, Clerk of the County Court of Travis County, in the presence of W. D. Scott, Esq. Justice of the Peace within and for the County and State aforesaid, the following named persons to serve as Jurors at the Fall Term 1869 of the District Court of Travis County, viz:

First Week.

1 Jacob Raymey (6)
2 Charles C. Hancock
3 William Moseley (6)
4 Daniel Steward
5 G. W. Mills
6 August Wahrmann
7 Peter Jackson (6)
8 Charles B. Meeks
9 J. R. Bacon
10 John H. Walker
11 P. V. Jones
12 Samuel M. Wright
13 Pelin Bratton (C)
14 Joseph A. Hancock
15 Stewart Hamilton (6)
16 Hosea Johns
17 John Butler.
18 Adolph Trautwein
19 R. M. Johnson
20 Absalom Starman (6)
21 William Pfluger.
22 Julius Ratliff.
23 G. H. Fox
24 Alfred H. Robinson.

Second Week

1 L. H. Crozier
2 T. M. Hancock.
3 Andrew Jackson (6)
4 James Phillips
5 J. G. Johns
6 Alex. Brinkman
7 Alex. Thomson (6)
8 John Dillingham
9 Duke Mitchell (C)
10 B. W. H. Schuumann.
11 Simon Mack. (6)
12 J. R. Billingsley
13 Samuel Fowler (6)
14 Sandy Hayden (6)
15 John T. Haynes
16 J. R. Bigerdine
17 Samuel Mason (6)
18 S. H. Duncan
19 E. S. Berry.
20 Henry Hollingsworth (C)
21 Joseph Carothers (6)
22 Samuel Scott (6)
23 J. L. Brace.
24 Jackson Hammett.

Third Week.

1 John Hickson
2 H. Baldwin
3 Wm. A. Ryan
4 H. N. Jamerson
5 James P. McArthur
6 Carol Weise
7 Abram Tannin (6)
8 Monroe Johnson
9 Enoch Martin.
10 W. G. Smith
11 A. H. Cox.
12 H. L. Jones.
13 J. G. Burleson
14 Mingo Harrington
15 Henry Dickinson (6)
16 Joseph Sigmund
17 Henry Hofheitz
18 J. H. Mullen.
19 Rufus Jones.
20 Claiborne Scroggins (6)
21 John Bremond.
22 James Lensing.
23 Phillip Payne (6)
24 M. K. Ryan.

Fourth Week.

1 John Brown
2 W. T. Lackey
3 John M. King
4 Frazer Bell (6)
5 Joseph Pollard (6)
6 Wayne Price
7 Elijah Morris (6)
8 Mark Hammett
9 Leonard Harlson,
10 W. T. Norton.
11 James Harrington.
12 A. L. Matthews.
13 William Gibson.
14 Cyrus Boyd.
15 Lucius Walladay.
16 Louis Kreu (6)
17 John G. Robinson,
18 Peter Roy (6)
19 John Peterson.
20 H. P. Piper
21 Dan Doyle (6)
22 Albert Parker (6)
23 W. A. Collins
24 James M. Riley

Ele Bartholomew, Clk. D. C., T. C.

Venire for above Jurors
Issued Aug 3d 1869

Aug T. Otto Clk Co Ct
W. D. Scott J. P.

Monday Sept. 6th 1869. 1st Day of Term.
Court Met pursuant to adjournment Present and Presiding
the Hon David Sheeks, Judge of the 16th Judicial District of
Texas, Radcliffe Platt, Sheriff and E L Bard

Fall Term Monday September 6th 1869

The State of Texas } Be it remembered that on this 6th
Travis County } day of September A D 1869, the
same being the 1st Monday in September A D 1869, the
day appointed, by law, for that purpose, there was begun
and held at the Court house in the City of Austin, a
regular Term of the District Court of Travis County
* (who ups interchanged with Hon G G Thornton Judge of the 25 Dist)
When there was present the Honble David Sheeks, Judge
of the 16th Judicial District* Radcliffe Platt, Sheriff of
Travis County and E. C. Bartholomew, Clerk of the District
Court of Travis County,

And thereupon the Court ordered the names of the persons,
Summoned on the venire for the Grand Jury, to be called,
Which being done: the following persons were found to be
in attendance, viz: J M Mansfield, Wm T Patterson,
David Eppright, A G. Buddington, B C Bennett, D L
Crop, A H Cox, and Thomas Merred, and a sufficient
number not appearing, it ordered that Seven additional persons,
will qualified be Summoned, by the Sheriff, to complete the
panel of the Grand Jury, which being done the following
named persons were presented: James Philips, Washington
Hammet, B Shuman, John Dillingham, John Nickson,
John Buttry and Peter Bratton,

And thereupon the above named
persons Summoned on the regular venire, and from the
by-Standers as aforesaid, fifteen in number, were duly
tried by the Court, and examined as to their qualification
to Sit as Grand Jurors, and the said persons being found
duly qualified according to law, were Empannelled,
Sworn and tried as follows, towit:
James[1] Philips, Washington[2] Hammet, J. M.[3] Mansfield, Wm T
Patterson[4], B[5] Shuman, John[6] Dillingham, David[7] Eppright,
A G[8] Budington, B. C.[9] Bennett, D L[10] Crop, John[11] Nickson,
John[12] Buttry, A H[13] Cox, Peter[14] Bratton, Thomas[15] Merred.

And thereupon it is ordered that James
Philips be appointed foreman of the Grand Jury for this term
of the Court,

And thereupon the said Grand Jury, so elected,
tried, Sworn and found qualified, were duly Charged, as to
their duties, by the Court and ordered to retire upon a discharge
of the Same

And thereupon it is ordered that J L Nichols
be appointed Bailiff to the Grand Jury, who was duly sworn
and instructed as to his duties

And thereupon It is ordered that George Haynie
be appointed a Bailiff for this Term of Court, and he was sworn according

James A Littlepage, who was Summoned on the regular venire for Grand Jurymen, failing to appear and answer to his name, It is ordered by the Court that a fine of twenty Fife dollars be imposed upon him, and that Scire facias issue Commanding him to appear at the next Term of this Court and Show cause, if any he can, why the Judgment Ni Si herein rendered shall not be made final.

And Thereupon Caleb Cox failing to appear and answer to his name as a Grand Jurymen, It is ordered by the Court that a fine of Twenty five Dollars be imposed upon him and that Scire facias issue Commanding him to appear and Show cause, if any he can, why the Judgment ni si herein rendered Should not be made final,

William Pfluger, who was duly Summond as a petit Juror for this Term of Court, failing to appear and answer to his name, It is ordered by the Court a fine of Twenty Five Dollars be imposed upon him, for Such failure, and that Scire facias issue Commanding him to appear at the next Term of this Court, and Show cause, if any he can, Why the Judgment Ni Si herein rendered should not be made final

And Thereupon it is ordered by the Court that the Criminal Docket be Set for hearing and trial on Monday Morning of the third week of this Term,

And it is ordered that Court Stand adjourned until tomorrow morning at half Past 8 O'clock

Tuesday 7th September 1869.

Court met pursuant to adjournment, Present the Same as on yesterday,

No 187	Robert Mitchell vs Mc & J Burditt	Ordered that this cause be continued
1194	Mary A. Forrester vs J S Porter to file Substitutes as No 2548½	Plaintiff Suggests the loss of a portion of the papers in this Cause and it is ordered that She have leave thereof, and that this Cause docketed

Tuesday September 7th 1869

√ V 1528 — J S Thompson vs J Dyches Et al — This Cause is Continued by agreement of parties

√ V 1583 — Nancy Bray Et als vs A McCoy — This cause is Continued by agreement of parties

√ V 1613 — M R Cannon Et als vs Martha Smith Et als — This cause is continued on application of Defendants, minors,

√ V 1623 — 334 X — Williams R Baker vs Quilla J Nichols — Now comes the Plaintiff William R Baker and says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this Cause be dismissed and that the Defendant Quilla J Nichols do have and recover from said Plaintiff Wm R Baker all costs in this behalf incurred, for which execution may issue,

√ √ 1667 — John Edgar Plaintiff vs Quilla J Nichols, William R Baker & John Hendrickson Defendants — Now comes the plaintiff in this Cause and dismisses his Suit as to the Defendants William R Baker and John Hendrickson, and asks for Judgment by Default against the Defendant Quilla J Nichols, and it appearing that said Defendant has been duly and legally served with process herein and has failed to appear, and wholly makes default, It is therefore ordered by the Court that the plaintiff have and recover of said Defendant Nichols, his damages by him sustained by reason of the premises, and because these damages are unknown it is ordered that a Jury Come to assess the same:

√ √ 1728 — P B Calhoun vs Geo Hancock Et al — This Cause is continued by agreement of parties,

√ V 1842 — X — M C Burdett, Plff vs G W Burdett & Jesse F Burdett admrs of N W Burdett Decd - Defts — Now Come the Defendants, by attorney and move the Court to dismiss this Cause for want of prosecution, and the Court being now fully advised, It is ordered that this Cause be

Tuesday Sept 7th 1869

be dismissed and that the said Defendants, do have and recover of and from the Plaintiff all costs in this behalf incurred, for which execution issue,

1913 — F J Barziza Admr. vs J. S. Holman } This cause is continued to make parties,

1958 — Susan L Ward vs Thos Wm Ward } This cause is continued on application of the Plaintiff,

1989 — Ellen Duval et al vs A M Davidson & E. P. Hill } John A. Costa Admr. of the Estate of Ellen Duval dec'd Enters his appearance as plaintiff herein and the cause is continued by agreement of parties

2013 — E Henry et al vs A M Davidson } This cause is continued by agreement of parties

1993 — Joseph Bledsoe, Admr of the Est. of A B Wanton dec'd. Plaintiff vs P W Humphreys & Jane W Humphreys, Defts John W Griffin et al, Intervenors } Sept 7th 1869.

And now on this day appeared the parties to this cause by their attorneys and announced themselves ready for trial and it being agreed in open Court by said plaintiff and said intervenors that said intervenors are entitled to Three tenths of the money which may be collected on the note sued on in said Cause, as an adjustment of all issues raised by the pleadings between said plaintiff and intervenors, Whereupon came a jury of Twelve good and lawful men of Travis County Texas; John H Walker and Eleven others who being duly Elected Empannelled and Sworn, (and to whom was Submitted the issues between said Plaintiff and Defendants only after hearing the evidence & argument of Counsel retired under charge of the Court to Consider of their Verdict and returned into Court the following Verdict to wit; " We the Jury find for the plaintiff for principal and interest to date, Eighteen hundred and forty Six Dollars and Twenty Six Cents and that the note sued on was given for the purchase money of the real estate described in Plaintiffs

Tuesday Sept 7th 1869

Petition — J H Walker — foreman"

It is therefore ordered, adjudged and decreed by the Court that the plaintiff Joseph Bledsoe, as administrator of the Estate of W. B. Stanton dec'd, do have and recover of and from the Defendants P W Humphreys and Jane W Humphreys the Sum of One Thousand Eight hundred and forty Six and 26/100 Dollars as principal and interest to date, with ten per cent interest per annum thereon from this date until paid, together with all the costs in this cause expended.

And it appearing to the Court from the verdict of the Jury that the note Sued on in this Cause was given for the purchase money of Ten Twelfths of Lots one and two in Block Number Eighty in the City of Austin in Travis County Texas, and that defendants had executed a mortgage to said parts of Lots to Secure the payment of said note, It is therefore ordered, adjudged and decreed by the Court that the mortgage and lien Set up by said plaintiff in his petition be foreclosed and that by order do issue by the Clerk of this Court directed to the Sheriff of Travis County requiring said Sheriff to sell said ten twelfths of Lots Nos one and Two in Block Number Eighty in the City of Austin in said County of Travis as under Execution and that the proceeds of said Sale be applied as follows to wit: first to the payment of the costs of this Suit and expenses of said Sale, and Secondly to the payment of this Judgment, and the balance, if any, to be paid over to said Defendants: and Should said real Estate not Sell for a Sufficient amount to Satisfy this Judgment then execution Shall ipsue against said Defendants for the unpaid balance. It is further ordered and adjudged by the Court that said intervenors John W Griffin, William J Griffin, Elizabeth Griffin, Mrs — Lum and Mrs — Robertson do have and recover of and from said plaintiff Joseph Bledsoe as such administrator three tenths of the money collected under this Judgment and the Sheriff Collecting the money under this Judgment is hereby directed to pay to said intervenors three tenths of the money So Collected and to pay to said plaintiff the remaining Seven Tenths So Collected.

It is ordered that Court now adjourn until half past 8 O'clock tomorrow Morning

Wednesday Morning Sept 8th 1869.

Court met pursuant to adjournment, present the same as on yesterday

2035 Josephus M Steiner, Plff. } Sept 8th 1869.
vs }
W W McLaughlin, Deft. }

And now on this day came the Plaintiff by his attorney and the defendant at a former Term having answered Plaintiffs petition and thereby entered his appearance and thereupon came a Jury of good and lawful men, towit: John H Walker, Foreman, and Eleven others which Constituted Jury No One, already duly Sworn, and the pleadings and Evidence having been duly read and heard, thereupon the said Jury, under charge of the Court retire to Consider of their Verdict and returned the same into Court as follows, towit: "We the Jury find for the plaintiff in Case 2035 the Sum of Five hundred and ninety 22/100 dollars, John H Walker foreman"

It is therefore Considered by the Court and it is hereby ordered adjudged and decreed that the said plaintiff J. M. Steiner have and recover of the said Defendant W W McLaughlin the said Sum of Five hundred and ninety 22/100 Dollars by the Jury aforesaid assessed, together with all Costs in this behalf incurred and that Execution issue

It is ordered by the Court that the judgment nisi heretofore rendered against Caleb Cox for his failure to appear as a juryman, be set aside, the said Cox having presented lawful reasons for such failure,

2164 James Riley } This Cause is Continued
vs } to make parties
James Webb & J S Holman }

2155 J H Browning }
vs }
Barthalf Manufacturing Co. } This Cause is Continued

2169 O Hodgecoke }
vs }
R H Simmons } This Cause is continued for
Mary E Simmons } Service
W J Johnson }

Wednesday 8th September 1869.

✓ 2176
334 X
✓

W D Scott, Plaintiff
vs
Washington Tams, Defendant

This day came the plaintiff by attorney and the Defendant not appearing, It is ordered by the Court that the Certiorari herein be dismissed and that the Plaintiff W D Scott have and recover of and from the Defendant Washington Tams and his Sureties on certiorari Bond, P De Cordova and J. M. Steiner, all costs in this behalf incurred for which execution may issue,

✓ 2181
X
✓
334

Ellen Duvall, Plaintiff
vs
J Mc Bennett, Thomas Adams & George W Davis, Defendants

Now on this day comes John B Costa, admr of the Estate of Ellen Duval decd, and makes himself a party, plaintiff, to this suit, and thereupon come the parties by their attorneys and announce themselves ready for trial, and waive a Jury and submit this cause to the decision of the Court, and the Court having heard the pleadings and proofs, and being now fully advised it is ordered adjudged and decreed that the said plaintiff John B Costa, as administrator of the Estate of Ellen Duval deceased, do have and recover of and from the said Defendants, J Mc Bennett, Thomas Adams and George W Davis the Sum of Two hundred and ninety Six Dollars, the balance due on the note sued on principal and interest up to this date, together with interest thereon at the rate of Ten per Cent per annum until paid, and all costs in this behalf incurred, and that execution issue.

✓ V 2183

Ellen Duval
vs
Dyer & Swenson

This cause is continued

✓ ✓ 2218

W Tams
vs
Johnson & Burleson

This cause is continued to make parties

✓ ✓ 2228

Alfred Ten Eyke
vs
Henry Hamilton

This cause is continued by agreement of parties,

Wednesday Sept 8th 1869

V 2229	A B McGill vs Henry & Hamilton	Continued by agreement of parties
V 2263	Aaron Baley v Mark Grigsby	Continued
V 2265	Caroline Gatewell vs J Fisk	Continued
V 2267	William Rust vs Willis Fawcett	Continued
V 2273	J J Myers vs Geo W White et al	Continued by agreement of parties
V 2342 X 336	J D McGary vs A C Hill and W H Hill	This day came the parties by their attorneys J D McGary by Chandler & Carleton and A C Hill and W H Hill by Bowers, Walker & Cullen, and thereupon came a jury of good and lawful men, towit; J H Walker and eleven others, who after being duly empannelled tried and sworn well and truly to try the issues joined between the parties, after hearing the evidence argument of Counsel and Charge of the Court returned the following verdict " We the jury find for the plaintiff, One hundred and nine dollars and fourteen Cents, principal and interest, after deducting all payments J H Walker foreman" It is therefore ordered, adjudged and decreed by the Court that the said plaintiff do have and recover of and from the Defendants A C Hill and W H Hill the Sum of One hundred and nine dollars and fourteen Cents, with interest thereon at the rate of Twelve per Cent per annum, together with all his Costs in this behalf expended, for which Execution may issue.
2347	James H Murray vs John Hollander	In this case the death of the defendant being suggested, this Cause is Continued to make parties

Wednesday Sept 8th 1869

P S Williams' Admr. vs Philip Dobe et al — Continued for Service

2353

Elizabeth Bremond vs J B Hammitt — This day came the Plaintiff by her attorneys, Chandler & Carleton, and the Defendant although called came not but wholly made default whereupon came a jury of twelve good and lawful men, to wit James A Miller and Eleven others who after being duly tried, Empannelled and Sworn well and truly to try the issues involved in this case, after hearing the Evidence, the argument of Counsel and the charge of the Court return the following verdict "We the Jury find for the plaintiff in the Sum of Five hundred and forty & 37/100 dollars James A Miller foreman" It is therefore ordered, adjudged and decreed by the Court that the said plaintiff do have and recover of and from the Defendant J B Hammitt the Sum of Five Hundred and forty dollars and Thirty Seven cents ($540.37) with interest thereon at the rate of Ten per Cent per annum: Together with her Costs in this behalf expended, for which execution may issue

2360

336

Lewis Elgin vs E Vansbrough — This cause is continued by the Plaintiff

2364

A W Lemmons vs W W Bridgers et al — This cause is continued to make parties.

2366

Lewis Elgin vs Wm N Blanton — Continued by agreement

2368

R M Johnson vs R A Rutherford — Continued by agreement

2372

Thos F McKinney vs W N Lemmons et al — Continued for Service

2381

Wednesday Sept 8th 1869.

√ 2399 — L McSwerson vs R J Nichols — The Bankruptcy of the dft herein is suggested and the Cause is Continued

√ 2410 — Amos Morrill vs Wm Simpson — Continued

√ 2423 — F W Chandler vs John H Conner — In this Case the plaintiff has leave to amend his pleadings

Whereupon it is ordered that Court adjourn until half Past 8 O'clock tomorrow morning

Thursday September 9th 1869.
Court met pursuant to adjournment, present the same as on yesterday,

√ 2411 — A H Barnes vs Joseph Harwell — The presiding Judge, being one of Counsel in this Cause, No order is taken herein.

√ 2423 — F W Chandler vs John H Conner — This day Came the parties plaintiff and defendant by their attornies, the Plaintiff by Fred Carleton, and the Defendant by Thos E Creed and thereupon Came a Jury of good and lawful men to wit: John H Walker and Eleven others who after being empannelled, sworn, tried and sworn Well and truly to try the issues joined between the plaintiff and defendant, and after hearing the reading of the pleadings, the evidence the adgument of Counsel and Charge of the Court, after retiring to consider of their Verdict returned into Court the following verdict "We the Jury find for the plaintiff in Case 2423 (Twenty four hundred and Twenty three) on the following described notes, on two notes given by John H Conner to Baker & Smyth, principal and interest, Two hundred and five 33/100 Dollars ($205.33/100). On the note given by John H Conner to F W Chandler June 2nd 1862 the principal and interest the Sum of Two Thousand fifty one 83/100 Dollars, Said last note being a lein upon the real Estate described in the petition of the Plaintiff. John H Walker foreman"

Thursday September 9th 1869.

It is therefore ordered, adjudged and decreed by the court that the Plaintiff F. W. Chandler do have and recover of and from the Defendant John M Conner the Sum of Two Thousand Two hundred and fifty Seven Dollars and Sixteen Cents for the amount of his principal debt and interest, with interest thereon from this date at the rate of ten per Cent per annum together with all his costs in this behalf expended for which execution may issue. It is further Considered by the Court that the vendors lien of the said Plaintiff upon the tracts of land Situated in the City of Austin in the County of Travis, described on the Map or plat of said City as lots number one and four, in division "A", each containing Ten acres, Lot number Seven in Block forty three; Lot Three in Block Thirty five and Lot number Eight in Block Number Sixty Two, in the said City of Austin, be and the same is hereby foreclosed in Satisfaction of the aforesaid Sums of Two Thousand and fifty one Dollars and Eighty three Cents and that the Clerk of this Court do issue an order of Sale directed to the Sheriff of Travis County, Commanding him, the said Sheriff, to seize and Sell the above described tracts of land, as under execution, and that he apply the proceeds thereof to the payment and Satisfaction of the said Sum of Two Thousand fifty one and 83/100 Dollars together with all interest that may be due thereon, and all costs of this Suit and if the said land Shall Sell for more than Sufficient to pay and Satisfy said Sums of money, then the Sheriff is directed to pay over such excess to the Defendant, but if the said tracts of land Shall not Sell for enough to pay off and Satisfy the amount due as said then the Clerk of this Court is directed to issue execution for the balance remaining unpaid. It is further ordered, adjudged and decreed by the Court that execution do issue at any time for the Sum of money answered by the lien, to-wit the Sum of Two hundred, five & 33/100 Dollars and interest thereon from date at the rate of Ten per Cent per annum and for all costs of this Suit.

1 2128

336/X

Wm A Blair Plaintiff
vs
Martin Casner and
F W Chandler, Defendants

Now on this day come the parties by their attorneys and announce themselves ready for trial, and waive a jury and submit this cause to the decision of the Court upon the

Thursday September 9th 1869.

pleadings and proofs, and the Court having heard the Evidence and argument of Counsel, and being now fully advised it is ordered, adjudged and decreed, that the said Plaintiff, Wm A Blair, do have and recover of and from the said Defendants, Martin Casner and T W Chandler the Sum of Five Hundred and Thirty one dollars, the amount of principal, and interest to date, of note Sued, together with all Costs in this behalf incurred, and that execution issue -

V
2431

William A Blair
vs
W M Price,
Ben Lyman and
T W Chandler

Now on this day come the parties, by their attorneys and announce themselves ready for trial, and waive a jury and Submit this cause to the decision of the Court upon the pleadings and proofs, and the Court having heard the Same and being now fully advised, it is ordered, adjudged and decreed that the Plaintiff, William A Blair, do have and recover of and from the Defendants Ben Lyman W. M. Price and T W Chandler the Sum of Two Hundred and Forty Three Dollars and Sixteen Cents ($243.16) the amount of principal, and interest to date, of the note Sued on, together with all Costs in this behalf incurred, and that execution issue

336 X

V
2437

S M Swenson
vs
Jno S Ford

continued by Consent

V
2441

F G Ake
vs
Nat Moore

On this day (Sept 9th 1869) This cause being regularly reached on the docket, and the plaintiff comes by his attorney, and the defendant having been duly served with citation herein, comes not, and thereupon comes a Jury, towit: J A Miller and Eleven others, duly empannelled and who after hearing the pleadings, Evidence and Charge of the Court return into Court their verdict as follows: "We the Jury find for the plaintiff in the Sum of Nine hundred and Fifty one Dollars and forty nine cents ($951.49) J. A. Miller, Foreman". It is therefore considered by the Court that the said F G Ake, plaintiff, do have and recover of the Defendant Nat Moore the Sum of Nine hundred and fifty one & 49/100 Dollars and all costs herein expended, for all of which execution may issue.

V
338 X

Thursday September 9th 1869.

V

2447

X

338

N G Shelly
vs
John McRapp and
Ben Thompson

Now comes the plaintiff by attorney and dismisses his Suit as to the Defendant, John McRapp, who has not been served with Proces herein, and asks for Judgment final by default against the Defendant Ben Thompson and it appearing to the Court that the said Defendant Thompson, has been duly served with proces, but failed to appear, and answer, and that the Plaintiffs demand is liquidated and proven by an instrument in writing, it is ordered that Clerk of this Court apess the plaintiffs damages, and the Clerk having apessed the Same at the Sum of Six hundred and Eighty nine Dollars and Thirty Three cents ($689.33). It is therefore ordered and adjudged by the Court that the Plaintiff, N. G. Shelly, do have and recover of the Said Defendant Ben Thompson the said Sum of Six Hundred and Eighty nine 33/100 dollars by the Clerk, as aforesaid, apessed, together with all Costs in this behalf incurred and that Execution ijsue,

V

2448

X

338

Charles L Robards
vs
John McRapp and
Ben Thompson

Now comes the plaintiff in person and by attorney, and dismisses his Suit as to the Defendant, John McRapp, who has not been served with proces herein, and asks for judgment final by default against the Defendant Ben Thompson, and it appearing to the Court that Said Ben Thompson has been duly Served with proces herein but failed to appear and answer, and that the Plaintiffs demand is liquidated and proven by an instrument in writing, it is ordered that the Clerk of this Court apess the plaintiffs damages, and the Clerk having apessed the Same at the Sum of Six Hundred and Eighty nine Dollars and Thirty Three Cents, ($689.33), It is therefore ordered and adjudged by the Court that the Plaintiff, Charles L Robards, do have and recover of and from the Said Defendant, Ben Thompson, the Said Sum of Six hundred and Eighty 33/100 Dollars, by the aforesaid apessed, together with all Costs in this behalf expended, for which execution may ijsue

V

2459

E Buck & wife
vs
J J. Musgrove

Continued

Thursday September 9th 1869

2479 / 338

F W Chandler vs E. S. Berry — Now come the parties by their attorneys and announce themselves ready for trial, and waive a jury and submit this cause to the decision of the Court upon the pleadings and proofs, and the Court having heard and considered the same, and being now fully advised, it is thereupon ordered and decreed by the court that the Plaintiff, F W Chandler, do have and recover of and from the Defendant, E. S. Berry, the Sum of Three Hundred and Thirty One Dollars ($331.00) the aggregate amount of the principal, and interest to date of the several notes Sued on, together with all Costs in this behalf incurred, and that execution issue,

2485 / 344

J M Swenson vs H W Raglin — Now come the parties and announce themselves ready for trial, and thereupon came a Jury of good and lawful men, towit: J. H. Walker and Eleven others, who being duly empannelled, Sworn and Charged, well and truly to try the issue joined between the parties and a true verdict render, and who having heard the evidence & argument of Counsel and received the charge of the Court, Return the following Verdict: "We the Jury find for the Plaintiff, in Case No 2485, the Sum of One hundred and Ninety Three & 32/100 Dollars ($193 32/100)

J H Walker Foreman"

It is therefore ordered, adjudged and decreed by the Court that the Plaintiff, J M Swenson, do have and recover of and from the Defendant, E. S. Raglin, the Said Sum of One hundred and Ninety Three Dollars and Thirty Two Cents, by the Jury in their Verdict assessed, together with interest thereon at the rate of Ten per Cent per annum until paid, and all Costs in this behalf incurred, for all which Execution may issue

2489 / 311½

Geo S Turner vs David Litten, James Henderson & Jas Henderson admr of John Flint dec'd — On this day (Sept 9. 1869) This Cause Coming on to be heard, come the parties by their attorneys and the plaintiff dismisses his Suit as to Jas Henderson, admr of the Estate of John Flint, and the parties waive a a Jury and Submit the Cause to the Court, and

Thursday September 9th 1869.

the court overruled the Plff Demurrer to Defts answer and
and thereupon, it appearing to the Court that the Defendant David Litten has proven a payment of the Claim sued on and an excess of Fifty Eight 7 50/100 Dollars to Said Plaintiff, but that Such payment, $600.00, was made subsequent to the institution of this Suit, It is considered by the Court that the Plaintiff take nothing by his Suit as to the debt claimed, but that the recover of the Defendants his costs herein expended, and it is further Considered by the Court that the Defendant David Litten recover of the Plaintiff the Sum of Fifty Eight 7 5/100 Dollars for which execution may issue,

V
↓ 2491 — Watson Freeman vs E Perry and Wife — The Bankruptcy of the Defendants herein is suggested and the Cause is Continued

↓ 2501 — Bazil & Alf Luckett vs J B Perry — Continued by agreement

↓ ✓ 2505 — Goldfrank, Frank & Co vs R A Rutherford — Deft herein has leave to file an amended answer, and the Cause is Continued

✓ 2507 — Elijah Hansborough for use of John P Vdrser vs E Perry & Sarah W Perry, Defts — Plff — Now comes the Plaintiff, by attorney and Says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this Cause be dismissed and that the said Defendants recover of the Said Plaintiff, all costs in this behalf incurred, for which Execution may issue

3 4"

↓ 2516 — W A Morris vs Joseph Newsham — The Death of the Defendant herein is Suggested and the Cause is Continued

↓ 2519 — Sam Harris, admr of J Harris dec, Plff vs J McBlackwell, Amos Morrill and A McCook — Defendants — Fall Term 1869 Sept 9th —

3:40

And now at this day comes the Plff in the above named Cause, by his attorney, and announces himself ready for trial, and it appears that the above named Defendants have

Thursday September 9th 1869.

all been duly Served, and have been notified of the pendency of this suit and have filed no answer thereto but wholly made default, Therefore came a jury of Twelve good and lawful men towit: A C Miller and eleven others who being duly and legally empannelled and Sworn, having heard the evidence retired under charge of the Court and returned into Court the following Verdict, "We the Jury find for the plaintiff in the Sum of Five hundred and nine Dollars and Sixty cents (Signed) "A A Miller Foreman" Thereupon it is considered by the Court that the said Plaintiff Sam Harris adm., of the Estate of John Purvis dec'd, do have and recover of the said Defendants J M Blackwell, Amos Morrill and A A Cook the said Sum of Five hundred and Nine Dollars and Sixty Cents ($509.60) together with all the costs of this suit, for all which execution may issue

V

2521 X 342

M. L. Denman vs William Hollander — The Plaintiff herein failing to appear, either in person or by Counsel, It is ordered and adjudged by the Court that this Cause be dismissed for want of prosecution and that the Defendant, Wm Hollander, do have and recover of the Plaintiff, M L Denman, and his Securities on attachment Bond, Mark Simmons, C C Denman and F. V. Hunley, all costs, by him, in and about this suit incurred, for which execution may issue

2526 X 342

F W Moseman vs M W Townsend — The Bankruptcy of the Deft herein is suggested and the Cause is Continued

2533

David Dubler vs Ann E Parsons — By agreement of parties it is ordered that this Cause be dismissed the Costs having been paid by the Defendant,

1667 X 342

John Edgar vs Quilla J Nichols — Now comes the plaintiff by his attorney and moves the Court to set aside the Order heretofore made in this Case awarding a writ of inquiry, and asks for Judgment final by default against the Defendant Quilla J Nichols, and it appearing to the Court that the Plaintiff demand is liquidated and proven by an instrument in writing, it is ordered by the Court

Thursday September 9th 1869.

that said order be set aside and that the clerk of this Court assess the Plaintiffs damages, and the Clerk having assessed the same at the Sum of One Thousand Six Hundred and Seventy Six Dollars and fifty cents ($1676.50) It is therefore ordered and adjudged by the Court that the said Plaintiff John Edgar do have and recover of and from the said Defendant Quilla A Nichols the said Sum of One Thousand, Six hundred and Seventy Six & 50/100 Dollars, by the clerk as aforesaid assessed together with all costs in this behalf incurred, and that execution issue.

V 2707 — Tom Hill vs Emily Hill — Now comes the Plaintiff by attorney and says he will not further prosecute his Suit in this behalf. It is therefore ordered by the Court that this Cause be dismissed and that the Plaintiff Tom Hill pay all costs herein incurred, for which Execution may issue

344 X

2861 V — Hart & Walker vs Leander Brown — By agreement of parties in open Court, it is ordered that this Cause be dismissed and that the plaintiffs Recover of the Defendant Leander Brown all costs in this suit incured, for which execution may issue

V X

Ordered that Court adjourn until half past 8. O'Clock tomorrow morning.

Friday September 10th 1869. 8½ O'clk A.M. Court Met pursuant to adjournment, present the same as on yesterday.

Samuel Cooper, of Jury No 2, failing to appear and answer to his name, It is ordered by the Court that a fine of Five Dollars be assessed against him, unless he shall appear and show lawful Cause for his failure to appear, and answer to his name.

2528 V — Phillippena Bonnett vs Daniel Bonnett — Plaintiff / Defendant

342 X — On this the 9th day of September A D 1869. this Cause coming on to be heard, comes the plaintiff by attorney and announced herself ready for trial and, thereupon came a jury. Towit: J A Miller and Eleven others good

Friday September 10th 1869.

lawful Jurors of Travis County, who being duly elected, empannelled and Sworn, after hearing the allegations of the parties, the evidence argument of Counsel and Charge of the Court, retired to consider of their verdict and afterwards returned into Court the following verdict to wit: "We the Jury find that the material allegations in Plaintiffs Petition are true (Signed) J A Miller foreman." And the Evidence being Satisfactory to the Court It is therefore Considered, ordered, adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff Phillipsena Bonnet and the Defendant Daniel Bonnet be and the Same are hereby dissolved: It is further ordered that the Defendant ~~Defendant~~ Daniel Bonnet pay all Costs of Suit, for which execution may issue,

2530 — Geo Hancock vs A M Cook — On this day comes the plaintiff, herein, and Says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this cause be dismissed and that the Defendant A. M. Cook recover of and from the plaintiff Geo Hancock, all costs in this behalf incurred and that execution issue.

2531 — B M Odom vs Geo W Glasscock — On this day comes the plaintiff herein and Says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this Cause be dismissed and that the Defendant Geo W Glasscock, do have and recover of and from the Plaintiff B. M. Odom, all costs in this behalf incurred and that execution issue,

2532 — W Burdon vs Geo W Glasscock — Continued to make parties

2539 — C B Maynard Plaintiff vs Mary E Mitchell & E. J. M Mitchell Defendants — On this Came the plaintiff herein and Says he will not further prosecute his Suit in this behalf, Wherefore it is ordered that this Cause be dismissed and that said Defendants recover of said plaintiff, all costs on this behalf incurred, for which execution may issue,

Friday 10th September A D 1869

√V 2543	Ann Hampton vs Frank Burlage et al	In this cause both parties have leave to amend and the cause is continued
√V 2545	W. C. Battle vs J. J. Musgrove	The Bankruptcy of the Defendant herein is suggested and the Cause is continued
" √V 2549	E. B. Nichols vs W. P. Rutledge	This cause is continued with leave to Plaintiff to supply lost papers
√ 2548½ or 1194 X √	Mary Ann Forrester Plaintiff vs John T Porter, Defendant and Sarah Grainger & husband Joseph Grainger Intervenors	On this day (10th Sept 1869) comes the Plff by Attorney and the motion of Plff to substitute the Demurrer & answer of the Deft, alleged to be lost, was allowed, and the substituted answer and demurrer filed, and thereupon the Plaintiff Mary Ann Forrester and the intervenors Sarah Grainger and her husband Joseph Grainger announce themselves ready for trial & thereupon comes a jury to wit, J A Miller & Eleven others, duly empannelled and Sworn who after hearing the pleadings, evidence and Charge of the Court, after deliberation return into Court their verdict as follows. "We the jury find for the Plaintiff Mary Ann Forrester, and the Intervenors Joseph & Sarah Grainger, one half of the land described in plaintiffs pleadings; to wit: One half of the League & Labor of land patented to John T Porter Asignee of James Forrester. J A Miller foreman" It is therefore Considered, ordered, adjudged and decreed by the Court that the Plaintiff, Mary Ann Forrester, and Sarah Grainger do have and recover of the said Defendant the one undivided half of the League and Labor of land patented to the defendant John Porter, asignee of James Forrester on Oct 12th 1854 Said two tracts being described as follows: Nine $\frac{806058}{1000000}$ Labors on Pompey's Creek a northern tributary of Pecan and about Twelve miles north of the mouth of Said Bayou: by virtue of duplicate Certificate No $\frac{2436}{2537}$ issued to John T Porter as assignee of James Forrester by the Commissioner of the General Land Office on the 12th day of May 1852. This Survey is known as No 295 Beginning at a Stake on the West line of Survey No 95 176 varas from its N W Corner, from which a Spanish Oak bears S 51½° E 24 varas and another bears S 63° W 33 varas. Thence North with the W lines of No 95

Friday Sept 10th 1869

+

199 at 260 varas Pompeyo Creek 2210 to the Phantom Hill Road 3048 varas to a Stake from which a live Oak beans N 84½° E 41½ varas. (and another beans N 13° E 63 varas.) Thence West 3217 varas to a Stake and mound the N E Corner of Survey N° 125. Thence South the East line of Said Survey 3048 Varas to a Stake on Said line. Thence East at 3200 varas Pompeyo Creek 3217 varas to the Place of Beginning, Bearings marked X.

Sixteen $\frac{193.942}{1000.0000}$ Labors on Blanket Creek a northern Tributary of Pecan Bayou and about 21 miles North of the mouth of Said Bayou: by virtue of Duplicate Certificate N° $\frac{2436}{2537}$ issued to John T Porter as assignee of James Forrester on the 12th day of May 1852. This Survey is known as N° 316 Beginning at the N E Corner of Survey N° 313 and the N W Corner of N° 314 a Stake from which a live oak bears N 69½° E 77 vas. another bears N 70° E 76 varas. Thence North with Survey N° 315 at 5140 varas a Spring branch 5223 varas to a Stake from which a Black Jack bears S 75° E 47 varas and a post oak beans N 70° E 43 vars. Thence West 3100 varas to a Stake and mound. Thence South 5222 varas to the N W Corner of N° 313 a Stake from which a post Oak beans S 86° E 10 varas and another bears N 74½° E 15 varas. Thence East at 200 varas the West Bank of Blanket Creek at 800 varas a branch at 2850 varas another Branch, at 3100 varas the place of beginning. Bearings Marked X.

And that all right, title interest and Claim of the Said Defendant be and to the Said one half of said two tracts of land be and the Same is hereby divested out of Said John T Porter and vested in the Said Mary Ann Forrester and Sarah Grainger and that this Decree be a monument of title to Said Plff. and intervenors as against the Defendant.

And it is further ordered that the Plaintiff and intervenors recover of the Defendant all their Costs of Suit herein expended for which execution may issue, And it is also further ordered that a writ of possession do issue for Said land so recovered, as against the Defendant

H L Nelson
vs
A J Berry

2552

Continued by agreement

Friday Sept 11th 1869

V 2553	R S Sanders vs J J Harris	Continued
V 2161	The State of Texas vs Duncan	Continued for Service
V 2581	Risher & Hall vs Boulds, Baker et al	Continued for Service
V 2583	The State of Texas vs Thomas Bowles et al	Continued for Service
2585	The State of Texas vs John M Conners et al	On motion of the District attorney It is ordered that this cause be Stricken from the Docket
V 2587	I Mc Blackwell vs The City of Austin	This cause is Continued by agreement of parties
2592.	Lucius P Houston Plff vs Marshall K Miller & S M Swenson 3 Defts	On this day comes the plaintiff by his attorney and asks for judgment by default against the said Defendants, and it appearing that the said Defendants have both been duly and legally served with process herein but have failed to appear, and answer and have wholly made default, therefore the plaintiff ought to recover his damages by him sustained by reason of the premises, and because these damages are unknown it ordered by the Court that a writ of inquiry be awarded.
2594	M M Timon vs J R Billingsley et al	Continued
V 2595	Amos Morrill vs Houston & Cook	Continued for Service on Houston

Friday September 10th 1869.

2596 Amos Morrill vs McGuire & Cook — Continued for Service on McGuire.

2597 S M Swenson Plaintiff vs J Davis Jr. Defendant — On this the 10th day of September 1869. This cause coming on to be heard came the parties by their attorneys and announce themselves ready for trial, and thereupon came on to be heard the Defendants exceptions to the Plaintiff Petition, which having been duly considered by the Court, it is ordered that said exceptions be overruled, and thereupon the parties by agreement in open Court submit this cause to the Court without the intervention of the Jury, and the Court thereupon proceeded to hear the allegations of the parties the Evidence and the argument of Counsel, and after due deliberation it is considered and ordered by the Court that the Plaintiff S. M. Swenson do have and recover of and from the Defendant J Davis Jr the Sum of Four Hundred and Sixteen 68/100 Dollars, together with all costs in this behalf laid out and expended for all which execution may issue, And thereupon the Defendant, by attorney, gave notice in open Court of appeal to the Supreme Court.

354

2598 Amos Morrill vs Mary J Moore & A H Cook — Continued for Service on Mary J Moore

2599 Amos Morrill vs Wood & Cook — Continued for Service on Wood

2605 L Eilers vs Isaac Salonick Et al — Continued by agreement

1121 G W Cartwright vs J D Porter — Continued

1583 Nancy Bray Et al vs A H Cox — Continued by agreement

Friday Sept 10th 1869.

√ V 2263 — Aaron Baley vs Mark Grigsby — continued

√ V 2265 — Caroline Fretwell vs J Fick — continued

√ V 2391 — J M Swenson vs Chas McKinney — Cont'd

2517 — C V 354 — C H Fox vs C L Robards Etgl — On this day came the parties by their attorneys, and thereupon came on to be heard the Plaintiff's motion to dismiss the certiorari herein and the Court having heard and considered the same it is ordered that said motion be overruled, and thereupon came a Jury of Twelve good and lawful men, to wit J H Walker + Eleven others who being duly elected, empannelled, tried and Sworn well and truly to try the issue joined between the parties, and who after hearing the evidence, argument of Counsel and the charge of the Court returned into Court the following verdict: " We the jury find for the defendant J H Walker Foreman"

It is therefore ordered and adjudged by the Court that the said Plaintiff take nothing by his Suit in this behalf and that the said Defendant C L Robards recover of and from said Plaintiff C H Fox all costs in this behalf incurred, for which execution may issue.

2818 — The State of Texas vs J G Logan, Shff Robertson Co — Process ordered to Robertson County + Cause continued for service

2819 — The State of Texas vs Fred Williamson Shff Burnett Co — Process ordered to Burnett County and Cause continued for Service

2825 — The State of Texas vs Lewis Elgin et al — Process ordered to Bell county and the cause continued for Service

Friday September 10th 1869

2829 The State of Texas vs Wm Thompson, Principal / Ben Thompson / W R Baker } Securities } Defts — Plff

And now comes the District Attorney who prosecutes for the State in this behalf, and desimises this Suit as to the Defendant Ben Thompson, not served with process, and asks for Judgment final by default against W R Baker and because it appears to the Court that on the 11th day of September A D 1868 Judgment Nil Si was rendered against the Defendants herein for the Sum of Two hundred Dollars on a forfeited appearance Bond dated 21st December 1867. payable unto the State of Texas, in cause No 1624 of The State of Texas vs Wm Thompson charged with playing at a game with cards in a house commonly used for gaming, and that the said W R Baker has been duly Served with Scire Facias to appear and Show cause why the said Defendant did not appear, which he has failed to do. It is therefore ordered by the Court that the said Judgment Nil Si be made final as to said Wm R Baker and Wm Thompson and that The State of Texas do have and recover of said Wm Thompson and Wm R Baker the said Sum of Two hundred Dollars and all costs of this proceeding, for which execution may issue

2834 The State of Texas vs James P Major et als

And now come the District Attorney who prosecutes for the State in this behalf and asks for a Judgment final by default: and because it appears to the Court that on the 24th of Sept 1868 Judgment Nil Si was rendered against the Defendants herein for the Sum of One hundred Dollars on a forfeited appearance Bond dated 22d april 1868 payable unto the State of Texas, in case No 1883 of The State of Texas vs James P Major charged with Betting at a gaming table Kept for the purpose of playing pool and that the Sureties Geo W Sampson, W P De Normandie & Joseph Walker have been duly Served with Scire facias to appear and Show Cause why the said Defendant did not appear, which they have failed to do, It is therefore ordered by the Court that the said Judgment Nil Si be made final and that the State of Texas do have and recover of and from the Defendants James P Major, Geo W Sampson, W P De Normandie and Joseph Walker the said Sum of one hundred Dollars, and all costs of this proceeding for which execution may issue,

Friday Sept 10th 1869

2835 The State of Texas vs John Lynch et als — And now comes the District attorney who prosecutes for the State in this behalf and asks for a Judgment final by Default: and because it appears to the Court that on the 17th of Sept 1868, Judgment Nisi was rendered against the defendant herein for the Sum of Five hundred Dollars on a forfeited appearance Bond, dated 20th day of January 1868 payable unto the State of Texas in cause No 1837 of the State of Texas vs John Lynch charged with an assault to Kill and murder, and that the Sureties D J Ake, T J Ake and J B Perry, have been duly Served with Scire facias to appear and Show cause why the said Defendant did not appear, which they have failed to do. It is therefore ordered by the Court that the said Judgment Nisi be made final and that The State of Texas do have and recover of and from the Defendants John Lynch, D J Ake, T J Ake and J B Perry the said Sum of Five hundred Dollars, and all costs of this proceeding for which execution may issue,

2837 The State of Texas vs Brazos Branch R R Co — Continued for Service

2869 The State of Texas vs Blount Et als — Continued for Service

2870 The State of Texas vs G R Reves Et al — Continued for Service

2871 The State of Texas vs Thomas McGuire — Continued for Service

2872 The State of Texas vs Robt Brown Et al — On Motion of the District attorney the Judgment Nisi rendered against the Sureties Nat Moore, Ward Hammitt Thos W Moore and J N Moore, is hereby Set aside and the Cause is dismissed as to Said Sureties. And it is ordered that Said Judgment Nisi rendered on the 15th March 1869 against Said Defendants for the Sum of Three Thousand Dollars, on forfeited Bond of the Deft Robt Brown, be made final by default as to Said Robt Brown, and that the State of Texas do have and recover of and from Said Defendant Robert Brown, the Sum of Three Thousand Dollars and

Friday Sept 10th 1869

and all costs in this behalf incurred and that execution
ipsue therefor

2873 — The State of Texas vs C A Wooldridge et al — Now comes the District attorney who prosecutes for the State in this behalf: and asks for judgment final by default: and because it appears to the Court, on the 9th day of April 1869 Judgment Nisi was rendered against the Defendants herein for the Sum of Two hundred Dollars on a forfeited Bail Bond dated 27th March 1869 payable unto the State of Texas in Cause No 1884 of The State of Texas vs Charles Wooldridge charged with Betting at a gaming Table, exhibited for the purpose of gaming and that the Sheriffs Allen Musgrove and P D Hopkins have been duly Served, to appear and Show cause why the Said Defendant did not appear: which they have failed to do: It is therefore ordered by the Court that the Said judgment Nisi be made final and that the State of Texas do have and recover of and from the Defendants C A Wooldridge Allen Musgrove and P. D. Hopkins the Said Sum of Two hundred Dollars, and all costs of this proceeding for which execution may ipsue,

2874 — The State of Texas vs C. C. Clark, Henry Harris and William Perkins alias Scire facias ordered To Bell County and the cause is continued for Service on Said Harris — On motion of the District attorney the Service on the Defendant Harris is quashed,

2875 — The State of Texas vs Wm Perkins, R J Hooker & Henry Harris to Bell County and the Cause Harris, — On motion of the District Attorney the Service on the Defendant Harris is quashed alias Scirefacias is ordered Continued for Service on

2877 — The State of Texas vs C C Clark, Wm Perkins and Henry Harris is ordered to Bell County for Service on Harris — On This motion ~~of the District~~ of the District attorney the Service on the Deft Harris therein is quashed, alias Scire facias and the cause is Continued

Friday Sept 10th 1869.

2878 The State of Texas vs Wm Perkins, R J Hooker and Henry Harris — On motion of the District attorney the Service against the Defendant Harris is quashed, alias Scire facias is ordered to Bell County and the cause is continued for Service,

2879 The State of Texas vs C W Bryant, Principal, Ralph Long & C W Whitmore } Sureties — Now comes the District attorney, prosecuting for the State, and dismisses as to the Defendant Long, and asks for Judgment Final by default as to Defendants Bryant and Whitmore; and because it appears to the Court that on the 12th of April 1869 Judgment Nisi was ordered against the Defendants herein for the Sum of Seven hundred and Fifty Dollars on forfeited Bail Bond dated 30th of January 1869, Payable into the State of Texas in case No 1941 of The State of Texas vs C W Bryant, charged with an Assault with intent to Commit the Crime of Rape, and that the said C W Whitmore has been duly Served with Scire facias to appear and Show cause why the said Defendant did not appear, which he has failed to do: It is therefore ordered that the said Judgment Nisi be made final as to the Defendants C W Bryant and C W Whitmore and that The State of Texas do have and recover of and from said Defendants Bryant and Whitmore the said Sum of Seven hundred and fifty dollars, and all Costs of this proceeding, for which execution may issue.

2880 The State of Texas vs R M Burrier Et al — Alias Scire facias ordered to Bastrop County and Continued

2881 The State of Texas vs R M Burrier Et al — Alias Scire facias ordered to Bastrop County and Continued

2882 The State of Texas vs R M Burrier Et al — Alias Scire facias ordered to Bastrop County and Continued

2883 Henderson Hardy Admr &c vs C S West Exr &c Et al — Continued by agreement

Friday September 10th 1869.

2890 George. R. Freeman vs William. R. Baker — Now comes the plaintiff in his own proper person and asks the Court for Judgment final by Default against the Defendant, and it appearing to the Court that said Defendant has been duly and legally served with process herein but failed to appear and answer; and that the plaintiffs demand is liquidated, and is proven by an instrument in writing, called a promissory note, executed by the defendant to the plaintiff Jany 1st 1869 for One Thousand nine hundred and fifteen dollars to draw interest at the rate of 10 per cent until paid. It is therefore ordered adjudged and decreed by the Court that the Plaintiff George R Freeman do have and recover of and from the Defendant William R Baker the Sum of Two Thousand and Forty Seven dollars and Ninety Eight cents ($2047.98) the amount of principal, and interest up to date, of note sued on, together with interest thereon at the rate of Ten per cent per annum until paid, and all costs in this behalf incurred, for all which execution may issue,

2891 Abraham Lockett vs Richard Warren — Leave to answer is extended to the tenth of this day from day by agreement of Plff

2893 Fred Carleton, President &c vs Walter Custard — Thos E Sneed is hereby appointed guardian ad litem for the Minor Defendant

2896 Catharine Carroll vs John C Carroll — Continued for Service

2904 J. F. Oatman vs M. E. Oatman — T. B. Wheeler Esq. is hereby appointed to the defence herein,

Ordered That Court adjourn until tomorrow morning at half past 8 O'Clock,

Saturday September 11th 1869.

Court met pursuant to adjournment present as on yesterday the Hon. David Sheeks, Judge, R. Platt Sheriff and E C Bartholomew Clerk,

Saturday September 11th 1869

2607 / 3118 X

D. F. Waddle
vs
W P De Normandie

Now comes the Plaintiff by attorney and suggests the Bankruptcy of the Defendant herein, and Says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this Cause be dismissed and that the Plaintiff Pay all costs in this behalf incurred, for which execution may ipsue,

2616 / 3118 X

Geo W Sampson
vs
Q. J. Nichols &
N W Nichols

Now comes the Plaintiff by attorney and Says he will not further prosecute his Suit in this behalf. It is therefore ordered and adjudged by the Court that this Cause be dismissed, and that the Said plaintiff Geo W Sampson pay all costs in this behalf incurred for which execution may ipsue

2618

Thos W Ward
vs
W P De Normandie

The Bankruptcy of the Defendant is Suggested and the Cause is Continued

2619 / 3118 X

Hancock & West Plffs
vs
John B Reid Deft

Sept 11th 1869
Fall Term 1869
And now at this day Come the Plffs. John Hancock and C. D. West, in the above Cause by their attorney and announce themselves ready for trial and it appears to the Court that the Said John B Reid has been duly Served and has failed to appear: and it further appears that the Suit is brought on a promissory note and the Same appears to be due, and the amount due being ascertained by the Clerk and found to be the Sum of One hundred and ninety four Dollars in Specie; It is therefore Considered by the Court that the Said Plaintiffs do have and recover of the Said Defendant the Said Sum of One hundred and Ninety four Dollars in Coin, with interest on the Same from this date at 8 pr Cent per annum, and all Costs of Suit, and that Execution do ipsue for the Same payable in Coin as to the debt

2620 / 348 X

Hancock and West Plffs
vs
Drew Hasley Deft

In Dist Court Fall Term 1869.
And now at this day Come the plaintiffs and Defendant by their attorneys, and announce themselves ready for trial, and a jury being waived the Cause was Submitted to the Court, and the Court having heard the Evidence, It is Considered, ordered and

Saturday September 11th 1869.

and adjudged by the Court that the said Plaintiffs, John Hancock and C S West do have and recover of and from the said Defendant Drew Hasley the Sum of One hundred and Twenty four 75/100 Dollars in Coin, ($124.75 Coin) together with all the Costs of this Suit, for all which execution may issue, payable in Coin as to the Debt

Hancock & West vs A F Smith — Now come the Plaintiffs in the above Cause, and Say they will not further prosecute their Suit in this behalf, It is therefore ordered by the Court that this Cause be dismissed and that the said plaintiffs John Hancock and C S West pay all costs in this behalf incurred, for which execution may issue,

2621

Hancock & West Plffs vs Ed. F. Reed Deft — Sept 11 1869. And now on this day come the parties, plaintiffs and Defendant, and announce themselves ready for trial, and waiving a Jury Submit the matters to the Court, and thereupon, It is Considered by the Court that the Plaintiffs John Hancock and C. S. West, do have and recover of and from the Defendant, Ed. F. Reed the Sum of One hundred and Twenty four 75/100 Dollars, in Coin ($124.75 Coin) together with all the Costs of this Suit, for which execution may issue, payable in Coin as to the Debt.

2622

350

Hancock & West vs John McAulay — Sept 11 1869. And now on this day come the parties, plaintiffs and Defendant, and announce themselves ready for trial, and waiving a Jury Submit the matter to the Court upon the pleadings & proofs and the Court having Considered the Same, It is ordered by the Court that the said Plaintiffs John Hancock and C. S. West do have and recover of and from the Defendant John McAulay the Sum of One hundred and Twenty four 75/100 Dollars in Coin, ($124.75 Coin) and all the Costs of this Suit for which execution may issue, payable in Coin, for the said Debt

2623

Caroline Wahrenberger vs C & R Stenssy — On motion of Plaintiffs Attorney this Cause is dismissed at the Cost of the Defendants, and it is ordered by the Court that said Defendants C Stenssy and R Stenssy pay all costs in this behalf incurred for which execution may issue,

2626

Saturday September 11th 1869.

2629

Harry Swift & Co
vs
I L Buaas et al

Continued

2633

Henry Shearer Exd
Nat M Watrous admrs
of Daniel E Watrous decd
vs
Thomas F McKinney

And now on this day come the parties by their attorneys, and by agreement of said parties a jury is waived and the cause submitted to the decision of the Court and it appearing to the Court that the cause of action is ~~founded~~ on a ~~written~~ obligation which gives to the Court sufficient Evidence of the indebtedness of the said Defendant to the said Plaintiff in the Sum of Five hundred dollars in Specie with interest thereon at the rate of Eight per Cent per annum from the 20 day of November 1865 Total principal and interest to this date $654.50/100. It is therefore considered by the Court that the said Henry Shearer and Nat M Watrous, as administrators of the Estate of Daniel E Watrous deceased, do have and recover of and from the said Thomas F McKinney the Sum of Six hundred and fifty four 50/100 Dollars, in Specie, for their principal and interest due on said instrument, up to this date. Together with all Costs in this behalf laid out and expended for which execution may issue,

2636

F Stenssy
vs
J M Walker

Now comes the plaintiff in the above cause by attorney and says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this Cause be dismissed and that the said Plaintiff F Stenssy pay all costs in this behalf incurred, for which execution may issue,

2638

George W Paschal, Plaintiff
vs
A.H. Cook, J. Harrell and R.M. Johnson Defendants

And now on this day come the parties by their attorneys and by agreement they waive a Jury and Submit this Cause to the Court, and it appearing to the Court that the action in this case is founded on a promissory note executed by the said Defendants, and the Court finds the Sum of Three Hundred and Seventy nine dollars and fifty Cents for the principal, and interest due on said note, up to this date, and the Court also finds from the admission of the parties that the said Harrell and Johnson are only Securities for said Defendant Cook on said note. The premises considered and by the Court fully understood, It is therefore Considered by the Court that the said Plaintiff

Saturday September 11th 1869.

have and recover of and from the said Defendant A H Cook as principal and the said J Harrell and R M Johnson as Sureties the said Sum of Three hundred and Seventy nine Dollars and fifty Cents ($379.50) for the principal and interest so found to be due on said note up to this date, with interest thereon at the rate of ten per Cent per annum until paid, together with all Costs herein expended for which execution may issue. And it is further considered by the Court that Should said J Harrell and R M Johnson as Sureties as aforesaid, pay this Judgment, that they may have execution issued on this Judgment, against said A H Cook, for their benefit.

2641	S M Swenson vs Nicholson & Paschal	Continued for Service on Paschal
2644	S M Swenson vs I N Reardon et al.	The death of the Defendant A. D. Paschal, herein, is Suggested, and the Cause is continued for Service on his legal representative, and on Defts, Geo W Paschal,
2647	Fred Walker vs W. B. McGehee Bro	Continued for Service
2648	Wm Bagley vs W. B. Burditt et al	Continued by agreement
2650	E S Glass & Children vs L S West Exr of R S Young	This cause This is Stricken from the Docket on motion of Plffs attorney, the same having been disposed of at a former term of Court
2653	E M Smith vs M H Royston	Continued by agreement
2658	The State of Texas vs J J McGinnis	Continued for Service
2659	The State of Texas vs L S Glover	

Saturday September 11th 1869.

Fred Carleton, President of the Young Men's Real Estate & Building association
vs
Walter Custard

In District Court
Court for Travis
County, Texas
Fall Term 1869.

On this day the above cause coming on to be heard, the Plaintiff appeared by his attorney and the Defendant appeared by his Guardian ad litem, Thomas E Sneed Esq: and both parties having announced themselves ready for trial, a jury being waived the cause was submitted to the Court, and after hearing the pleadings and testimony of the Plaintiff and Defendant, It is Ordered and decreed by the Court that the Plaintiff have and recover one half interest in the north half of Lot 3, and the South half of Lot 4. in Block 83 as described in plaintiffs petition, And it appearing that commissioners will be necessary to divide said property between said parties the Court hereby appoints J. B. Costa, J M Walker and E J Moore Commissioners to make a fair and equitable partition of said property between the plaintiff and Defendant, and that they make their report at this term of the Court

The fine of Five Dollars heretofore entered against Samuel Cooper, defaulting Juror, is hereby remitted, said Cooper having given Satisfactory reasons to the Court for his non-appearance

✓ 2609

M C Hamilton
vs
Thomas D. Harrison
R. H. Majors and
W. H. D. Carrington

Sept 11th 1869.

Now comes the Plaintiff to the above entitled cause, and the Defendant W H D Carrington, and announce themselves ready for trial, Whereupon came a jury towit: J M Walker and Eleven others duly Sworn according to Law, who after hearing the Evidence adduced, argument of Counsel and Charge of the Court retired to consider of their Verdict, and after due deliberation returned into Court the following Verdict towit; "We the jury find for the Plaintiff the Sum of Eight Hundred and Seventy two & 70/100 Dollars. We also find that the notes Sued on were executed as a part of the purchase money for the land described in Plaintiffs Petition, on which the Vendors lien was reserved: and that said land is bound for the payment of said notes. We also find that the Defendant W H D Carrington is Surety for the Defendant Thomas D Harrison

J. M. Walker Foreman"

Saturday Sept 11th 1869

It is therefore ordered, adjudged and decreed by the Court that the Plaintiff W C Hamilton do have and recover of and from the Defendants Thomas D. Harrison, R. H. Mayes and W. H. D. Carrington the Sum of Eight Hundred and Seventy Nine and 70/100 Dollars Principal debt and interest to date, with interest thereon at the rate of Ten per centum per annum, together with all costs in this behalf expended for which Execution may issue.

It is further ordered, adjudged and decreed by the Court that the Vendors lien be foreclosed upon the land described in Plaintiffs Petition, which land is described as follows to-wit: "120 acres out of the 1280 acre Bounty of John C. Duval, Situated on the South Bank of Brushy Creek in Williamson County in the said State of Texas. Beginning on the South Bank of the said Creek at a point 475 varas up the Creek on a direct line from the North East Corner of the said Duval Survey, a Stake for the N E Corner of this tract. Thence S 10° W 1425 varas: Thence S 80° W 475 varas: Thence N 10° E 1425 varas, more or less, to Brushy Creek, and Thence down the Creek with its meanders, to the beginning". And it is further ordered by the Court that an Order of Sale issue to the Sheriff of Williamson County, directing him to advertise and Sell the above described land according to the laws governing Sheriffs Sales under execution, and if said land should not bring a Sufficient amount to satisfy this Judgment and Costs, and discharge the same, then Execution may issue against said Defendants for any balance that may remain unpaid from the proceeds of said Sale.

And it is further ordered by the Court that the Sheriff in making any levy to satisfy this Judgment after the Sale of said tract of land will first levy upon the property of said Defendant Thomas D Harrison, before levying upon the property of the Defendant W. H. D. Carrington, who is only security for said Harrison,

2612

W. C. Hamilton
vs
George D Glasscock

Sept 11th 1869.

Now comes the plaintiff in the above entitled Cause and announced himself ready for trial, but the defendant although duly Served with process herein, by publication according to law

Saturday September 11th 1869.

Came not but wholly made default: Whereupon came a Jury, to wit: J. A. Miller and Eleven others, duly empannelled and Sworn according to law. Who after hearing the Evidence and charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "M. C. Hamilton vs Geo. D. Glasscock No 2612, We the Jury find for the Plaintiff the Sum of Twenty one hundred and Twenty Five Dollars and Twenty Five cents. We also find that the note sued were given as the purchase money for the land described in Plaintiffs Petition upon which the vendors lien was reserved, and that said land is bound for the payment of said note; J. A. Miller, Foreman"

It is therefore ordered, adjudged and decreed by the Court that the Plaintiff, M. C. Hamilton, do have and recover of and from the Defendant George D Glasscock the said Sum of Twenty one hundred and Twenty Five and 25/100 Dollars, principal Debt and interest to date, with interest thereon from this date until paid at the rate of Ten per cent per annum, and all Costs of this Suit for all which execution may issue.

It is further ordered, adjudged and decreed by the Court that the Vendor's lien be foreclosed upon the land described in plaintiff's Petition, which land is described as follows, to wit: "Three Hundred and Twenty acres of land in Williamson County in the State of Texas, off the upper Side of the 1280 acre Bounty Survey of John C Duval on the South Bank of Brushy Creek Beginning at the North West corner of Said Survey which is the South East Corner of Mathias Wilbarger's 640 acre tract from which a Pecan bears N 81 E 4 varas and a Bur Oak bears S 44 W 7 varas. Thence down the Creek with its meanders far enough to embrace 320 acres running to the back line of Said Survey 3800 varas, More or less"; And it is further ordered by the Court that an order of Sale issue to the Sheriff of Williamson County directing him to advertise and sell Said land according to the laws governing Sheriff's Sales, under execution, and if Said land Shall not Sell for a Sufficient amount to pay off and discharge this judgment then execution Shall issue against the defendant for any balance that may be due on the Same, after the Sale of Said land.

Ordered that Court adjourn until half past 9 O'clock Monday Morning

Monday morning September 13th 1869
Court met pursuant to adjournment, present, as on Saturday, the Hon: David Sheeks. Judge. R Platt Sheriff, and E. C. Bartholomew, Clerk,

2671 The State of Texas vs James Wright — Continued for Service

2672 The State of Texas vs J W Darlington — Continued for Service

2699 W. A. Morris vs C. A. Wooldridge Adm — Continued

2700 Phelps & Johnson vs S. A. & W. B. Nichols

2701 X Phelps & Johnson vs W. B. Nichols — Continued for Service

2702 356 X Phelps & Johnson vs Q. S. Nichols — Now come the plaintiffs by attorney and say they will not further prosecute their Suit in this behalf It is therefore ordered by the Court that this Cause be dismissed and that the plaintiffs James C. T. Phelps and Wesley Johnson pay all costs in this behalf incurred for which execution may issue.

2703 Phelps & Johnson vs John Stringer — Continued

2704 B. A. Riker vs F. B. Sawyer — The Bankruptcy of the Defendant herein is Suggested and the Cause is Continued,

2706 X A. J. Hamilton for use of A Morrall & vs Q. S. Nichols — Now on this day Comes the plaintiff by his atty and Says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that the Plaintiff A. J. Hamilton, who sues for the use of A Morrall and pay all costs herein incurred, for which Execution may issue

Monday September 13th 1869.

↓ V	2708	E P Sanders vs A J Harris	Continued
↓ V	2710	Thos Eborn vs Jas P Hector	Continued
↓ V	2712	W H Turner vs R A Rutherford	Continued by agreement
↓ V	2713	Christiana Arnold vs William Arnold	Continued
↓ V	2714	John. McCuiston Admr vs W. W. Turner et al	Now comes the Plaintiff by attorney and Says he will not further prosecute his Suit in thy behalf. Wherefore it is ordered by the Court that the Defendants W. W. Turner, R. A. Rutherford & R. M. Johnson, do have and recover of and from the Plaintiff John McCuiston, as admr. de bonis non of the Estate of John Tarry, all Costs in this behalf incurred for which Execution may issue.
↓ V	2715	Isaac Solomick Et als vs Pleasant Taylor Et als	Now come the parties by their attorneys and ask leave to amend their pleadings, which is granted, and the Plaintiffs withdraw their motion heretofore filed to Suppress the deposition of Martin J Mann, taken herein, and thereupon came on to be heard the motion of said Plaintiffs to Suppress the deposition of J. J. Myers, taken in this cause, and after hearing argument of Counsel as well for Defendants as for Plaintiffs, because it Seems to the Court that the law is for the Plaintiffs, it is ordered that said motion be, and the Same is hereby Sustained and said Deposition is Suppressed, Whereupon the Cause is Continued on application of Defendants
↓ V	2716	I. A. & Geo W Paschal vs D L Crosby	Now comes Geo. W Paschal, Surviving partner of the late firm of I. A. & Geo W Paschal, by his attorney and asks for Judgment by default against Defendant D. L. Crosby, and it appearing that the said Defendant has been duly served with process herein, and has failed to appear and wholly makes default, and that the Plaintiffs Cause

Monday September 13th 1869

of action is founded on an open account. It is therefore ordered by the Court that the Plaintiff Geo W Paschal, as surviving partner of the firm of S.A. & Geo W Paschal, have Judgment by default against the Defendant D L Crop, and a writ of inquiry is hereby awarded to asses his damages.

2718 Chas & Sarah V Wood vs Thos H Jones admr &c } Continued

2720 J R Worrall vs T D & A C Moseley } Continued

2721 L Rentfro Surviving wife &c vs James P Victor } Continued

2722 L Rentfro Surviving wife &c vs B P Hollingsworth } Now comes the plff by her attorney and says she will not further prosecute her suit in this behalf, It is therefore ordered by the Court that this Cause dismissed and that the Plaintiff L Rentfro, Surviving wife of E D Rentfro, pay all costs in this behalf incurred for which execution may issue,

2723 Geo W Sampson vs Geo W Paschal } Now comes the Plaintiff by attorney and says he will not further prosecute his Suit in this behalf by agreement of parties. Wherefore, It is ordered by the Court that the Defendant Geo W Paschal pay all costs in this behalf incurred for which execution may issue,

356

2729 E.A. Merrett vs J.T. Miller } And now come the parties by their attorneys and announce themselves ready for trial, and waive a Jury Submit this Cause to the decision of the Court, upon the pleadings and proofs, and the Court having heard and Considered the Same, It is ordered and adjudged by the Court that the Plaintiff E A Merrett do have and recover of and from the defendant John T Miller the Sum of Eight hundred and four 17/100 Dollars in coin ($804.17) amount of principal, and interest to date, of note sued on, together with all costs in this behalf incurred for which execution may issue,

357

Monday September 13th 1869

2731

L Rentfro Surviving wife &c
vs
Q. S. Nichols

Now comes the Plaintiff by her attorney and Says She will not further prosecute her Suit herein, Wherefore it is ordered by the Court that this Cause be dismissed and that the Plaintiff L Rentfro. Surviving wife of E. D. Rentfro dec'd, pay all costs in this behalf incurred, for which execution may issue.

2732

Adams & Goodrich
as for use &c
vs
W P Maben

Now come the parties and announce themselves ready for trial, by attorneys, and thereupon came on to be heard the Defendants demurrer to the Plaintiffs Petition, and argument of Counsel having been heard, it is ordered by the Court that said Demurrer, be overruled, and thereupon came a Jury of good and lawful men, duly empanelled and sworn according to law, towit J. H. Walker and Eleven others, who having heard the Evidence, argument of Counsel and Charge of the Court, retired for a time, and returned into Court the following verdict, towit: "We the Jury find for the Plaintiffs the Sum of Twelve hundred and ninety nine 62/100 Dollars principal and interest to date. J H Walker Foreman" It is therefore ordered and adjudged by the Court that the Plaintiffs F. E. Adams and Beverly Goodrich, for the use of Henry Swift & Co, do have and recover of and from the said Defendant W. P. Maben the said Sum of Twelve hundred and ninety nine, 62/100 Dollars ($1299.62) by the Jury aforesaid assessed, together with interest thereon at the rate of Ten per Cent per annum until paid, and all costs in this behalf incurred, for all which execution may issue.

2733

W. W. Townsend
vs
N. B. Raymond

The Bankruptcy of Both parties herein is suggested and the Cause is continued.

Now on this day appeared the Grand Jury, duly Empannelled and Sworn for and during the present Term of this Court, and through their Foreman, James Phillips, presented to the Court the following Bill of Indictment towit:

1967

The State of Texas
vs
Napolean Mitchell

Keeping & Exhibiting Faro

Monday Sept 13th 1869

1968	The State of Texas vs Robert Holman	Betting at Faro
1969	The State of Texas vs —— Mitchell	Betting at Faro
1970	The State of Texas vs Jno F Groome	Permitting Gaming
1971	The State of Texas vs —— Fengit	Exhibiting Faro
1972	The State of Texas vs Frank Meeks	Playing cards in public place
1973	The State of Texas vs —— Hoskins	Betting at Faro
1974	The State of Texas vs James C Irving	Betting at Faro
1975	The State of Texas vs Jace Wilson	Keeping & Exhibiting Faro
1976	The State of Texas vs Martin Thompson	Exhibiting Monte Bank
1977	The State of Texas vs —— Mitchell	Exhibiting Monte Bank
1978	The State of Texas vs —— Fengit	Exhibiting Monte Bank

Monday Sept 13th 1869.

1979	The State of Texas vs Allen	Playing cards at a public Place
1980	The State of Texas vs Danny Wickly	Theft from a house
1981	The State of Texas vs Jeff Hanston	Asault with intent to Kill & murder
1982	The State of Texas vs Douglass Deal alias Sam Johnson	Theft of animals
1983	The State of Texas vs Thomas Ford	aggravated Asault & Battery
1984	The State of Texas vs Addison Smith	Theft of personal prosperty to the value of $30.00 from house & M Malon
1985	The State of Texas vs Joseph Owens	Theft of a Gelding
1986	The State of Texas vs Buck Soloman	Theft of a pistal
1987	The State of Texas vs Ann Calaway	Theft of a gold ring
1988	The State of Texas vs William Humpreys	Theft of a gelding
1989	The State of Texas vs Charles Gregg	Theft of a gelding

Monday September 13th 1869

1991 The State of Texas vs William Miller } Theft of a Mule.

2733. Mary Roy vs. Robert Roy } Suit for Divorce.

And now on this day comes the plaintiff by her attorneys and the Court having appointed B. H. Davis Esq: an attorney of this Court to represent the Defendant, and it appearing to the Court that the Defendant Robert Roy has been duly served with process, and thereupon came a Jury of Twelve good and lawful men of Travis County viz: John H Walker and Eleven others who being duly elected impannelled and Sworn after hearing the evidence adduced the argument of Counsel and Charge of the Court, retired to Consider of their Verdict, and after deliberation returned into Court their Verdict as follows: "We the Jury find the material allegations in plaintiffs petition true. J. H. Walker foreman" And the Court being satisfied with the evidence, it is therefore ordered, adjudged and decreed by the Court that the bonds of Matrimony now and heretofore existing between the said Robert Roy and Mary Roy, be dissolved and the Same are hereby dissolved accordingly, and the said parties are and each of them is hereby freed from the obligations thereof. It is further ordered by the Court that the Defendant Robert Roy pay all costs in this behalf expended for which execution may issue.

Simon Mack who has been duly Summoned to appear as a Juror, failing to appear, a fine of Twenty Five Dollars is hereby imposed upon him, and it is ordered that Scire facias issue Commanding him to appear, at the next Term of this Court and Show Cause, if any he can why the Judgment nisi herein rendered, Shall not be made final,

J. L. Braus, who has been duly Summoned to appear and Serve as a Juror, at this Term of Court, failing to appear, It is ordered that a fine of Twenty five Dollars be imposed upon him and that Scire facias issue Commanding him to appear and Show Cause if he can, at the next Term of this Court why said Judgment Should not be made final

Ordered That Court adjourn until half past 8 O. Clock Tomorrow morning

Tuesday September 14th 1869.

Court met pursuant to adjournment, present the Same as on yesterday

	2744	Headley Polk vs C W Whitis	Leave is granted to Defendant to file an amended answer and the cause is continued by Defendant
	2745	Headley Polk vs Thos F McKinney et al	Continued by Defendant
	2746	J A Pope vs Rutherford Rector et al	Now comes the plaintiff by attorney and moves the Court to Strike out the amended answer of Defendants, and argument of Counsel having been heard, and the Court having considered said motion It is ordered that Same be, and it is, hereby overruled; and thereupon came on to be heard the Plaintiff motion to Strike out the interrogatories of Defendants to Plaintiffs, and the Court having Considered the Same it is ordered that Said motion be and the Same is hereby Sustained and Said interrogatories are Stricken out; To which ruling of the Court the Defendants Counsel excepts; and thereupon the Cause is Continued by the Defendant
	2750	J Davis Jr vs A N Cook et al	Continued
	2751	D C Freeman Jr v James R Stephens, F A Stephens and James Stephens Jr	Now Comes the plaintiff by attorney and Says he will not further prosecute his Suit in this behalf. It is therefore ordered by the Court that the Said Plaintiff D C Freeman pay all Costs in this behalf incurred for which execution may issue,
	2755	L D Carrington & Co vs W A Martin	Continued for Service
	2757	W L Smith vs Bethel Coopwood	And now on this day Comes the plaintiff by attorney (and pro confesso by Default having been entered Bethel Coopwood at the last Term of this Court and writ of inquiry awarded also Came

Tuesday September 11th 1869.

a Jury of good and lawful men, towit: J. H. Walker foreman and Eleven others: The proof being adduced; under charge of the Court the Jury retired to consider of their verdict, and returned the following verdict, towit " We the Jury find for the plaintiff the amount Set forth in Plaintiffs Petition — Say Four hundred and Twenty Six 40/100 Dollars, It is therefore Considered by the Court and it is hereby Ordered adjudged and decreed that the plaintiff have and recover of the Defendant Said Sum of Four hundred and Twenty Six 40/100 Dollars, together with all Costs by him about his Suit in this behalf expended

And the Said Garnishees B A Richer and J K Hall having this day filed their answer as Garnishees, and their demurrer to Plaintiffs petition, the matters of Law arising upon the demurrer were Submitted to the Court, and Said Demurrer was thereupon overruled, and by consent of Counsel further proceedings upon the answer to the Garnishment were Continued until the next Term of This Court.

A J Rose
vs
J W Brown
Mary E Beck &
T J Houston

Now on this day come the parties by their attorneys and announce themselves ready for trial and thereupon came a Jury of Twelve good and lawful men, towit J. H. Walker and Eleven others duly empanelled and Sworn according to law, who having heard the evidence, argument of Counsel, and charge of the Court return the following Verdict towit; " We the Jury find for the Plaintiff the Sum of Six Thousand, Eight hundred and Three 64/100 Dollars balance of principal and interest to date, J. H. Walker Foreman"

It is Therefore ordered and adjudged by the Court that the Plaintiff, A. J. Rose, do have and recover of and from the Defendants, J W Brown, Mary E Beck and T. J. Houston, the Said Sum of Six Thousand Eight hundred and Three 64/100 Dollars ($6803.64) So as aforesaid, by the Jury found to be due, together with interest thereon at the rate of Ten per Cent per annum until paid, and all Costs in this behalf incurred and that execution issue,

2759 Cause on the docket of 1869 Term of this Court Plaintiff by his attorney files his petition and Summons in Case No. 2759 of J. W. Brown, Mary E. Beck & T. J. Houston Defendants

Berry & Walker Att'ys for Pltf.

Tuesday September 14th 1869.

2760 — M Olmsted vs Thos. F. McKinney and Ada Maverick — } Continued

2770 — J Harrell vs F W Nolen — } Now on this day come the parties by their attorneys and thereupon come on to be heard the Defendants demurrer to the plaintiff's petition, and the Court having considered the Same and being now fully advised, It is ordered that said Demurrer be, and the same is hereby, overruled, and Thereupon the parties announce themselves ready for trial and waive a Jury and Submit this Cause to the decission of the Court on the pleadings and proofs, and the Court having heard and considered the same, it is ordered, adjudged and decreed by the Court that the plaintiff, J Harrell, do have and recover of and from the Deft, F W Nolen, the Sum of Two hundred and Thirty five dollars and fifty Cents ($235.50) the amount of principal, and interest up to this date, of the note Sued on, together with interest thereon at the rate of ten per Cent per annum until paid, and all costs in this behalf incurred, for all which execution may issue.

2772 — N Townsend's Exrs vs Wade Noury — } Continued by Plaintiff

2773 — M. A. Taylor vs R. A. Rutherford — } Now on this day come the parties and announce themselves ready for trial and thereupon came a Jury of good and lawful men, to wit: Jas B Barron, Foreman, and Eleven others, who being duly empannelled and Sworn according to law, and who having heard the evidence, argument of Counsel and the charge of the Court, retired to consider of their verdict, and after due deliberation returned into Court the following verdict, to wit: "We the Jury find for the plaintiff the Sum of Two hundred and Seventy Six 52/100 Dollars ($276.52) principal and interest. Jas B Barron F. M."

It is therefore ordered and adjudged by the Court that the Plaintiff M. A. Taylor, do have and recover of and from the Defendant R. A. Rutherford the Said Sum of Two hundred and Seventy Six 52/100 Dollars, by the Jury aforesaid found to be due, together with all costs in this behalf incurred, for which execution may issue,

Tuesday September 14th 1869.

2777 — N Townsends Exrs. vs John F. Miller — Continued by Plaintiff

2779 — N Townsends Exrs. vs B A Richer — Continued by Plaintiff

2783 — J C Higgins vs Rutherford & Cocheron — Leave is granted Deft herein to file an amended answer,

2774 — F W Chandler vs Wash Hemphill — Continued

2740 — M. A. Taylor vs Rutherford & Cocheron — And now on this 14th day of September A D 1869 the above Titled and numbered Cause coming on to be heard in Said District Court Fall Term 1869. and the parties appearing both plaintiff and Defendant by their attorneys of Record and announced Themselves ready for trial, and the Plaintiff dismissing his Suit as against R. Cocheron one of the Defendants and endorser on the note Sued on and the Demurrer of Defendant R. A. Rutherford to Plaintiffs petition, Coming on to be Heard the Same was considered and overruled by the Court Whereupon Came a Jury of Twelve good and lawful men, to wit J. N. Walker and Eleven others who being duly Sworn to hear and determine the matters at issue in Said Cause between the parties agreably to Law and the Evidence, and the Jury after hearing the pleadings and Evidence, the argument of Counsel and Charge of the Court retired to Consider the Same, and returned into Court the following verdict "We the Jury find for the plaintiff the Sum of Eight "hundred and Fifty Three 57/100 Dollars principal and "interest and that the land Set forth in the petition is bound "for the Same" Signed J. N. Walker foreman"

It is therefore ordered, adjudged and decreed by the Court that the Plaintiff M. A Taylor do have and recover of and from the Defendant R. A. Rutherford the Sum of Eight hundred and fifty Three 57/100 Dollars principal Debt, and interest to date, and interest thereon at the rate of Ten per Cent per annum until paid, together with all costs in this behalf expended for which execution may issue. And it further

Tuesday Sept 14th 1869.

appearing to the Court from the pleadings in Said Cause and from the evidence introduced upon the trial that the verdict of the Jury is in all things just and true and that the lands described in plaintiffs petition are bound for the payment of the foregoing Judgment. It is therefore further ordered, adjudged and decreed by the Court that the vendors lien be foreclosed against said lands, and it is ordered adjudged and decreed by the Court that the following lands described in the plaintiffs petition be Sold to Satisfy this Judgment and costs, to wit three Several tracts of land in Travis County Texas, containing altogether about Three Thousand Six hundred and Seventy five acres more or less. The first of which tracts Contains two hundred and Seventy five acres being a part of a Three hundred & Twenty acre tract which was granted by the State of of Texas to the heirs of John Nowland by letters Patent bearing date May 3d A D 1832 - The Two hundred and Seventy five acres thereof hereby conveyed is more perfectly as the whole of a Two hundred and ninety five acre tract thereof (except Twenty acres heretofore Sold by me to James Thorndike) which was conveyed to me by Josiah Fisk by deed bearing date February 1st A D 1853, which is of record in Travis County and is referred to,

The Second tract Contains four hundred acres, is Situated Eight miles North of the City of Austin Beginning at the South East Corner of J. C. Brook's Survey from Thence North 30° East to what is Known as Big Walnut Creek — from Thence up the Southern Bank of Said Creek with its meanders to a Sufficient distance So that by running a line from Such point on Said Creek parallel with the first line of this Survey until it Shall intersect the Southern boundary line of Said Brook's Survey and from thence South 60° East with Said Boundary line to the Beginning, will include Four Hundred acres, being the Same tract which was Sold and Conveyed to me by Henry Sublett by Deed bearing date ____ which deed is of Record in Said Travis County.

The Third and last tract is Supposed to Contain about Three Thousand acres, more or less, is Situated upon the Waters of Walnut Creek and Joins the last described tract, is Known as a part of a Survey made for me by Virtue of the Head Right Certificate of John Applegate, and is described as follows: The tract hereby Conveyed Contains and includes all that tract of land Surveyed for me by Virtue of the Head Right

Tuesday September 14th 1869.

Certificate of John Applegate except the following named Eleven Tracts which I have heretofore Sold off of the said original Survey towit: To Henry H Sublett Two hundred acres: To C Barney One hundred and Thirty five acres: John Abercrombie One hundred acres: To George Saunders Two hundred and Twenty acres: To M Perry One hundred acres: for a grave Yard Five acres: J Burditt Senr One hundred and Thirty acres: Also to Jesse Burditt Senr Two hundred acres: To James Smith One hundred and Thirty acres, and To L. B. Moore, One hundred and Eighty Two acres: all of which tracts except that to James Smith are fully described in Title papers from me to the parties interested, and the tract to said Smith is described as lying between the lands of Burditt & that of John L B Moore, and the tract hereby conveyed includes and contains all the land in the original survey before described except such part thereof as is included within the aforesaid tracts, or some one of them, all of which said Three tracts supposed to contain about Thirty Six hundred and Seventy Five acres more or less. It is further ordered, adjudged and decreed by the Court That an order of Sale do issue as the law directs ordering the Sheriff Travis County to sell all of the foregoing described lands to Satisfy the judgment herein before adjudged and decreed in favor of the Plaintiff M A Taylor, and all costs in this behalf expended, and should said lands fail to Sell for enough to Satisfy this judgment, then that execution do issue against the goods, Chattles, lands and Tenements of the said R A Rutherford for any balance unpaid. It is ordered adjudged and decreed accordingly,

Geo. S. Turner, Plaintiff
vs
P. D. Turner,
M. H. Bowers,
A. S. Walker,
A. J. MacKay,
James Henderson,
and Ed Gibbons & W. M. Wilson
admrs of J C Gooch dec'd. } Defendants

In Dist Court Fall Term 1869.

And now at this day comes the plff. in the above entitled Cause, and on his motion the Suit is dismissed as to the above named Defts Henderson and MacKay and as to the remaining Defendants announces himself ready for trial and do also the said remaining Defendants, all of whom appear in open Court by their attorneys and by consent a Jury is waived & the

Tuesday September 14th 1869

matters of Law and fact raised by the pleadings and the Evidence being submitted to the Court, It is ordered, adjudged and decreed by the Court That the said Defendants Bowers and Walker, deliver to the Said Plaintiff the original note returned into Court and that for that purpose the Same may be detached from the pleadings. It is further ordered that the Plaintiff do have & recover of and from the Defendant P. D. Turner the Sum of Five hundred Dollars being the amount of payments received on Said note by the said Deft. P D Turner, for which execution may issue.

It is further ordered that the unpaid balance of said note for the amount of the Same with interest to date be ranked and Established as a valid Claim, against Said Estate, of the fourth Class, & the said Defendants Ed Gibbons and W. M. Wilson as admrs of the Estate of J. C. Gooch decd, are ordered by the Decree to pay the same in due Course of administration.

It is further ordered that the Plaintiff do have and recover of and from the Defendant P D Turner all costs in this behalf expended, for which execution may issue.

Heirs of Jane McFarland
Pr C. R. Solms & Co, agents
vs
D L Crofford

2782 } Continued on application of Plaintiffs

Ordered That Court adjourn until Half Past Eight O'clock Tomorrow morning,

Wednesday September 15th 1869, 8½ O'clock A. M.
Court met pursuant to adjournment present as on yesterday

Elizabeth Pace
vs
James R Pace

2785 } Continued

C. L. Jordan & wife
vs
G A Burditt, admr &c

2786 } Continued

Sam Harris
vs
A McCook et al

2787 } Continued

Wednesday Sept. 15th 1869.

2789 — M A Holbrook Etal vs Nat N. Watrous Etals Admrs — Ordered that the cause be continued,

2791 — J M Steiner & wife vs Banks & Johnson — Leave is granted the plff to file an amended Petition and the Cause is Cont?

2792 — Thomas Freeman vs C. A. & D. Trimble Admrs &c — Ordered That this cause be Continued

2794 — Henry Bell & Son vs Nathan B Peoples & Bro — And now come the parties by their attorneys and announce themselves ready for trial, and thereupon came a jury of good and lawful men, to wit: J N Walker and Eleven others who being duly empannelled and Sworn according to law, and who having heard the evidence, argument of Counsel and Charge of the Court, return the following verdict to wit. "We the jury find for the Plaintiff the Sum of Eleven hundred and fourteen 29/100 Dollars principal and interest, J N Walker Foreman" It is therefore ordered and adjudged by the Court that the Plaintiffs Henry Bell, David W Bell, Jesse L. Boagher, and John D Boagher do have and recover of the Defendants Nathan B Peoples and Stephen J. Peoples the Said Sum of Eleven hundred and fourteen Dollars and Twenty nine cents ($1114.29) by the jury aforesaid assessed, Together with all costs in this behalf incurred for which Execution may issue

358

2795 — Appleton Noyes & Co vs Peoples & Bro — Ordered that this Cause be Continued

2797 — John Horan vs F M Fitzhugh — On this day, Sept 15th 1869, Comes the Plaintiff by attorney and Submits to the Court his motion verified by Oath Setting forth the loss of the original Citation and Endorsements thereon & asking to Substitute for Said lost papers & Records the Substance of the Contents of Said writings so lost, and the court being satisfied by the Testimony adduced that Certified Copies hereof cannot be produced and that Said papers asked to be Substituted are Copies of said lost originals. It is ordered that

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said Substituted copies, Stand for the said originals, and that the Cause proceed in the ordinary way,

And thereupon the plaintiff appeared and it appearing to the Court That the said Defendant has been duly and regularly Summoned by citation, including brief Statement of the petition, published for four consecutive weeks in the Weekly Austin Republican, published in Travis County, previous to the return day, to wit the first Monday in March 1869, and the Defendant Comes not but makes default and Thereupon on motion of Plaintiff Judgment by default is Taken and Entered against the said Defendant, and the Plaintiff thereupon introduced testimony Showing the execution of the note, Sued on, by Defendant to Sarah Ann Chinn & her marriage with E Perry, and the Sale and delivery, by T. B. Wheeler, assignee of said E & S. A. Perry, of the obligation declared on, to the Plaintiff on the 6th July 1868, and demand of said note having been Shown to have been made in the year 1862, by said Perry & wife, and it further appearing that the plaintiff is owner of said written obligation, and that there is due thereon the Sum of Seven Thousand Nine hundred and Seventy Eight & 13/100 Dollars, It is Thereupon Considered by the Court that the Plaintiff John Horan do have and recover of the Defendant F M Fitzhugh, Seven Thousand nine hundred and Seventy Eight & 13/100 Dollars ($7978.13) and all costs herein expended, for all of which execution may issue, and it is further ordered that this judgment bear interest at Ten per Cent per annum,

2799 J. T. Alexander vs N. B. Knox et al } Ordered That this Cause be Continued

James W. Smith, County Judge of Travis County vs J. S. Norman, A. S. Roberts & A. B. Palm Travis County } The Plaintiff herein failing to appear Either in person or by attorney, It is ordered by the Court that this Cause be dismissed as to the said Plff James W Smith, County Judge of Travis County pay all costs in this behalf incurred for which execution may issue. against Travis County

2800

2801

George Hancock, Plaintiff vs John Burleson and R J Moore } Defendants } And now on this day Come the parties by their attorneys and by Consent waive a Jury and submit the Cause to the Court upon the pleadings, answer and Evidence as to all

Wednesday September 15th 1869.

matters of law and facts in Said Cause, and the Court after due Consideration finds in favor of Said Plaintiff the Sum of One Thousand and Seventy Dollars the amount of the principal and interest due on the note Sued on to this date. It is therefore ordered and decreed by the Court that the Said George Hancock have and recover of and from the said John Burleson and R J Moore the said Sum of One Thousand and Seventy Dollars ($1070.00) So found by the Court, with interest on the Same at the rate of Ten per Cent per Annum from this date until paid, together with all his Costs in this behalf expended for which execution may issue.

Wm Drake
vs
2802 Richd McLaren & Diana Gilleland — Ordered that this Cause be Continued for Service on Diana Gilleland

B R Townsend Etal Exrs
vs
2803 Mc Kinney & Bayles. — On motion of Plff, It is ordered that this Cause be Continued

James B Shaw
vs
2804 Jno F Allen and Mary Doyle — Now Comes the Plff by attorney and Says he will not further prosecute his Suit in this behalf It is therefore ordered by the Court that this Cause dismissed and that the Plff James B Shaw pay all Costs in this behalf incurred, for which execution may issue,

Chas Bain
vs
2805 F. P. Sawyer Etal

Jno. J. Meyers
vs
2806 Hancock & Smith — Ordered that this Cause be Continued

The State of Texas
vs
2807 Cook & Custard

J W Ferris Etal
vs
2808 A L Reid Etal — Ordered That this Cause be Continued for Service

Wednesday Sept 15th 1869.

M. A. Taylor } The plaintiff herein not appearing
vs } either in person or by attorney, On
J. G. Sneed } motion of Defendants attorney, It is
ordered that this cause be dismissed and that the Plaintiff
M. A. Taylor Pay all costs in this behalf incurred for which
execution may issue,

Nat H Watrous and Henry Shurer } Now come the
Admr. of Daniel E Watrous decd. } parties by attorneys
vs } and thereupon came
John J Sneed } on to be heard the
motion for a continuance of this cause, and
being considered said motion, It is ordered
that the same be and the same is hereby overruled.
And the parties waive a trial by Jury and
submit the cause to the decision of the Court on the
evidence proofs, and the Court having heard
and considered the same, it is ordered and adjudged
that the plaintiffs Nat H Watrous and Henry Shurer
Admr. of the estate of Daniel E Watrous decd, do have
and recover of and from the Defendant John J Sneed
the sum of one hundred and nine 10/100 Dollars ($109.10)
and their costs in this behalf incurred and that execu-

Rec'd Austin Oct 11th 1869.
of Wm M Williams $109.10 in full
Judgment in said Court against
and in favor of the above
The cost in the case having been
the proper officer of said County

John Hancock
for Jno

W H Walker } Now comes the plaintiff by his attorney
vs } and announces himself ready for trial
and the defendant although duly served
With notice according to law, failed to appear and answer
but wholly makes default, and it further appearing that
the plaintiff's demand is liquidated and proven by an
instrument in writing executed and delivered by the
Defendant to the plaintiff, It is therefore ordered by
the Court that the plaintiff have judgment by default
against the said Defendant, and that the Clerk of this
Court assess the plaintiff's damages, and the Clerk having
assessed the same at the sum of four hundred and seven
Dollars and Twenty Two cents, balance of note sued on
and interest up to date. It is therefore ordered and
adjudged that the said Plaintiff do have and recover of and
from the Defendant W. R. Baker the said Sum of Four
Hundred and Seven Dollars and Twenty Two cents ($407.22)
by the Clerk aforesaid assessed, together with all costs in this
behalf incurred, for which execution may issue.

Wednesday Sept 15th 1869.

2811

M. A. Taylor
vs
S. G. Sneed

The plaintiff herein not appearing Either in person or by attorney, On motion of Defendants attorney, It is ordered that this cause be dismissed and that the Plaintiff M. A. Taylor Pay all costs in this behalf incurred for which execution may issue,

2812

Nat N Watrous and Henry Shurer admrs of Daniel E Watrous dec'd.
vs
John J. Sneed

Now come the parties by attorneys and thereupon came on to be heard the Defendants motion for a continuance of this cause, and the Court having considered said motion, It is ordered that said motion be and the same is hereby overruled. And thereupon the parties waive a trial by Jury and submit this cause to the decision of the Court on the pleadings and proofs, and the Court having heard and considered the same, it is ordered and adjudged that the Plaintiffs Nat N Watrous and Henry Shurer admrs of the Estate of Daniel E Watrous dec'd, do have and recover of and from the Defendant John J Sneed the Sum of One hundred and nine 10/100 Dollars ($109.10) and all costs in this behalf incurred and that execution issue,

2813

G W Penn
vs
W R Baker

Now comes the plaintiff by his attorney and announces himself ready for trial and the defendant although duly served with notice according to law, failed to appear and answer but wholly makes default, and it further appearing that the plaintiffs demand is liquidated and proven by an instrument in writing executed and delivered by the Defendant to the plaintiff, It is therefore ordered by the Court that the plaintiff have judgment by default against the said Defendant, and that the Clerk of this Court assess the plaintiffs damages, and the Clerk having assessed the same at the Sum of Four hundred and Seven Dollars and Twenty Two cents, balance of note Sued on & and interest up to date. It is therefore ordered and adjudged that the said Plaintiff do have and recover of and from the Defendant W. R. Baker the said Sum of Four Hundred and Seven Dollars and Twenty Two cents ($407.22) by the Clerk aforesaid assessed, together with all costs in this behalf incurred, for which execution may issue.

Wednesday Septr 15th 1869

2752 Geo Hancock vs Chas S West Exr. of R. J. Townes decd } And now on this day comes the Said Plaintiff by his attorney and the Said Defendant in person and the parties announce themselves ready for trial and the demurrer of the Said Defendant to the Plaintiffs petition came on to be heard, and the Same was overruled by the Court and thereupon the parties agreed to waive the Jury and Submit the case to the Court, and the Court having heard the evidence, finds in favor of Said Plaintiff the Sum of Seven Thousand nine hundred and Thirty nine 66/100 Dollars ($7939.66) the amount due on the note and order Sued on in this case, for the principal and interest to this date. It is therefore Considered by the Court that the Said plaintiff George Hancock have and recover of and from the Said Defendant Charles S. West as the executor of the last will and Testament of R J Townes deceased the Said Sum of Seven Thousand nine hundred and Thirty nine 66/100 Dollars principal and interest due on Said note and order Sued on to this date, with interest on the Sum of Seven Thousand Seven hundred and Thirty Seven 28/100 Dollars at the rate of Ten per Cent from this date until paid being the rate of interest mentioned in the note Sued on, and on the Sum of Two hundred and two 38/100 Dollars at the rate of Eight of Eight per Cent from this date until paid together with all his costs in this behalf laid out and expended for which execution may issue on this Judgment and the Same Shall rest against the Estate of Said Testator R. J. Townes, decd, in the hands of Said Executor Charles. S. West, and no other. And thereupon the Dft gave notice in open Court of an appeal to the Supreme Court.

Ordered That Court adjourn until tomorrow Morning at half past 8 O'Clock.

Thursday September 16th 1869

Court met pursuant to adjournment, present as on yesterday

2814 Ebenezer Gay vs Sarah J Gay } On motion of plffs attorney, It is ordered that this Cause be Stricken from the Docket the Same having been Settled and the Cost paid

2814 N Thompson vs O. A. Wray } Ordered that this Cause be continued for Service

Thursday September 16th 1869.

V
2837

The State of Texas
vs
The Brazos Branch R R Co

On motion of Plaintiffs attorney the order for Continuance for Service, heretofore entered in this cause, at this Term of Court, be set aside and that the cause be continued by agreement of parties

2840

Mrs S H Goodrich
vs
John D Grumbles

Now on this day come the parties by their attorneys and announce themselves ready for trial and

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Thereupon came a Jury of good and lawful men, to wit: J H Walker and Eleazer Latburg who being duly Empannelled and Sworn as the law directs and, who having heard the evidence, argument of Counsel and the charge of the Court, returned into Court the following verdict to wit: "We the Jury find for the Plaintiff the Sum of Thirty Three Dollars. J H Walker foreman"

It is therefore ordered and adjudged that the plaintiff Mrs S H Goodrich, do have and recover of and from the Defendant John D Grumbles and his Sureties on Certiorari Bond, Mathew Brown, Sam Piper and Felix E Smith the said Sum Thirty Three Dollars, by the Jury aforesaid assessed, together with all Costs, in this Court and the Court below, expended, for all which execution may issue,

2841

J J Thorp
vs
C S West Ex
of R J Townes
Guardian ad litem

It is ordered that the plaintiff herein have leave to file an amended petition, also that Defts have leave to file an amended answer. And T B Wheeler, Esq is hereby appointed Guardian ad litem for the Minor Defendants

2843

Thos W Nolen
vs
Sarah Harris Admx of the Estate of John C Johnson decd
James W Harris and
Radcliff Platt, Sheriff

And now comes the parties to the above Stated and numbered Cause and announce Themselves ready for trial and a Jury being waived the matters in Controversy in said Cause were Submitted to the Court and it being agreed in open Court that the temporary injunction Sued out in Said Cause Should be perpetuated and that Defendants Sarah Harris and James W Harris the administrators of the Estate of John C Johnson deceased do have and recover of and from Said Plaintiff Thomas W Nolen the Sum of One hundred and fifty dollars with interest thereon at Eight per Cent per annum until paid together with all the Costs in Said Cause expended for all of which Execution Shall issue. And it is

Received of J W Nolen the sum of one hundred & fifty dollars in full for my interest in the 2843 Cause. W Lewis
Sept 17th 1869
Sarah W Harris
James W Harris

Thursday September 16th 1869

further ordered, adjudged and decreed by the Court that the Judgment and decree of this Court rendered on the 6th day of March A D 1868 in Suit No 2322 of Sarah Johnson (now Sarah Harris as administratrix of John C Johnson deceased, plaintiff against said Thomas W Nolen for the Sum of Six hundred forty dollars bearing eight per cent interest and for the further Sum of One hundred and Sixty four 47/100 Dollars bearing ten per cent interest and enforcing the Vendors lien and directing certain real Estate therein mentioned to be Sold to Satisfy Such judgment, be and the Same is hereby Set aside Vacated and annulled and it is further ordered, adjudged and decreed that said Sarah Harris and James W Harris, as well as their agents and attorneys be and they and each of them are hereby perpetually enjoined and restrained from the Collection and enforcement of said Judgment Either in whole or in part, and it is further ordered that defts, recover from plaintiff all the costs in Suit No 2322 for which execution may issue,

2845 James Merrell et al vs Thos Wm Ward } It is ordered that this Cause be continued

2847 James E. Baulding vs O. C. Freeman Jr }

2849 John W. Brown vs M Goldstein } Ordered that the parties herein have leave to amend their pleadings

2850 Joseph Harrell vs R. M. Johnson } Ordered that this Cause be Continued

2851 Albert Fulks Admr of D K Ross, decd vs G W Davis, W F Wells & A R Morris } Now comes the plaintiff by attorney and asks for Judgment by default against said Defendants, for his Costs herein, and Admits the payment of the note Sued on, Wherefore It is ordered and adjudged by the Court that the Plaintiff, Albert Fulks as Administrator of the Estate of D. K. Ross decd, do have and recover of and from the Defendants, G W Davis, W F Wells and A R Morris all Costs in this behalf incurred for which execution may issue —

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Thursday September 16th 1869.

√ V 2852 X	Jenkins Davis vs Julia A Smith	Now comes the plaintiff herein, and says he will not further prosecute his suit in this behalf. Wherefore It is ordered that said Plaintiff Jenkins Davis pay all costs in this behalf incurred for which execution may issue.
√V 2853	F. H. Chandler vs Wm Saiier	
√V 2854	F. H. Chandler vs Wm Saiier	Ordered that these causes be continued
√V 2856	Spencer Hardwell vs Harriet Hardwell	
√V 2866	John F Miller as G A Bandith Et Als	Leave is hereby granted the plaintiff to file amended petition
√V 2894	Eliza Hannig v John Hannig	Leave is granted plaintiff herein to file an amended petition
√ 2903	H Desmeth vs A Thompson	Now comes the plaintiff and ask for judgment by default against said Defendant, and because it appears to the Court that said Defendant A Thompson dy on the day of 1869. accept due and legal Service of the plaintiffs petition, and waive the issuance of process thereon, and has failed to appear and answer. It is therefore ordered that said plaintiff H Desmeth, do have and recover of the Defendant A Thompson, judgment by Default, and that a writ of inquiry be awarded to ascertain said Plaintiffs damages

And now on this day appeared the grand Jury, duly empanneled and Sworn for and during this Term of Court, and through their Foreman, James Phillips presented the following Indictment

1991	The State of Texas vs Masson	Selling liquors without license

Thursday September 16 1869.

1992	The State of Texas vs Blomeke	Selling liquors without license
1993	The State of Texas vs James Morris	Assault with intent to kill & murder
1994	The State of Texas vs Julia Morton	Keeping a disorderly house
1995	The State of Texas vs Clay Simmons	False Swearing
1996	The State of Texas vs Julia Morton	Keeping a disorderly house
1997	The State of Texas vs "A ci" Gardner	Theft of a mare
1998	The State of Texas vs William Board	Theft of animals
1999	The State of Texas vs Abraham Spence Et als	Theft of a hog
2000	The State of Texas vs James Morris	Assault with intent to Kill Murder
2001	The State of Texas vs ——— Brasz	Selling Liquors without License
2002	The State of Texas vs ——— Bursby	Assault with intent to Kill and murder,

Thursday September 16th 1869.

2003 The State of Texas vs Charley Smith } Exhibiting gaming Table

2004 The State of Texas vs Thomas B Hunt } Betting at a faro Bank

2005 The State of Texas vs Col E C Davy } Betting at a faro Bank

2006 The State of Texas vs Riley Spence } Theft of a gelding

2007 The State of Texas vs Alfred Scott } Malicious mischief

2008 The State of Texas vs J M Neal } Theft of neat cattle

2009 The State of Texas vs Jack Nash } Exhibiting gaming Table

2844 Henry Tagley and Sophia Anderson alias Sophia Teague & Wm Teague } This day this cause came on to be heard on motion to dismiss the petition for a Certiorari and the parties appearing by Counsel, and after hearing argument of Counsel It is ordered and adjudged by the Court that said motion be Sustained, and that the petition be dismissed. and it is further ordered and adjudged by the Court that petitioner W. L. Croft and his Securities, Sue Certiorari Bond. R B Palm and J Steiner pay all Costs in this behalf expended for which execution may issue,

It is further ordered that the Clerk of this Court issue a writ of procedendo to W D Scott, Justice of the Peace who rendered Judgment in this Cause, Commanding him to issue execution for the Collection of the Judgment rendered in this Court expended,

Thursday September 16th 1869.

V 1605 — The State of Texas vs John Henry Brown } It is ordered that a Special Venire issue for Sixty men qualified to Sit as Jurors, from which to Empannel a Jury for the Trial of this Cause, Returnable Friday September 24th 1869

V 1831 — The State of Texas vs John & Byron Glascock } It is ordered that an attachment issue, directed to the Sheriff of Bastrop County, for Dr. Darden, Witness for the State in this Cause

V 1848 — The State of Texas vs Robert Brown } It is ordered that a Special Venire issue for Forty five men qualified to Serve as Jurors, from which to Empannel a Jury for the trial of this cause, returnable, Wednesday Sept 27 1869.

V 1965 — The State of Texas vs Moses Steiner } It is ordered that J. F. Oatman Esq, an attorney of this Court, be appointed to the defence herein

V 1982 — The State of Texas vs Douglass Seal, alias Sam Johnson } It is ordered that O. H. Cullen, Esq, an attorney of this Court, be appointed to the defence herein.

V 1985 — The State of Texas vs Joseph Owens } On motion of the District attorney It is ordered that attachments issue to Bell County, for John Chenaweth and to Burnett County for Sam Moreland, witnesses for the State in this Cause, and It is further Ordered that Maulove, Esq, an attorney of this Court, be appointed to the Defense of this Cause

W. W. Turner vs R. A. Rutherford } On this Cr

It is ordered that Court adjourn until half past 8 O'Clock Tomorrow morning

Friday Morning Sept 17 1869

Court met pursuant to adjournment, Present as on yesterday the Hon: David Shanks Judge, Radcliff Platt Sheriff and E.C. Barthalomew Clerk

Friday September 17th 1869

2712

W. W. Turner
vs
R. A. Rutherford

In this case came the parties by their attys and by their consent in open Court is ordered that the continuance of This cause entered at a former day of this term of this Court be set aside, and it is further ordered that leave be granted to the plaintiff to amend his petition, Thereupon the parties announced themselves ready for trial, and a Jury being waived the cause was submitted to the Court, and it appearing to the Court that the parties, plaintiff and defendant, have agreed upon the judgment which shall be entered in this cause which agreement is in writing signed by said parties and on file among the papers in this cause, And it further appearing that said Defendant is entitled to the following credits on said note, towit: $206 70/100 paid on the 1st day of January 1861, and $1070 00/100 paid on the 13th day of April 1869 and that there remains now due on said note of principal and interest to this date the Sum of One Thousand Seven hundred and twenty Six Dollars after deducting the credits aforesaid, It is therefore ordered, adjudged and decreed by the Court that the plaintiff W. W. Turner do have and recover of and from the Defendant R A Rutherford the Sum of One Thousand, Seven Hundred and Twenty Six Dollars as his principal debt, and interest to this date, to draw interest at the rate of Ten per Cent per annum, from this date until paid together with all the costs in and about this Cause expended,
And in accordance with said agreement, It is further ordered and decreed that said Defendant shall have a Stay of Execution on this Judgment for the whole amount thereof (not to include the Costs of Suit) until the first day of January 1871 at the expiration of which time, execution shall issue for one half of the amount of this Judgment and interest due at that date only: and that said Defendant shall have a Stay of execution on the remaining one half of the amount of this judgment and interest until the 1st day of January 1872 at the expiration of which Stay execution shall issue therefor And it is further ordered that execution for the costs in this Cause due issue without any Stay.

2862

Elizabeth Nuling Surviving widow
vs
G. W. Glasscock Exr &c & F. N. Chandler

Fred Carleton, entry appearance for Deft Chandler, and by agreement of parties it is ordered that this Cause be Continued,

Friday September 17th 1869.

2865 — M Cockrell vs W. R. Baker & J. W. Baker — Ordered that this cause be continued for Service on J W Baker.

2868 — D Corwin Adm'r vs Nolen & Reinck — Passed to end of Docket.

2867 — D Corwin Adm'r vs Tuck & Campbell — Ordered that this cause be continued

2876 — The State of Texas vs James C. Collins et als — Ordered that this cause be continued

2884 — Geo W Paschal Surv. partner vs Chandler & Chandler — Ordered that this cause be continued for Service

2886 — Geo Hancock vs Matthew Brown, Deft, and John M. Minn Jones, Garnishee — Ordered that this cause be continued

2838 — David Richardson vs Joseph Walker & Wife et al — Sept 17 1869

Comes the plaintiff by his attorney and it appearing that the Defendant Mary Simonds had been duly served with process by publication as required by law, and has made no answer. Judgment by default is asked for and rendered against her in accordance with the prayer of the petition, and thereupon the said cause came on for trial, and it appearing that the Defendants Joseph Walker and his wife Ann Walker, Rebecca J. Cloud, Amanda M. Johnson, Octavia V. Johnson, now wife of David Williams, and his husband David Williams, and Spence B. Johnson, (Joseph W Johnson, Judge Johnson, James H. Johnson and) Margaret Johnson had, by attorney, made their appearance and filed their answer in this cause; and it appearing further by the evidence that the said parties, defendants, are the heirs at law of William H.

Friday Sept 17th 1869.

Johnson, who died in the Republic, now State, of Texas on the day of February, 1843, Seized and possessed of the following lands, Situated in Said State of Texas Viz: The first of said Tracts is one fourth of a League of Eleven hundred and Seven acres of land Situated on Hall's Bayou partly in the County of Harris and partly in the County of Brazoria, it being the same that was sold by John. D. Brown, administrator of John Brown, and bought by John Haskins, and which by the Said Haskins was sold to the Said William. H. Johnson deceased, and is described as Follows: Beginning at the Northern Corner of League No 4 surveyed for Henry Morse, Thence North 47° West 1840 Varas a mound of Earth for the Northern Corner, Thence South 43° West 3398 Varas to a mound for the West corner, Thence South 47° East 1840 Varas to another mound of Earth, and from Thence North 43° East 3398 Varas to the Beginning.
The Bound of said tracts of land Contains Six hundred and forty acres, and was granted to the Said William. H. H. Johnson by the Republic of Texas, and is Situated in the Counties of Lavaca and Colorado, in Said State of Texas, about Twenty five miles South West from the Town of Columbus, and a Stream called South Sandy, and Begins at the North West Corner of a Survey of 320 acres, made for John. D Bullard, Thence South 1344 Varas with the West boundary line of Said Bullard's Survey 2243 Varas, a Stake for the South East corner from which a hickory 10 inches in dia Marked H. bears South 56° East 14 Varas and a Post oak bears South 82° West. 16½ Varas, Thence West Crossing the South prong of Sandy 1901 Varas to a Stake for the South West Corner, from which a post oak 10 inches in dia Marked X bears South 39° East 51 Varas and a Do marked X 10 inches in dia bears North 30° West 6 Varas, Thence North 1456 Varas to the South Boundary line of a 1280 acre Survey made for Fitzroy, a Stake from which a Post oak 12 inches in dia Marked F. bears North 77° East 2 Varas, a do 10 inches in dia Marked X bears South 6° East 7 Varas. Thence East 551 Varas to the South Sandy 851 Varas to a Stake at its S.E. Corner of said Fitzroy's Survey, from which a pin oak 8 inches in dia bears South 65° West 4 Varas, a live oak 24 inches in dia bears South 11° W 5 Varas. Thence North 787 Varas with the East Boundary of Said Fitzroy to the S.W Corner of a Survey of 640 acres made for D.S. Seabury, a Stake from which a post oak 18 inches in dia. Marked S bears South 82° East 2 Varas and a

Friday September 17th 1869.

ditto 18 inches in diameter bears South 7 varas, Thence East 1050 varas to the place of beginning.

And it appearing to the Court that the said Defendants inherited the above tracts of land as heirs of the said William. H. H. Johnson, as follows: The Defendant Ann Walker one Share; The Defendant Rebecca J. Bland one Share; The Defendant Mary Simonds one Share; And the Defendants Amanda M Johnson, widow of A. J. Johnson, and Octavia. V. Williams (formerly Johnson) Spencer B Johnson, Joseph. W. Johnson, Judge Johnson, James. W. Johnson and Margaret Johnson, Children of said A. J. Johnson, the remaining one Share of said Estate. And it further appearing that the said plaintiff had purchased all the right, title and interest in the above mentioned lands, owned by the defendants Ann Walker and Rebecca. J. Bland, and in the partition of the Estate is entitled to Two of the four Shares thereof.

It is therefore ordered adjudged and decreed that the said Estate be partitioned as follows; To the plaintiff Davis. B. Richardson one half of both of said tracts of land and to the Defendant Mary Simonds one fourth of Each of said tracts, and to the Defendants, the widow and Children of A. J. Johnson one fourth of Each of said tracts. — It is further ordered, adjudged and decreed that William. P. De Normandie, Thomas E Smead and John B Costa be appointed by the Court Commissioners of partition for the said tracts or parcels of Land in accordance with this decree and that they make their report of said partition as required by law.

2841	J. J. Sharp vs C. S. West. Ex: of R. J. Towns	It is ordered by the Court that this cause be continued, on affidavit of the Guardian ad litem
2892	A. T. Lucket vs F. W. Sutor	It is ordered by the Court that the cause be continued
2894	Eliza Haming vs John Haming	It is ordered that the Defendant herein have leave to amend his answer

Ordered that Court adjourn until half past 8 O' Clock tomorrow morning

Saturday September 18th 1869.

Court met pursuant to adjournment, present as on yesterday, the Hon David Sheeks, Judge, Radcliff Platt. Sheriff, and E.C. Bartholomew Clerk,

Eliza Hannig
vs
John Hannig
2894

Now come the parties by attorneys and thereupon came on to be heard the Defendants Motion to require the Plaintiff to give Security for the Costs that has, or may hereafter, accrue in this behalf, and thereupon it is ordered by the Court that said motion be sustained, and that said Plaintiff Eliza Hannig give security for the Costs of this suit on or before the first day of the next term of this Court, and that the Cause be continued under this Rule,

James Pugh
vs
J. McMinn Jones
2895

And now on this day appeared the parties, to the above Entitled and numbered Cause, by attorneys and announced themselves ready for trial, whereupon came a Jury of Twelve good and lawful men of Travis County to wit J.N. Walker and Eleven others who being duly elected empanneled and sworn, according to law, after hearing the Evidence retired under charge of the Court to Consider of their verdict and after due deliberation returned into Court the following verdict to wit:

"We the Jury find for the plaintiff the Sum of one hundred and "Sixty Three 50/100 Coin dollars and that the first land named "in the petition is bound for same, J.N. Walker Foreman"

It is therefore ordered, adjudged and decreed by the Court that the plaintiff James Pugh, do have and recover of and from the said Defendant J. McMinn Jones the Sum of one hundred and Sixty three and 50/100 Coin dollars, the amount so aforesaid found to be due, by the Jury, to bear Eight per Cent interest per annum from this date until paid, together with all the Costs in said Cause expended, And it appearing to the Court from the verdict of the Jury that said plaintiff has the vendors lien on the following described land to Secure the payment of said Sum of one hundred and Sixty Three 50/100 Coin Dollars to wit: A part of the Santiago Del Valle ten League grant in Travis County on the West Side of the Colorado River and also being a part of the tract of land Sold by A.C. Horton to John R McCall and particularly described by metes and bounds as follows Viz: Beginning at the north East Corner of a tract of land purchased by D.G. Sneed from A.C. Horton and running Thence North 30° East 751 varas: Thence North 44° West 778 varas: Thence South 30° West 751 varas to the Northern boundary line of a tract of

Saturday September 18th 1869.

land purchased by S. G. Sneed from John R McCall:
Thence South 44° East 778 Vrs w with said Sneeds
line to the place of Beginning, and containing one
hundred acres. It is therefore ordered, adjudged,
and decreed by the Court that said lien of said
Plaintiff on said land be foreclosed, and that an
order of Sale do issue by the Clerk of this Court
directed to the Sheriff of Travis County requiring
said Sheriff to Sell the land aforesaid, as under
execution, the proceeds of said Sale to be applied to
the Satisfaction of this Judgment, and the remainder
if any to be paid over to said Defendant, and in
Case said land shall not bring enough, at the
Sale thereof to fully Satisfy this Judgment, then
Execution Shall issue for any balance remaining unpaid,

2897 James F. Johnson vs John T Miller } Now Come the parties by their attorneys and announce themselves ready for a trial, and waive a Jury and Submit this Cause to the Court on the pleading and proofs, and the Court having heard and Considered the Same, and being now fully advised, It is ordered, adjudged and decreed by the Court that the said plaintiff James F. Johnson do have and recover of and from the defendant, John. T. Miller, the Sum of One Thousand four hundred and forty Three Dollars ($1443.00) in gold and Silver Coin of the United States, together with interest thereon at the rate of ten per Cent per annum until paid and all costs in this behalf incurred, and that Execution issue, for said Judgment interest and costs

2898 Duncan D. Alston vs B.A. Risher & C.K. Hall } And now Come the parties by their attorneys and thereupon came on to be heard the Demurrer to the plaintiffs petition, filed by the Defendants, and the Court having considered said Demurrer, It is ordered that the same be overruled, and thereupon the parties announce themselves ready for trial & waive a Jury and Submit this Cause to the Court upon the pleadings and proofs and the Court having heard and Considered the Same and being now fully advised, It is ordered, adjudged and decreed by the Court that the plaintiff, Duncan D. Alston, do have and recover of and from the Defendants, B.A. Risher and C.K. Hall the Sum of One Thousand, Four Hundred and Seventy Six Dollars

Saturday September 18th 1869

and Sixty Cents ($1476.60) in gold and Silver Coin of the United States, together with interest thereon at the rate of Ten per cent per annum until paid, and all costs in this behalf incurred, and that execution issue therefor,

2899 James D McGary vs Wm C Philips } Ordered that this Cause be Continued,

2904 J. F. Oatman vs M. E. Oatman } Plaintiff / Defendant } September 18th 1869.

Now on this the 18th day of September A D 1869, Come the parties to this Cause by attorneys and announce themselves ready for trial, and thereupon Came a Jury, to wit: J. H. Walker and Eleven other good and lawful Jurors of Travis County, who being duly Empannelled and Sworn, after hearing the allegations of the parties, the Evidence and the argument of Counsel retired under the Charge of the Court to Consider of their Verdict, and after due deliberation returned into Court the following Verdict to wit "We the Jury find the material allegations in plaintiffs petition true. J H Walker Foreman"

It is therefore ordered, adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff and the defendant be dissolved, It is further ordered that the Plaintiff J F Oatman Pay all Costs of this Suit, for which Execution may issue,

2905 F. H. Arlitt vs S. B. Burch } Ordered that this Cause be Continued

2423 F W Chandler vs John H Conner } Now come the parties by attorneys and thereupon Came on to be heard the motion of the Defendant for a new trial herein, and argument of Counsel being heard as well for Plaintiff as for Defendant, and the Court being now fully advised, It is ordered by the Court that said motion be, and the Same is hereby overruled and a new trial denied, and thereupon the Defendant, by his attorney, gave notice, in open Court, of appeal to our Supreme Court

Saturday September. 18/69.

2517

C. N. Fox
vs
G. L. Robards

Now come the parties by attorneys and thereupon come on to be heard the Plaintiffs motion for a new trial herein, and argument of Counsel being heard as well for Defendant as for plaintiff, and the Court being now fully advised, it is ordered that said motion be and the Same is hereby overruled, and a new trial denied.

2811

M. A. Taylor
vs
S. G. Sneed

Now come the parties by their attorneys and thereupon come on for hearing the Plaintiffs motion to Set aside the order of Dismissal heretofore entered in this Cause, and reinstate the Cause upon the Docket, and the Court having heard and Considered Said motion it is ordered that the Same be Sustained and that Said Cause be reinstated

1845

The State of Texas
vs
Ake + Oates

Now on this 18th day of September 1869 Comes the District attorney who prosecutes in behalf of the State and Submits his motion for a Special Venire, and the presiding Judge being disqualified to try the Same, Said motion is Submitted to the Hon T C Barden Judge of the Forth Judicial District, who being present and presiding herein, It is ordered by the Court that a Special Venire facias for Sixty Jurors to try said Cause, returnable on Monday the 27th day of September A D 1869 at 9 O'Clock A. M. and the Sheriff is directed not to Summon any person on said venire, who has Served on any one of the Juries before whom Said Cause, or Cause No 1846 was tried,

T. C. Barden
Judge 14th Judicial Dist. Tex
presiding.

2000

The State of Texas
vs
James Morris

Assault with intent to Kill

And now on this day Come the Defendant James Morris as principal and John Hancock, M. H. Bowers, Fred Carleton and N. G. Shelby as Sureties, who acknowledge themselves to owe and be indebted to the State of Texas in the Sum of Two hundred and fifty Dollars to be levied of their goods and Chattles lands and tenements, respectively. To be void nevertheless upon Condition that the Said James Morris make his personal appearance at the

Saturday September 18th 1869.

present Term of the District Court of Travis County, now in Session, and there remain from day to day and Term to Term thereafter to answer the Indictment now pending in said Court against him for an assault with intent to Kill and Murder, One Thomas Lewiston: Otherwise to remain in full force and effect.

V

1993

The State of Texas
vs
James Morris } Assault with intent to Kill

And now on this day Come the Defendant, James Morris as principal, and John Hancock, W H Bowers, Fred Carleton and N G Shelly as Sureties who acknowledge themselves to owe and be indebted unto the State of Texas in the Sum of Two hundred and fifty Dollars, respectively: to be levied of their good and chattels, lands and tenements: To be void nevertheless upon Condition that the Said James Morris make his personal appearance at the present Term of the District Court of Travis County now in Session and there remain from day to day and from Term to Term thereafter to answer the Indictment now pending in said Court against him for an assault with intent to Kill and Murder one George Washington: Otherwise to remain in full force and effect

V

2717

X

358

Mary Fields
vs
Albert Brown, Deft
A D McGinnis
Sterling Smith and
D. M. Johnson Admr } Garnishee

Comes the Plaintiff and it appearing that the Defendants Smith and Johnson have been duly served with garnishment and that the Said Johnson has filed his answer acknowledging that he is indebted to the Defendant Albert Brown in the Sum of Sixty dollars It is therefore considered by the Court that the Said Plaintiff recover of the Said Daniel M Johnson Said Sum of Sixty Dollars for which execution may issue.

And it appearing that Said Sterling Smith is a resident of Bastrop County and has not answered It is ordered that a Commission do issue to the District Clerk of Bastrop County to examine Said Smith, returnable instanter, and alias citation is ordered for McGinnis

Ordered that Court Adjourn until half past 9 O'clock Monday Morning Sept 20th 1869

Monday September 20th 1869.

Court met pursuant to adjournment present as heretofore the Hon: David Shuck Judge, Radcliff Platt Sheriff and E.C. Bartholomew Clerk

2895 James Pugh vs J Mc Winn Jones } And now on this day appeared the plaintiff in the above Entitled and Cause, by attorney and move the Court to Set aside the verdict and Judgment rendered in Said Cause at a former day of the present Term of this Court which being considered by the Court and being duly understood, Said motion was granted. It is therefore Considered and adjudged by the Court that the verdict and judgment rendered in Said Cause on the 18th day of September A.D. 1869, be Set aside vacated and annulled, and on the application of the attorney of Said plaintiff It is further ordered that Said Cause be dismissed at the Costs of the plaintiff for which Execution may issue, And it is further ordered that the attorney of Said plaintiff have leave to withdraw from the files the original note Sued on in this Cause,

2883 Ed & Joseph Rogers Plffs vs Giles H Burditt admr & R Platt, Sheriff } Defts } In District Court Fall Term A.D. 1869 Injunction Suit

And now at this day Come the parties to the above Entitled Cause by their attorneys and announce themselves ready for trial and by Consent Submit Said Cause to the Court, and the Court having heard the Same on the petition answers and proofs, and having heard the argument of Counsel thereon, It is ordered and adjudged by the Court that the Injunction heretofore Sued out in this Cause be dissolved and that the Said Defendant Giles H Burditt admr of the Estate N.W. Burditt dec'd, be allowed to run his Execution on his Said Judgment against the property of the Said plaintiffs. And it also further appearing to the Court that the writ of Injunction heretofore Sued out in this Cause by the Said Plaintiffs was obtained for Delay, It is further ordered by the Court that the Said Defendant Giles H Burditt as administrator as aforesaid do have and recover of and from the Said Plaintiffs Ed Rogers and Joseph Rogers and of B.F. Gault, John Byrleson and George W Sampson, Sureties on the Injunction Bond of the Said Plaintiffs above named the Sum of One hundred and Ninety Six

Monday September 20th 1869.

98/100 Dollars ($196.98) the Same being the amount of Ten per Cent damages Agreed by the Court on the amount of Said Judgment awarded, by the dissolution of this Injunction and it is further ordered that the Said Defendants do have and recover of and from the Said Plaintiffs and their Said Securities all the Costs of this Suit, for all of which execution may issue.

And thereupon the Said plaintiffs gave notice in open Court of an appeal to our Supreme Court

James F Johnson
vs
John T Miller

Now comes the Plaintiff by attorney and moves the Court to Set aside the Judgment rendered herein at a former day of this Term of Court because the Same is is ... less than the demand of Plaintiff Sued on in this cause and it appearing to the Court that the Said Judgment heretofore rendered falls short of the demand of Plaintiff to the Amount of Eighty nine Dollars and Forty Cents, It is therefore ordered and adjuged that Said Judgment be Set aside, and annulled

And it is further ordered and adjuged by the Court that said plaintiff James F Johnson do have and recover of and from the Said Defendant John T Miller the Sum of Fifteen hundred and Sixty Six Dollars ($1566.00) in gold and Silver Coin of the United States, together with interest thereon at the rate of ten per Cent per annum until paid and all costs in this behalf incurred for all which Execution may issue

This day personally appeared in open Court William R Henderson, and asked to be Admitted as an Attorney and Counselor at Law. and to have his name placed upon the Roll of Attorneys, and having produced his License as a practising attorney in the State of Indiana, and given Satisfactory proof, to the Court, that he is a man of good Reputation for moral character and honorable deportment. And he making oath in open Court to Support the Constitution of the United States, and of the State of Texas and in all things faithfully discharge the duties of an Attorney of this Court

It is therefore ordered that he be admitted as an Attorney and Counsellor at law in the District and inferior Courts of The State of Texas, and that a License issue to him therefor, and that his name be Enrolled as an attorney of this Court

Monday. September 20th 1869.

1235 The State of Texas vs W.C. Leggett
1317 The State of Texas vs J.H. Desmond
1352 The State of Texas vs Jesse Graham et als
1382 The State of Texas vs A Chamberlain
1468 The State of Texas vs John Martin
1489 The State of Texas vs J Hurley
1569 The State of Texas vs J K ~~Malone~~
1574 The State of Texas vs J K Malone
1579 The State of Texas vs Antone Nopsin
1584 The State of Texas vs W Dibrell
1586 The State of Texas vs B & N Butts
1587 The State of Texas vs W Dibrell
1588 The State of Texas vs Milam Daily
1595 The State of Texas vs F.B. Clifton
1596 The State of Texas vs J Jackson
1598 The State of Texas vs Cyrus Puckett
1609 The State of Texas vs Randall Lightfoot
1621 The State of Texas vs Jenkins
1623 The State of Texas vs Thos Moran
1626 The State of Texas vs Augustine (Mexican)
1632 The State of Texas vs John Turner
1636 The State of Texas vs Lewis Elgin
1637 The State of Texas vs Celia Stanely
1644 The State of Texas vs Oscar Freedman
1649 The State of Texas vs Estes & Blount
1651 The State of Texas vs George Martin
1660 The State of Texas vs Henry Alexander
1666 The State of Texas vs Wheelock & Bellamy
1690 The State of Texas vs Thomas Worsham
1691 The State of Texas vs Aurora Alexander

It is ordered by the Court that these cases be continued for Service

V 1698 The State of Texas vs Geo Martin defendant — On motion of the District attorney It is ordered by the Court that this Cause be dismissed and that the defendant George Martin go hence without day

1699 The State of Texas vs Sampson Murry (Freedman) — ordered that this Cause be Continued for Service

1705 The State of Texas vs Sampson Murry (Freedman) — Ordered that this Cause be Continued for Service

Monday September 20th 1869.

1701 The State of Texas vs Geo Martin } On motion of the District attorney It is ordered by the Court that this Cause be dismissed and that the said Defendant Geo Martin go hence without day

1705 The State of Texas vs Geo Martin } On motion of the District attorney It is ordered that this Cause be dismissed and that the said Defendant Martin go hence, discharged

1710 The State of Texas vs Geo Martin
1711 The State of Texas vs Frank Freedman
1712 The State of Texas vs Frank Freedman
1713 The State of Texas vs Crawford Kimbro
1714 The State of Texas vs Crawford Kimbro
1715 The State of Texas vs Bellamy et als
1755 The State of Texas vs Dan Morris
1759 The State of Texas vs A St McFarland

} Ordered by the Court that these Causes be Continued for Service

1782 The State of Texas vs Brown Sawyer } And now on this day appeared the parties and announced ready for trial and thereupon came a Jury of Twelve good and lawful men of Travis County, who heard the Indictment, the plea of not guilty, the evidence and the charge of the Court, and returned the following verdict to wit: "We the Jury find the Defendant not guilty W. A. Ryan Foreman". Thereupon It is ordered by the Court that the Defendant Brown Sawyer go hence fully acquitted and discharged

1794 The State of Texas vs W P Rutledge } And now on this day appeared the parties and announced themselves ready for Trial and thereupon Came a Jury of Twelve good and lawful men of Travis County, who having heard the Indictment, the plea of not guilty, the evidence and the charge of the Court, returned the following verdict "We the Jury find the Defendant not guilty W. A. Ryan Foreman" Thereupon it is ordered by the Court that the Defendant W P Rutledge go hence fully acquitted and discharged.

1800 The State of Texas vs Catarina Luci Rios
1801 The State of Texas vs Albert Freedman
1805 The State of Texas vs George Dale
1809 The State of Texas vs Chester Williams
1813 The State of Texas vs John Green
1817 The State of Texas vs John Jackson

} Ordered by the Court that these Causes be Continued for Service

Monday September 20th 1869

1821	The State of Texas	vs	Paul Caroline Carter	
1832	The State of Texas	vs	Alfred Morris	
1837	The State of Texas	vs	John Lynch	It is ordered
1838	The State of Texas	vs	John Lynch	by the Court
1839	The State of Texas	vs	John Lynch	that this
1851	The State of Texas	vs	G W Morris	Cause be Cont'd
1852	The State of Texas	vs	Julius Seidel	for Service
1853	The State of Texas	vs	Anderson Hill	

1855	The State of Texas vs John Mussett	}	On motion of District Attorney ordered that this Cause be dismissed and that the said Defendant John Mussett go hence discharged.

1857	The State of Texas vs Johnson Davis	}	Ordered that this cause be Continued for Service.

1858	The State of Texas	vs	Johnson Davis
1878	The State of Texas	vs	Green Smith
1881	The State of Texas	vs	Julius Seidel
1883	The State of Texas	vs	James P Major
1892	The State of Texas	vs	Gabe (Freedman)
1893	The State of Texas	vs	Gabe (Freedman)
1894	The State of Texas	vs	Gabe (Freedman)
1896	The State of Texas	vs	N Puckett
1898	The State of Texas	vs	Fanny Johns
1901	The State of Texas	s	

Ordered that these Causes be Continued for Service

1901	The State of Texas vs Sam Piper	}	In this case It is ordered that an attachment issue for States Witness Frank M. Meeks, returnable at once

1819	The State of Texas vs Harve Burditt	} Plaintiff } Defendant	}	It appearing to the Court that at the last term of this Court, to wit: on the 15th day of March, 1869, one Denmark Walter entered into recognizance in open Court, in the sum of Fifty Dollars, to be levied upon his Goods and Chattels, Lands, Tenements and Estate, to be void upon condition that he make his personal appearance before the District Court of Travis County then in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on behalf of the plaintiff in the above entitled cause of the State of Texas v. Harve Burditt, and that he do not depart the Court without leave. And it further appearing that the above entitled cause was this day called for trial; and the said

witness, Denmark Walter, being three times distinctly called at the door of the Courthouse of Travis County, came not, but wholly made default, as he was required to appear by said Recognizance, It is therefore considered by the Court that said Recognizance be forfeited, and that the State of Texas do have and recover of and from the ~~Def~~ said witness, Denmark Walter, the sum of Fifty Dollars, the amount of said Recognizance aforesaid, and that Scire facies do issue to him, returnable to the next term of this Court, commanding him then and there to appear and shew cause, if any he can, why the said judgment ni si should not be made final.

V 1819 The State of Texas } Plaintiff } On motion It is ordered that an
v. } } attachment do issue in this case
Hamo Burdett } Defendant } for the witness Denmark Walter,
returnable to the next term of this Court, and case continued by the State.

V 1847 The State of Texas
vs } Passed to bell of Docket
Robert Brown

1854 The State of Texas } And now on this day appeared the parties,
vs } The State by W. R. Henderson Esq.
V Yaung Houston } Who was appointed by the Court to
prosecute in this behalf, the District attorney being dis=
qualified, and the Defendant by his attorneys, and
announce ready for trial and thereupon came a jury of
twelve good and lawful men of Travis County who
having heard the Indictment, plea of not guilty, the
Evidence, argument of Counsel and the charge of the
Court, returned the following verdict: "We the jury
find the Defendant not guilty. W A Ryan Foreman"
Wherefore it is ordered by the Court that the Defendant
Yaung Houston go hence fully acquitted and discharged

Ordered that Court adjourn until tomorrow Morning
at half Past 8 O'Clock,

Tuesday Morning September 21st 1869.
Court Met pursuant to adjournment present the Same
as on Yesterday

1905 The State of Texas vs John Rogers } Ordered that these Causes
1906 The State of Texas vs Charles Hick } be Continued for Service
1908 The State of Texas vs J. Ogle (F.M.C.) }
1909 The State of Texas vs J. Ogle (F.M.C.) }

Tuesday September 21st 1869

1912	The State of Texas	vs	B N & Bangum	
1919	The State of Texas	vs	Tom Twitchell et al.	Ordered by
1922	The State of Texas	vs	A Muse	the Court that
1925	The State of Texas	vs	G.G. Clark et al	these Causes
1926	The State of Texas	vs	G.G. Clark et al	be Continued
1927	The State of Texas	vs	G.G. Clark et al	for Service
1928	The State of Texas	vs	G.G. Clark et al	

1929 The State of Texas vs Green and James McKinney et al — The District Attorney being disqualified, E.T. Mabon Esq is appointed to the prosecute herein and cause is continued for Service

1931	The State of Texas	vs	Carpenter & Carpenter	Ordered that
1938	The State of Texas	vs	Charles Sublett	these Causes
1939	The State of Texas	vs	Charles Sublett	be Continued
1940	The State of Texas	vs	F. B. Walker	for Service

1941 The State of Texas vs W. C. Bryant — Alias Capias to Harris County for the Defendant & Cause Continued,

1942	The State of Texas	vs	Gatlin & Gatlin	These Causes are
1944	The State of Texas	vs	Wm Hamilton	Continued

1953 The State of Texas vs James Moore — On motion of the District attorney It is Ordered that this Cause be dismissed and that the Defendant James Moore go hence fully discharged,

1954	The State of Texas	vs	A. J. Green	Ordered that
1958	The State of Texas	vs	Munroe Gatlin	these Causes
1959	The State of Texas	vs	Joseph Wellborn	be Continued for

Service

1957 The State of Texas vs Jesse Bowman et al — Alias Capias is ordered to Caldwell County and Cause Continued

1960	The State of Texas	vs	Sandy Haden et al	Ordered that
1961	The State of Texas	vs	Jack Pruitt	these Causes be
1962	The State of Texas	vs	Jesse Bowman et al	Continued for Service

1964 The State of Texas vs Race Gardner — This cause being Called for trial the Defendant Race Gardner failing to appear and answer the Indictment herein, he and his securities

and alias Capias to Caldwell Co in this last case

Tuesday September 21st 1869

John. H. Johnson an W. A. Johnson, being three times distinctly called at the door of the Court House of Travis County and the Defendant after a reasonable length of time Still failed to appear, and it appearing to the Court that the Defendt Nace Gardner, with the Said John. H. Johnson and W. A. Johnson as Sureties, did at the last Term of this Court Enter into recognizance in Substance as follows: Dated April 16th 1869: The Said Nace Garner as principal and John H Johnson and W. A. Johnson acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of One hundred Dollars, to be levied upon their respective goods and chattels land and tenements, but to be void upon the Condition that the said Nace Gardner make his personal appearance before the District Court of Travis County at the Court house in the City of Austin on the first Monday in September 1869. to answer an Indictment against him for the Theft of a Mare: Which Said recognizance is forfeited, and It is considered by the Court that the State of Texas do have and recover of the said Nace Gardner the Said Sum of One hundred Dollars and of his Said Securities the Sum of One hundred Dollars, and that this Judgment will be made final unless good Cause be shown at the next Term of this Court why the Said Defendant Nace Gardner did not appear. and further ordered that Citations issue to Said Securities

1968 The State of Texas vs Robert Holman } And now on this day come the District attorney who prosecutes for the State in this behalf and also come the Defendant herein, and announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the Indictment in this Case, and the parties waive a Jury and Submit the Cause to the Court as upon the verdict of a Jury. It is therefore considered, ordered and adjudged by the Court that the State of Texas do have and recover of the Defendant Robert Holman the Sum of One hundred Dollars fine, and all costs of this prosecution and the Defendant is ordered into the Custody of the Sheriff until the Same is paid,

1969 The State of Texas vs —— Mitchell }
1971 The State of Texas vs Jno. T. Travers } Ordered that these Cases
1972 The State of Texas vs Frank Meeks } be Continued for Service

1973 The State of Texas vs —— Hawkins } And now comes the District attorney who prosecutes for the State in this behalf, and also comes the Defendant herein and announce themselves ready for trial and thereupon the

Tuesday September 21st 1869

Defendant pleaded guilty to the Indictment in this Cause, and the parties waive a Jury and Submit the Cause to the Court as upon the verdict of Jury It is therefore Considered ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant ~~~~ Haskins the Sum of One hundred Dollars, and Costs of this prosecution and the Defendant is ordered into the Custody of the Sheriff until the Same is paid

1974 The State of Texas vs James C Irving
1977 The State of Texas vs ~~~ Mitchell
1979 The State of Texas vs ~~~ Allen
1980 The State of Texas vs Fanny Wickley
1981 The State of Texas vs Jeff Houston
} Ordered that these Causes be Continued for Service

1983 The State of Texas vs Thomas Ford } Capias ordered to Hays County and Cause Continued for Service

1984 The State of Texas vs Addison Smith, Continued for Service

1985 The State of Texas vs Joseph Owens, Jery Arnold & Luke Blair } In this Cause an attachment is ordered to Lampasas County for Defendants witnesses, Tony Owens, returnable forthwith

1987 The State of Texas vs Ann Calaway } And now on this day comes the defendant Ann Calaway as principal and A. H. Cook as security who acknowledge themselves to owe and be indebted unto the State of Texas in the Sum of Two hundred Dollars, to be levied of their respective goods and Chattles, land and Tenements, To be void nevertheless upon Condition that the Said Ann Calaway make her personal appearance at the present term of the District Court of Travis County now in Session and there remain from day to day and from Term to Term thereafter, to answer the Indictment now pending in Said Court against her for Theft of a gold ring

1989 The State of Texas vs Chas Gregg.
1990 The State of Texas vs Wm Milder
1991 The State of Texas vs ~~ Mason
} Ordered that these Causes be Continued for Service

Tuesday September 21st 1869.

1992 The State of Texas vs Blonke } On motion of the District attorney it is ordered that this cause be dismissed and that the Defendant go hence fully discharged and acquitted,

1994 The State of Texas vs Julia Morton } Now come the parties by attorneys to be heard upon a motion of Defendt to quash the Indictment herein and the Court having considered said motion It is ordered that the Same be overruled, to which ruling of the Court the Defts Counsel excepts,

2010 The State of Texas vs Wm Fields }
2011 The State of Texas vs Jas Hornsby } There being no Indictments presented by the Grand Jury in these Causes, It is ordered that the Defendants be discharged,

The Presiding Judge being disqualified to make orders in the following causes they were Submitted to Hon: T.C. Barden Judge of the First Judicial, who was present.

1845 The State of Texas vs Ake v Oates } In this Case an attachment is ordered to Bastrop County for Charley Thompson, Nancie Thompson, and Harriet A. Thompson, witnesses for the State, returnable on the 27th Inst,

1947 The State of Texas vs Burrier & Bell }
1948 The State of Texas vs Burrier & Bell }
1949 The State of Texas vs Burrier & Bell }
1950 The State of Texas vs Burrier & Bell }
1951 The State of Texas vs Burrier & Bell }
1952 The State of Texas vs Burrier & Bell } In Each of these causes Capias is ordered to Bastrop for R. M. Burrier Also Capias to County of Bastrop and Caldwell for the Defendant Bell, and that these causes be continued for Service,

T. C. Barden
Judge 1st Judicial Dist

1982 The State of Texas vs Douglas Seal alias Sam Johnson } And now at this day Came the District attorney who prosecutes for the State in this behalf, and also Came the Defendant Douglas Seal alias Sam Johnson in person and by his attorney O. H. Cullen Esq, and announced ready for Trial and thereupon Came a Jury of Twelve good and lawful men of Travis County, to wit: H. W. Bongener, Abraham Tinnin, Henry Dickinson, James Munroe, Joseph Culberson, C Krohn, A Kline, Essex Carrington, H. C. Breedlove, Robert Harris

Tuesday September 21st 1869

Roger Blount, Andrew Hamilton, Thomas McLane & Fred Slaughter Who were duly tried, elected, empannelled and Sworn according to law and who having heard the evidence, the argument of Counsel and the Charge of the Court thereupon retired to consider of their verdict, and after a short absence returned into Court the following verdict towit: "We the Jury find the Defendant guilty as Charged in the Indictment and Sentence him to be imprisoned in the Penitentiary for five years

H. H. Bendener, Foreman"

And thereupon it is ordered that the Defendant be remanded to Jail to await the Judgment of the Court

✓ 1911

The State of Texas vs August B Baker

This cause being called for trial the Defendant August B Baker failing to appear and answer the Indictment herein by and his Securities August F Otto and Henry Means being three times distinctly called at the door of the Court House of Travis County and the defendant after a reasonable length of time Still failed to appear, And it appearing to the Court that the Defendant August B Baker was principal and the said August F. Otto and Henry Means as Sureties, at the last Term of this court, towit: on the 12th day of March 1869, did Enter into Recognizance, in substance as follows: They, the said August B Baker as principal and August F. Otto and Henry Means as Sureties, acknowledged themselves jointly and severally to owe and be indebted unto The State of Texas in the Sum of one hundred dollars to be levied of their goods and Chattels, lands and Tenements, Conditioned that the said August B. Baker make his appearance before the District Court of Travis County now in Session at the Court House in the City of Austin and there remain from day to day and from Term to Term until discharged, to answer the indictment preferred against him by the Grand Jurors of Travis County, at the Fall Term 1868 of Travis County for Branding a yearling not his own, without the Consent of the Owner, and that he do not depart the Court without leave; Which said Recognizance is forfeited and it is ordered by the Court that The State of Texas do have and recover of the said August B Baker the said Sum of one hundred Dollars and of his said Securities the Sum of One hundred Dollars and that this Judgment Will be made final unless good Cause be Shown at the next

Tuesday September 21st 1869

Term of this Court why the said Defendant did not appear,
And it is further ordered that Scire facias ifsue to said Securities

Ordered That Court adjourn until 8½ O'clock
To morrow morning.

Wednesday September 22d, 1869. 8½ O'clock A.M.
Court met pursuant to adjournment. Present as on yesterday

1965 The State of Texas vs Moe Steiner } Said comes the District Attorney who prosecutes for the State, and the Defendant by attorney and thereupon came on for hearing the motion of the Defendant to quash the Information in this Cause, and the Court having considered said motion, It is ordered that the Same be Sustained and that the information be quashed and that the Defendant go hence fully discharged

1967 X The State of Texas vs Napoleon Mitchell } By agreement of parties, It is ordered that this cause be dismissed at the cost of the Defendant, And that the State of Texas have and recover of Deft all costs in this Suit incurred, for which execution may ifsue

1971 X The State of Texas vs ——— Feuget } By agreement of parties, It is ordered that this cause be dismissed at the cost of the said Defendant, and that The State of Texas have and recover of Said Defendant all costs in this Suit incurred, for which execution may ifsue,

1975 X The State of Texas vs Joe Wilson } By agreement of parties It is ordered that this cause be dismissed at the Cost of the Defendant, and that have and recover of Said Defendant
The State of Texas all costs in this Suit expended, for which execution may ifsue.

1976 X The State of Texas vs Martin Thompson } By agreement of parties It is ordered that this cause be dismissed at the Cost of the Defendant, and that The State of Texas have and recover of the Said Defendant all the costs of this Suit for which Execution may ifsue

1978 The State of Texas vs ——— Feuget } On motion of the District attorney It is ordered that this Cause be dismissed and that the Defendant go hence fully discharged

Wednesday September 22nd 1869

1957	The State of Texas vs Ann Calaway	By agreement of parties, ordered that this cause be continued
1991	The State of Texas vs Mosson	On motion of the District attorney It is ordered that the continuance heretofore entered in this cause be Set aside and that the Cause be dismissed, and that the Defendant go hence fully discharged;
1993	The State of Texas vs James Morris	Ordered that this cause be continued
1994	The State of Texas vs Julia Morton	On motion of the District attorney It is ordered that this cause be dismissed, and that the Defendant Be fully acquitted of the charge herein,
1995	The State of Texas vs Clay Simmons	Ordered that this cause be continued for service
1997	The State of Texas vs "Ace" Gardner Issued with Capias,	In this case an attachment is ordered to Comal County for August Lange, to be issued when the Defendant is and Cause continued for Service
1998	The State of Texas vs Wm Beard	Continued for Service
1999	The State of Texas vs Abraham Spence et al	Continued by agreement
2000	The State of Texas vs James Morris	Continued by agreement
2001	The State of Texas vs Brass	On motion of the District attorney It is ordered by the Court that this Cause be dismissed and that the Defdt go hence fully discharged

Wednesday September 22nd 1869.

2002 The State of Texas vs Burnby } Continued for Service

2003 The State of Texas vs Charley Smith } Alias capias is ordered to Bexar for the Defendant Charley Smith and cause continued for Service

2004 The State of Texas vs Thos B Nunt } By agreement of parties It is ordered that this cause be dismissed at the cost of the Defendant and that The State of Texas have and recover of Defendant Thos B Nunt all the costs of this Suit for which execution may issue

2005 The State of Texas vs Col E.C. Dewey } And now come the parties and announce themselves ready for trial and thereupon the Defendant pleaded guilty to the Indictment in this case, and the parties waive a Jury and submit this case to the Court as upon the verdict of a Jury, It is therefore ordered by the Court that The State of Texas do have and recover of the Defendant E.C. Dewey the Sum of One hundred Dollars, fine, and all cost of this prosecution for which Execution may issue

1901 The State of Texas vs Sam Piper } And now comes the Pendt by attorney and represents to the Court that J B Barron has been duly Subpoenied as a witness on behalf of The Deft in this Cause, That he has failed to obey the Same, and that his evidence is material to a Succesful defence of this Case. And because of the premises It is ordered by the Court that the Said J. B. Barron be fined in the Sum of One hundred dollars as a defaulting witness and that Scire facias issue to him returnable to the next Term of this Court, commanding him to appear and Show cause, if any he can, why this Judgment Nil Si should not be made final against him

1901 The State of Texas vs Sam Piper } And now comes the Defendt by attorney and represents to the Court that Jasper Powiers has been duly Subpoenied as a witness on behalf of The defendant in this Case, That he has failed to obey the Same, and that his Evidence is material to a faithful defense of this Case. And because of the premises, It is ordered by the Court that

Wednesday September 22nd 1869

Jasper Romines be fined in the Sum of One hundred Dollars, and that Scire Facias ijsue to him returnable to the next Term of this Court, Commanding him to appear and Show cause, if any he can, why this Ni Si Judgment Should not be made final.

1901 The State of Texas vs Sam Piper } Now comes the Defendant by attorney and represents to the Court that James Nichols has been duly Subpoenied as a witness on the part of the Defendant in this case, and that he has failed to obey the Same, and that his Evidence is material to the defense of this Case; And because of the premises, It is ordered by the Court that the said James Nichols be fined the Sum of One hundred Dollars, as a defaulting witness, and that Scire facias issue to him Commanding him to appear at the next term of this Court and Show cause, if any he can, why this Ni Si Judgment Should not be made final,

1901 The State of Texas vs Sam Piper } Now comes the Defendant and, by atty, represents to the Court that William Brown has been duly Subpoenied as a witness on behalf of the Defendant herein, that he has failed to obey the Same, and that his Evidence is material to the defense of this Cause, And because of the premises, It is ordered by the Court that the Said William Brown be fined in the Sum of One hundred Dollars; and that Scire facias ijsue to him Commanding him to appear at the next Term of this Court and Show cause, if any he can, why this Ni Si Judgment Should not be made final.

1901 The State of Texas vs Sam Piper } Now comes the Defendant by attorney and represents to the Court that George Golden has been duly subpoenied as a witness on the part of the Defendant herein; has failed to obey the Same, and that his Evidence is material to the Defendant in this Case; And because of the premises, It is ordered by the Court that Said George Golden be fined in the Sum of One hundred Dollars; and that Scire facias ijsue to him, Commanding him to appear at the next Term and Show Cause, if any he can, why this Ni Si Judgment Should not be made final

Wednesday September 22nd 1869

V 1901 — The State of Texas vs Sam Piper } This day personally appeared in open Court, W. H. Ryan, Charly B Meeks and B H Davis, and each for himself acknowledged himself to be indebted unto The State of Texas in the Sum of One hundred Dollars to be levied of his goods and chatels lands and Tenements: To be void nevertheless upon the condition that the said W. H. Ryan, Charles B Meeks and B. H. Davis, each for himself, makes his personal appearance at the next Term of this Court, and remain from day to day and Term to Term, and not depart the Court without leave, to give Evidence, in the case of The State of Texas vs Sam Piper, on the part of the Pltff

V 1901 — The State of Texas vs Sam Piper } This day personally appeared in open Court B H Davis who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of One hundred Dollars, to be levied, of his goods and chattles, land and tenements: To be void nevertheless upon condition that he, said B. H Davis, make his personal appearance at the next Term of this Court, and remain from day to day and from Term to term, until discharged, to give Evidence, for Deft. in the case of the State of Texas vs Sam Piper, and that he do not depart the Court without leave

V 1901 — The State of Texas vs Sam Piper } In this case Attachments are ordered for Defendant Witness J. B. Barron, Gaspar Romigus, James Nichols Wm Brown, George Golden and Frank Meek, returnable to the next Term of this Court, And the cause is continued on affidavit of Defendant

V 1966 — The State of Texas vs Margaret Fralick } In this case Leave is granted Deft to Substitute Certiorari Petition Bond, and the cause continued by agreement

C 1996 — The State of Texas vs Julia Morton } In this case an attachment is ordered for Galveston County for Ed Gray, a witness for the State, returnable forthwith. And thereupon Came on for hearing the motion of the Defendant to quash the Indictment herein, and the Court having heard and Considered Said Motion it is ordered that the Same be overruled

Wednesday September 22nd 1869

and on affidavit of The Plaintiff. It is ordered that this cause be continued,

1996 The State of Texas vs Julia Morton } This day personally appeared in open Court, Ridge Paschal who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of Fifty Dollars, to be levied of his goods and chattels, lands and tenements: To be void upon condition that he, said Paschal, make his personal appearance at the next Term of this Court and remain from day to day and from Term, until discharged, to give evidence, on behalf of the Defendant in the case of The State of Texas vs Julia Morton; and that he do not depart the Court without leave,

1996 The State of Texas vs George N. Gray } This day personally appears in open Court, George N. Gray who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of Fifty Dollars, to be levied of his goods and Chattels, lands and tenements: To be void nevertheless upon condition that, he, the said Gray, make his personal appearance at the next Term of this Court and remain from day to day and from Term to Term until discharged to give evidence on behalf of the State in the Case of The State of Texas vs Julia Morton, and that he do not depart the Court without leave,

2006 The State of Texas vs Riley Spence } By agreement of parties, the Bail in this case is fixed at $250.00 and the Cause Continued

2007 The State of Texas vs Alfred Scott } Ordered that these Causes be Continued for Service

2008 The State of Texas vs J.M. Neal }

2009 The State of Texas vs Jack Nash } Ordered that Capias issue to the Counties of Travis and Bastrop and that this Cause Stand Continued for Service

Wednesday Sept 22d 1869

2012 V X. The State of Texas vs Feugit } And now come the parties by attorneys and announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the information in this case, and the parties waive a Jury and submit the cause to the Court as upon the verdict of a Jury. It is therefore ordered by the Court That the State of Texas do have and recover of and from the Defendant Feugit the Sum of Ten Dollars fine, and all Costs of this prosecution, for which execution may issue

2013 V X The State of Texas vs Jace Wilson } And now come the parties by attorneys and announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the information in this case, and the parties waive a Jury and submit the Case to the Court as upon the verdict of a Jury. It is therefore ordered by the Court that The State of Texas do have and recover of and from the Defendant Jace Wilson the Sum of Ten Dollars, fine, and all Costs of this prosecution, for which execution may issue.

2014 V X The State of Texas vs Napoleon Mitchell } And now come the parties by attorneys and announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the information in this case, and the parties waive a Jury and submit the Cause to the Court as upon the verdict of a Jury. It is therefore ordered by the Court that the State of Texas, do have and recover of and from the Defendant Napoleon Mitchell the Sum of Ten Dollars, fine, and all Costs of this prosecution for which Execution may issue.

2015 V X The State of Texas vs Martin Thompson } And now come the parties by attorneys and announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the information in this case and the parties waive a Jury and submit the case to the Court as upon the verdict of a Jury: It is therefore ordered by the Court that The State of Texas do have and recover of and from the Defendant, Martin Thompson, the Sum of one hundred Dollars fine, and all costs of this prosecution, for which execution may issue

Wednesday September 22nd 1869

2016

The State of Texas vs Thomas Nunt } And now come the parties by attorneys and announce themselves ready for trial and thereupon the Defendant pleaded guilty to the information in this cause, and the parties waive a jury and submit the cause to the Court as upon the verdict of a jury; Wherefore it is ordered by the Court that the State of Texas do have and recover of and from the Defendant Thomas Nunt the Sum of Ten Dollars, fine, and all costs of this prosecution, for which execution may issue

1831

The State of Texas vs John Glasscock and Byrge Glasscock his Securities George Glasscock and William Glasscock } This cause being called for trial and the Defendants, John Glasscock failing to appear and answer the Indictment herein, he and being three times distinctly called at the Court House door of Travis County, and the Defendant after a reasonable length of time still failed to appear, and it appearing to the Court that the Defendant John Glasscock as principal and George Glasscock and William Glasscock as Securities did on the 19th day of March 1867 in open Court, enter into recognizance, whereby the said John Glasscock as principal and George Glasscock and William Glasscock, as sureties, acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of Two Thousand Dollars each, to be levied upon their respective goods and chattles, lands and tenements; But to be void nevertheless upon condition that the said John Glasscock make his personal at the next Succeeding Term of the District of Travis County, and there remain from day to day and from Term to Term of said Court to answer the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term 1867 of said Court, for an assault with intent to Kill and murder, Thos K Miller, and that he should not depart said Court without leave. Which said Recognizance is forfeited, and it is ordered by the Court that the State of Texas do have and recover of the said John Glasscock the Sum of Two Thousand Dollars, and of his said Securities George Glasscock and William Glasscock the Sum of Two Thousand Dollars, and that this judgment will be made final unless good cause be shown at the next Term of this Court, Why the said Defendant did not

Wednesday September 22d 1869.

appear, and it is further ordered That Scire facias
issue to said Securities. and that this cause be continued
for Service,

It appearing to the Court that Anderson Scroggin
has been duly summoned as a Juror for the present Term
of This Court, and that he has failed to appear and
answer to his name when called, It is ordered
that a fine of Twenty five Dollars be assessed
against him, and that Scire facias issue commanding
him to appear at the next Term of this Court and
Show Cause if any he can why this ni si Judgment
shall not be made final,

Ordered that Court adjourn until the half
past 8 O'clock Tomorrow morning.

1988 The State of Texas vs William Humphreys } And now on this day comes the District attorney who prosecutes for the - (Error)

Thursday September 23d 1869

Court met pursuant to adjournment present the same as on yesterday

1988 The State of Texas vs William Humphreys } Now on this day comes the District attorney who prosecutes for the State in this behalf and also came the Defendant William Humphreys in person and by attorney, and thereupon came on to be heard the Defendants motion to quash the Indictment herein and the Court having considered said motion It is ordered that the same be overruled, and thereupon the parties announce themselves ready for trial and thereupon came a Jury of Twelve good and lawful men of Travis County to wit: 1 W A Ryan, 2 Abraham Dimmit, 3 Henry Dickenson, 4 Joseph Sigming, 5 Henry Hopkins "Lewis Noledy, 7 Jamis Harrington, 8 Caesar Bell, 9 Alexander Hamilton," Page Walker " Joseph Cullenson "2 James Munroe, Who were duly Empanelled Elected, empanelled and Sworn, according to law, and who having heard the evidence, the argument of Counsel and the Charge of the Court, retired to consider of their verdict, And after a short absence returned into Court the following verdict to wit: " We the Jury find the Defendant guilty as charged in the Indictment and ~~that~~ him ~~he~~ be confined in the Penitentiary

Thursday September 23rd 1869

for five years. W A Ryan Foreman"
And thereupon It is ordered that the Defendant be remanded to Jail to await the judgment of this Court.

1901 The State of Texas vs Sam Piper } This day personally appears in open Court J W Craft and F M Meeks, and, each for himself, acknowledged himself to owe and be indebted unto The State of Texas in The Sum of ($100.00) One hundred Dollars, to be levied upon his respective goods and Chattles lands and tenements: To be void nevertheless upon Condition, that they, the Said J W. Craft and F M. Meeks, Each for himself, make his personal appearance before this District Court of Travis County at the next Term thereof, to give evidence, on behalf of The Plaintiff in certain Cause Pending wherein The State of Texas is Plaintiff and Sam Piper is Defendant, and remain from day to day and from Term to Term, and not depart the Court without leave

Ordered that Court adjourn until 8½ O'clock tomorrow morning.

Friday September 24 th 1869. Court met pursuant to adjournment, Present as on yesterday Hon: David Shultz Judge R. Platt Sheriff and E. C. Barthelemew Clerk.

1605 The State of Texas vs John Henry Brown } This cause being called for trial the Defendant John Henry Brown failing to appear and answer the Indictment herein, he and his Securities, P W Nolin C. R Johns, Fred. W. Moore and J M Raymond being three times distinctly called at the Door of the Court House of Travis County, and the Defendant after a reasonable length time Still failed to appear, and It appearing to the Court that the Defendant John Henry Brown as principal and the Said P W Nolin C R Johns, Fred. W Moore and J. M. Raymond as Securities, did on the 24th day of April A D 1869, Execute the Bail Bond in this Cause, payable unto The State of Texas, in the Sum of Two Thousand Dollars, Conditioned that the said John Henry Brown, make his personal appearance before the District Court to be began and holden for the County of Travis, State of Texas, on the first monday of September 1869, thereafter, and there remain from day

Friday September 2nd A.D. 1869.

to day and from Term to Term to answer an Indictment preferred against him by the Grand Jurors of Travis County at the Fall Term 1865 of said District Court for Murder; which Bond is forfeited, and it is ordered by the Court that the State of Texas do have and recover of the said John Henry Brown the said Sum of Two Thousand Dollars, and of his said Securities, P.W. Nolin, C.R. Johns, Fred. W. Moore and J.H. Raymond, the Sum of Two Thousand Dollars, and that this Judgment will be made final unless good Cause be Shown at the next Term of this Court why the said Defendant did not appear. And it is further ordered that Scirefacias issue to said Securities, and that this Cause be Continued for Service on Defendant John Henry Brown,

1911 — The State of Texas vs August B Braker } In this Cause an attachment is ordered for Glenn Lewis and David Riley,

1848 — The State of Texas vs Robert Brown } Now on this day comes the District attorney who prosecutes for the State in this behalf, and also comes the Defendant Robert Brown in person and by attorney, and the parties announce themselves ready for Trial, and thereupon the said Defendant was duly Arraigned in accordance with Law and put upon his plea, and Defendant pleading "not guilty" to the charges preferred in the Indictment, thereupon came a Jury of Twelve good and lawful men of Travis County to wit: [1]E.F. Eggleston, [2]H.M. Motz, [3]O.H. McLean, [4]Thomas Burdett, [5]Jas. D. Brown, [6]A Bohn, [7]A Crozier, [8]John Price, [9]Phil Jones, [10]Louis Walledy, [11]W Risher, [12]___ Rice, who were duly tried, elected, empannelled and Sworn according to Law, and who having heard the evidence, the argument of Counsel and the charge of the Court, retired to consider of their verdict and after a time, came and returned into Court the following verdict to wit: "We the Jury find the Defendant not guilty of Murder, but find him guilty of Manslaughter, and assess the punishment at Confinement in the penitentiary for the Term of Three years. E.F. Eggleston Foreman"

Whereupon it is ordered that the Defendant be remanded to Jail to await the Judgment of this Court.

Friday September 24th 1869.

J. C. Stephenson, Adm^r of Wayne Barton, Dec'd
vs
John. H. Brown admr of Samuel Craft. Jr. administrator, Dec'd

1257

And now comes the Commissioner, John A Green, who was appointed by the Court in this case to Sell the Barton Labor of land to Collect the money due therefrom and to distribute the Same among the Heirs or other persons entitled thereto, and makes his final Report Showing how he has performed his duties as aforesaid, and asking to be discharged; which Said Report is as follows: "To the Hon^l District Court for the 3^d Judicial Dist. in the County of Travis sitting. The undersigned Commissioner for the Sale of the W Barton labor of land, Collection of the money arising therefrom, and payment to the persons Entitled in Said Decree begs leave to make his final Report of Said Matters, and exhibits the following Account and Statement Showing what money he has Collected, and how the Same has been Appropriated and paid:

John. A. Green Commissioner, &c,
In acct with Distributees under Said Decree, Dr.

To Judgment on first note of A. B. Mc Gill & others for Sale of Barton Labor — rendered in Dist Court Travis County Aug 9th 1856 —	2578.29
Int on Same at 8%, 1 mo 28 days to Oct 6. 1856 —	33.23
Int on Bal $1511.15 8% to June 15. 1858, 1 yr. 8 mo, 9 days —	204.54
Int on Bal $1216.06 to Mch 6/58 at 8% - 4 months - 21 days —	38.09
Int on Bal, $254.15 to 24. Feby 1860 at 8%, 1 yr, 3 mo 18 days —	25.11
Damages on Judt in Supr. Ct. on $1511.52 10% —	151.15
Judgment on 2^d note for purchase money of the Barton Labor against A. B. Mc Gill & others, rendered Dist Ct Travis Co Nov 27. 1857	2638.37
Int on Same 2 yrs, 2 mo to 24 Feby 1860 8% —	457.31
Int on Bal $2418.16 to June 2/60 - 3 mo 9 days 8% —	53.19
Int on Bal $1271.35 to Apl 17. 1861 at 8% 10 mo, 15 days —	87.24
Int on Bal $226.50 to 7th Jany 1863 8% 1 yr, 8 mo, 20 days —	31.03
Total amount Collected with Int	$6297.55

Credit

By Payment of Costs of Court &c in this case allowed by the Court heretofore —	50.00
By commissions 10% on Collection and payment of money allowed by decree of the ~~Court~~ Court heretofore —	629.75
By paid to J. R. & Sarah Burleson Admr^s of Edwd Burleson, as per receipts exhibited	1202.60
By paid to Campbell Taylor Guardian of the minor children of Saml Craft Jr. as per Receipts exhibited —	1131.76
By paid to J. C. Stevenson, admr of Wayne Barton & to Edwd Barton as Heirs of Wayne Barton as per receipts exhibited	1131.76
	$4146.87

(FORWARD)

Friday September 2nd 1869.

(Brot fwd) $ 4116.87

By Paid John W Brown, admr of Saml Craft Sr. the share of Welford Barton, one of the Heirs of W Barton as per receipt exhibited 1111.34

Paid Mrs Parthenia Lloyd on her Share as one of the heirs of W Barton as per receipts exhibited 1163.46

6349.67

The Commissioner Reports therefore that he has with his allowances paid out more money than he has received, owing to some mistake made at the times of payment, but that there was properly due to each of said heirs the Sum of Eleven hundred and Twenty Three 56/100 Dollars ($1123.56) and that all are ever paid except the Share of Parthenia Lloyd, who is dead and whose heirs or legal representatives have in the Commissioners hand the Sum of Sixty 10/100 Dollars ($60.10) collected as of January 7th 1863, and which he is and has been ready and willing to pay when there is a proper person to receive the Same. The Commissioner having collected all of the money due upon the Sale of Said Land and having fully accounted therefor prays to be discharged,

Jno. A. Green Commissioner &c"

And It appearing that there was due to Each of Said Heirs the Sum collected, Eleven hundred and Twenty three 56/100 Dollars and that the Commissioner had paid as by receipts exhibited the amounts set forth in his Report leaving unpaid only the Sum of Sixty 10/100 Dollars to Parthenia Lloyd,

It is therefore ordered adjudged and decreed that the account of the Said Commissioner, John A Green be in all things Confirmed and that he be discharged from his Said Trust upon the payment by him to the administrator or legal representatives of Parthenia Lloyd, who it appears, upon the Suggestion of Said Commissioner is dead, and that the parties respectively to this Suit, Viz the Representatives of Edward Burleson the representatives of Samuel Craft Jr, the Representatives of Wayne Barton, the Children of Said Samuel Craft Jr. and the representatives of Parthenia Lloyd pay, each of them one fifth of all the Costs remaining due in this cause, for which execution may issue

2897

James F Johnson vs. John T Miller

In this case it appearing to the Court that at a former day of this Term to wit: on the 18th September 1869 judgment was rendered in this cause in which a mistake was made in the amount due to the plaintiff and it further appearing that at a subsequent day of this Term, to wit: on the 20th September 1869. the Said judgment was corrected by another Entry made in Said Cause in which a mistake was also made, and the Plaintiff moving to Court to correct the said Judgment, It is ordered and

Friday September 24th 1869

adjudged that the Same be corrected So as to read as follows:

Come the parties by their attorneys and announce themselves ready for trial and Submit the matters in controversy to the Court without the intervention of a Jury, and the Court being fully advised touching Said cause, and having heard the evidence does order, adjudge and decree that the plaintiff James. T. Johnson do have and recover of the Defendant John T. Miller the Sum of One Thousand five hundred and Sixty Six dollars in the gold or Silver Coin of the United States, his principal Debt with interest to this date, together with interest thereon in Coin as aforesaid at the rate of ten per cent per annum from the date of this Judgment till paid, and all Costs in this behalf expended, for all which execution may issue.

1973

Thomas J. Wood
vs
The Commissioner of the General Land Office, Charles L. Cleveland and J. A. H. Cleveland

Now come at this day come the parties, plaintiff and Defendant, in the above Cause and announce themselves ready for trial, and a Jury being waived the issues of Law and of fact in Said Cause were Submitted to the Court, and the Court having heard the pleadings and the Evidence in Said Cause and having Considered of the Same it is ordered and adjudged that the plea to the jurisdiction of the Defendant Charles. L. Cleveland be and the same is hereby overruled, and it is further ordered that the demurrer of the Defendants, Charles. L. Cleveland & J. A. H. Cleveland, be and the Same is hereby overruled, and it is further ordered that the demurrer of the Defendant Joseph Spence, Com. of the General Land Office be Sustained. And it further appearing to the Court that the procurement, by the Defendants Cleveland, of the Patent by virtue of Said Duplicate Certificate No $\frac{3027}{31128}$ mentioned in the pleadings, to the land on the waters of Home Creek, for the benefit of said Defendants, was a fraud upon the rights of the plaintiff, and it further appearing that the Said plaintiff is the rightful owner of the Head Right of the Said Defendant Jesse A. H. Cleveland, It is ordered adjudged and decreed that the transfer by the Said Jesse A. H. Cleveland to the Defendant Charles L. Cleveland of his Head Right Certificate for One League and Labor of Land dated 4th day of December 1852 and the Deed by the said Jesse A. H. Cleveland to Charles L. Cleveland to the land patented by virtue of Said

Friday September 24th 1869

Head Right Certificate dated at Galveston on the 19th October 1854 be declared null and void as to the plaintiff and that they be delivered up to be cancelled, And it appearing to the court that there was patented to the said Defendant Jesse A. H. Cleveland on the 15 day of August 1854, by virtue of said Second duplicate certificate No $\frac{3027}{3128}$ the following described tract of land, formerly in Travis, but now in Coleman County, Texas on the waters of Home Creek, a northern Tributary of the Colorado River, about Seven miles South 30° East from the East point of Santa Anna's mountain: Beginning one mile East of the N.E. Corner of Survey No 279 on the north line of No 494 a Stake from which a Mesquite brs N 69° E 6 varas, another bears N 35° E 41/2 varas: Thence E 830 varas to a Branch, 5473 7/10 varas to a Stake and Stone mound from which a Mesquite bears N 37° E 18 varas another bears N 58° W 26 varas: Thence North 4750 varas to a Stake and Mound: Thence West 5474 varas to a Stake from which an Elm bears N 16° W 12 varas, a Mesquite bears N 55½° W 5 varas: Thence South 4750 varas to the place of beginning - bearings marked X.

It is therefore ordered adjudged and decreed that the Title to the said land be divested out of the said Charles L. Cleveland and Jesse A. H. Cleveland and be vested in the Plaintiff Thomas D. Ward, and that the said Plaintiff be substituted to all the rights which the said Defendants Cleveland may have had or may now have in said land, and that that the patent aforesaid be delivered upto the said plaintiff as a muniment of his title. It is further ordered and adjudged that the Defendant Joseph Spence, Commissioner of the General Land office go hence without day and that he do have and Recover of the plaintiff all his costs in this behalf expended, for which execution may issue and that the plaintiff do have and recover of and from the Defendants Charles L. Cleveland and Jesse A. H. Cleveland all his costs in this behalf as expended as aforesaid thereof, being the remainder of said Costs, for which execution may issue, And thereupon came the said Defendants, Charles L. Cleveland, and Jesse A. H. Cleveland and in open Court give notice of an appeal to the Supreme Court.

2838

David Richardson
vs
Joseph Walker & Wife, Ann Walker,
Mary Simonds, Amanda M Johnston,
Octavia V. Williams, and David Williams,
Spencer B. Johnston, James W. Johnston,
Joseph W. Johnston, Judge Johnston
and Margaret Johnston
Travis, And no exception being made to said Report, and it

And now at this time came the parties by their attorneys and it appearing that the Commissioners of partition had made their Report of partition under the decree of this Court, Entered at a former day of this

Friday September 2nd 1869.

appearing that the Plaintiff as well as the Defendants answering had agreed thereto, the said Report is adopted: Which said Report is in the words and figures following viz:

"In the 53rd District Court of Travis County.

The Undersigned Commissioners to whom was referred the Decree of the 53rd District Court of Travis County, at the present Term thereof requiring them to partition to the parties Entitled in this Suit the tract of one fourth of a league of land in Brazoria and Galveston Counties granted to John Brown deceased, and Six hundred and forty acres of land in the County of Colorado, and Caddo granted to W.N.N. Johnston, beg leave to make the following Report:

1. They have assigned to the plaintiff David Richardson one half of Each of said tracts of land in virtue of his ownership of the Right of the Defendant Ann Walker and of the Defendant Rebecca J. Cloud, which tracts are respectively described as follows: 553⅓ acres No 3, part of John Browns ¼ League. Beginning 920 vrs N 47° W from the N Corner of A.G. Reynolds League, at a Stake; Thence S 43° W Crossing Walls Bayou 3398 vrs to a Stake: Thence N 47° W 920 vrs to a Stake: Thence N 43° E 3398 vrs to a Stake for Corner: Thence S 47° E 920 vrs to the place of Beginning.

And also the following tract towit: 320 acres No 1 part of the W.N.N. Johnston 640 acres; Beginning at the N W Corner of a survey of 320 acres made for John T. Ballard, a Stake from which a Post Oak 7 in dia brs S 44° W 2½ vrs, and Do 8 in dia. mrk X bears S 70° E 11 vrs: Thence South 1293 vrs to a Stake: Thence West, Crossing Smith Sandy, 1901 vrs to a Stake: Thence North 506 vrs to the S Boundary of Horatio Fitzroy, a Stake from which a Post Oak 12 in. dia. mrk. I bears N 77° E 20 vrs, a Pitch 10 in dia mkd X brs S 6° E 7 vrs: Thence East 551 vrs. Cross Smith Sandy 851 vrs to a Stake the S.E. Corner of said Fitzroy from which a Pin Oak 8 in. dia. brs S 65° W 11 vrs. and a Live Oak 24 in. dia. brs: N. 11° W 5 vrs.: Thence North 787 vrs. with Fitzroys E Boundary line to a Stake from which a Post oak 15 in dia, mkd S. brs S 82° E 2 vrs, a Do. 15 in. dia. brs South 7 vrs Thence East 1050 vrs. to the place of Beginning.

2. They have assigned to the Defendant Mary Simmons as one of the Heirs of W.N.N. Johnson the following parts of said tracts to wit: 276¾ acres No 1 part of John Brown's ¼ League. Beging at the N Corner of Albert G Reynolds league a Stake; Thence S. 43° W. crossing Walls Bayou 3398 vrs to a Stake; Thence N 47° W 460 Vrs to a Stake; Thence S 47° E 460 vrs to a Stake: Thence N 43° E 1253 vrs Cross Walls Bayou 3398 vrs to the place of Beginning.

And also the following tract towit: 160 acres No 3 part of W.N.

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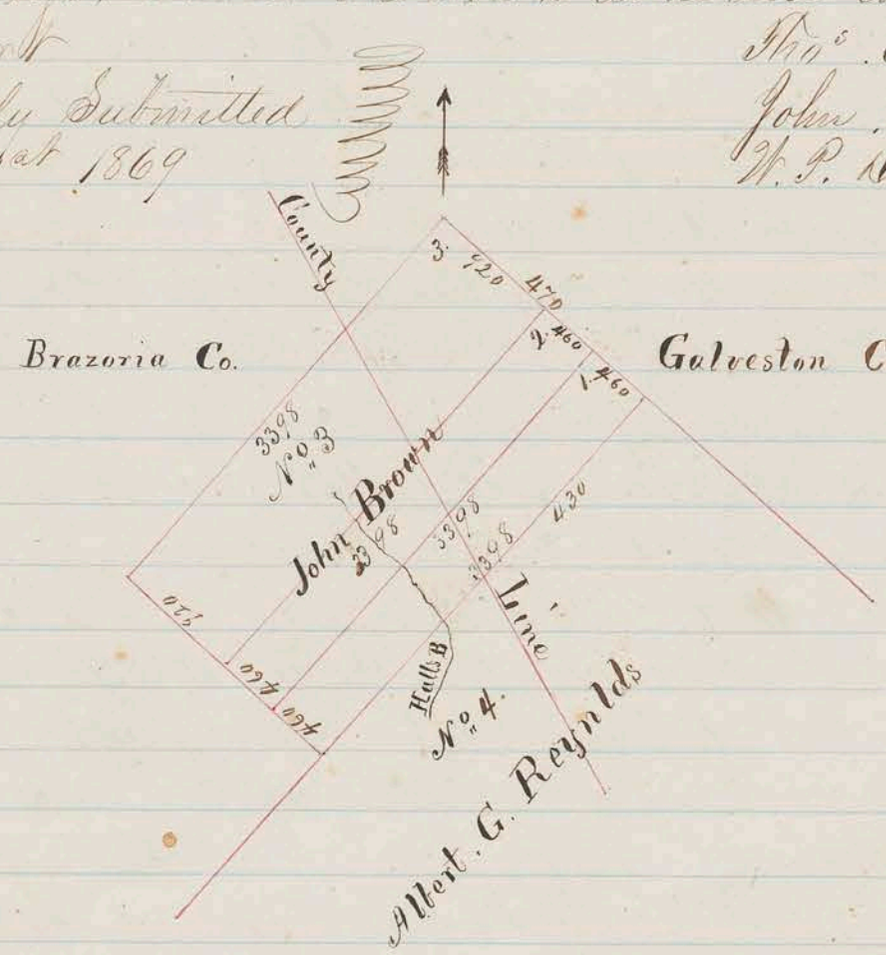
N. Johnston's Survey Beginning at the original S W corner of W.H.N. Johnston's Survey a Stake from which a Post oak 10 in. dia. Mrk X brs S 30° E 5 vrs, a Do 10 in dia. Mrk X brs N 30° W 6 vrs: Thence North 950 varas to a Stake: Thence East 950 vrs to a Stake: Thence South 950 vrs to a Stake: Thence West 950 vrs to the Place of Beginning.

3. They have assigned to the Defendants Amanda M. Johnston, Octavia V Williams, Spencer B. Johnston, James W Johnston, Joseph W Johnston, Pudge Johnston and Margaret Johnston, being the Widow and Children of A. S. Johnston, one of the Heirs of W.H.N. Mc Johnston, the following described tracts of said Land towit: 276 ½ acres No 2 part of John Brown's ½ League Beginning 920 vrs N 47° W from the N corner of A G Reynolds League at a Stake: Thence S 47° W 460 vrs to a Stake: Thence S 43° W, Croping Halls Bayou, 3398 vrs to a Stake: Thence S 47° E 460 vrs to a Stake: Thence N 43° E, Croping Halls Bayou, 3398 vrs to the Place of Beginning. And also 161 acres No 2 Part of W.H.N. Johnston's 640 ac. Beginning at the Original South East Corner of W H N Johnston Survey a Stake from which a Hickory 10 in. dia. mrk H brs S 56° E 11 vrs, a Post oak brs S 85° W 16½ vrs: Thence West Croping South Sandy 950 vrs to a Stake: Thence north 950 vrs to a Stake: Thence East 950 vrs to a Stake: Thence South 950 vrs to a Stake and place of Beginning.

The partition here made will more fully appear by reference to the accompanying Sketches of said Surveys, which are hereto attached and made a part of this Report

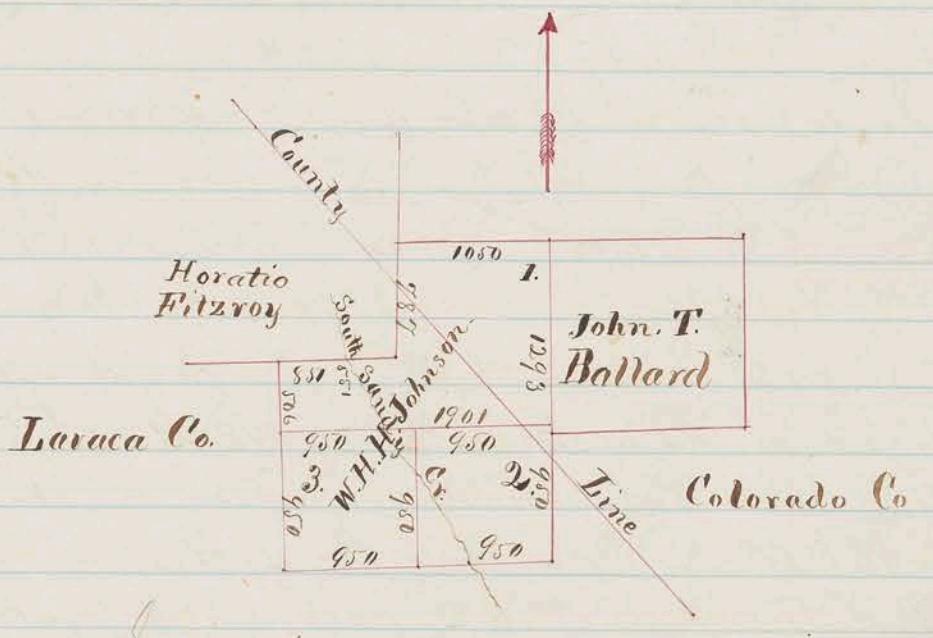
Respectfully Submitted
Sept 24st 1869

Thos. E. Sneed
John B. Costa
W. P. De Normandie
} Commissioners



Sketch referred to

Friday September 24th 1869



Sketch referred to

It is therefore ordered, adjudged and decreed that the said Report of partition be in all things Confirmed; and that the Several parts and portions of the said land Set apart to the plaintiff and to the Defendants Mary Simonds and the Children of A. G. Johnston, be allotted to them respectively as set forth in the said Report of Commissioners, and that this decree Serve them, and Each of them, as their title to the portions so allotted as aforesaid.

It is further ordered and adjudged that the Defendants Joseph Walker and wife pay all costs in this behalf expended, for which execution may issue.

Fred Carleton, President of the Young Men's Real Estate & Building Association
vs
Walter Custard

In Dist Court for Travis County Texas, Fall Term 1869

2893

Now on this day Comes John. B. Costa E. L. Moore and G. N. Walker, Commissioners who has been appointed at a previous day of this Term of the Court to partition Certain real Estate described in Plffs Petition and owned jointly by Fred Carleton in trust for the Young mens Real Estate and Building association of the City of Austin, and Walter Custard a minor and resident of said County and State, and make the following Report

To the Hon Judge of the Second Judicial District of Texas:

The undersigned Commissioners appointed by order of the Hon District Court of Travis County at the Fall Term thereof 1869. in Cause No 2893 of Fred Carleton against Walter Custard, to make partition and division between Said Carleton and Said Custard of certain Real Estate, to wit: the North half of Lot No 3 and the South half of Lot No 4 in Block No 83. in the City of Austin

Friday September 2nd 1869.

in the County of Travis in Said State of Texas, have the honor to Report that they have discharged that duty and that they have divided said property as follows to wit; To Fred Carleton they have allotted the North half of Lot No 3 in Block no 83, and To Walter Custard they have allotted the South half of Lot No 4 in Block No 83, all in Said City of Austin. They beg leave further to report, that they regard Said Lots, with the rights, privileges and appurtenances to each of said Lots belonging, of Equal value and that the division of said property as above indicated they believe to be Just, fair and Equitable. Having discharged fully the duty imposed upon them they ask to be discharged. Respectfully Submitted.

Sworn to and Subscribed before me this the 16th day of Sept. 1869
E. L. Barthdomew Clk.
U. S. D. C. Tex.

E. T. Moore
D. F. Walker
John B Costa

And the Same being examined and approved by the Court It is ordered adjudged and decreed by the Court that the minor Walter Custard be divested of all right. title and interest which he possessed in and to the north half of Lot 3 in Block 83 in the City of Austin and the title to the Same is hereby fully and completely vested in the Young Men's Real Estate and building association of the City of Austin. And it is further ordered and decreed by the Court that the said Fred Carleton and the association aforesaid be divested of all Claim, Title and interest in and to the South half of Lot 4 in Block 83 of the City of Austin and the title to the Same is hereby fully and completely vested in the said Minor Walter Custard.

And it is further ordered and decreed by the Court that Thos. E. Sneed Esq: Guardian ad Litem of the said Minor Walter Custard be allowed a fee of Twenty five Dollars; for Services rendered in this Cause and that the above named Commissioners receive Two Dollars each for services rendered, and that these fees, with all Cost, be equally divided between the plaintiff and Defendant in this Case, and that execution issue against the parties respectively, for the Same,

IV

2809

Quincy Davidson admr
of Jesse O. Wheeler
vs
James W. Allen and
Thomas P. Hughes, Trustees

This cause coming on to be heard, come the parties by their attorneys and Submit the matters in Controversy to the Court

Friday September 24th 1869

Without the intervention of a Jury, and the Court having heard the Evidence and being duly advised with regard to the Same, It is ordered, adjudged and decreed that the plaintiff as administrator as aforesaid do have and recover of the Defendant James. W. Allen the Sum of Thirteen hundred and ninety 7/100 Dollars - the amount due upon the note mentioned in the pleadings, together with 10% Interest thereon from the date of this Judgment until paid.

And it appearing from the Evidence that the Said James. W. Allen together with his wife Ann. E. Allen made, executed and delivered unto William. T. Mitchell as Trustee for the use and benefit of the Said Jesse. O. Wheeler on the 15th day of March 1858 his deed, among other property conveying the following described tract or parcel of Land Situated in the County of Williamson in the State of Texas on the Waters of Berrys Creek, being the Same tract of land purchased by said James. W. Allen of Samuel Gann as appears by deed from Said Gann to Said Allen which is of Record in the Said County of Williamson, and bounded as follows: beginning at the north East corner of Said tract a Stake from which a live oak 12 inches in diameter bears South 6½° West 45 varas and another 12 inches in diameter bears South 46° West 67 varas: Thence South 7° West 3379 varas to a Stone mound from which an Elm 8 inches in diameter bears South 57° East 19 varas: Thence South 19° East 2693 varas to a Stone mound from which a Black Jack bears North 25° West 5 varas, and a Post oak bears South 49° East 7 varas: Thence North 71° East 1302 varas to the South West corner of a tract of land granted to James Williams by Samuel Gann: Thence North 19° West 345 varas to the Said North West Corner: Thence North 71° East 350 varas to his North East Corner: Thence North 19° West 315 varas to a Stake in the prairie for the North West corner of Ake's Survey: Thence North 71° East with the North line of said Ake's Survey 685 varas to the South west corner of J. C. Montgomery's Survey: Thence North 8½° East to the north West Corner of Said Montgomery's Survey Thence North 71° East 737 varas to a Stake in the West line of John Berry's League: Thence North 19° West 1372 varas to the place of beginning, Containing Twelve hundred and ninety Three acres of Land, more or less, Which deed was duly recorded in the County of Williamson on the 30th Apl 1858, and which said Deed was made in Trust to the Said Mitchell for the benefit of the Said Jesse. O. Wheeler, and to Secure the payment of the Said Sum of money mentioned in this decree as due from the Said

Friday September 24th 1869.

James. W. Allen. And it further appearing to the Court that the said land included the home Stead of the said James. W. Allen and his wife the said Ann. E. Allen, that the Said debt was a mutual obligation between them and that the Said Ann. E. Allen died before the Commencement of this Suit, and by her Will bequeathed the right or interest She might have in and to the land before described to the Said Defendant James. W. Allen. It is ordered adjudged and decreed that the plaintiff as admr of said Jesse. O. Wheeler, has priority or preference to Satisfaction out of the land aforesaid over the Defendant Thomas P Hughes Trustee as aforesaid and that So far as any deed made to him by the Defendant James. W. Allen for the Said land or incumbering the Same, that the Said Deed be postponed to the claim of the said Plaintiff thereon, and it is further adjudged and decreed that the said debt of thirteen hundred and ninety 71/100 Dollars is a lien upon the land aforesaid for the Satisfaction of the Same and that the Said land be Sold for the payment thereof,

And it appearing that the Defendant James W Allen on the 17 day of December 1860 made executed and delivered to the Said Defendant Thomas. P. Hughes a deed of Trust of said Allen upon the Said land to Secure Certain other Creditors, mentioned therein. And the said Hughes having Suggested that the land aforesaid, if sold in parcels to Such purchasers and partly upon a credit will bring more than Sufficient to pay the debt of the Plaintiff and will pay a large portion of the debts of Said Allen, represented by him as Trustee as aforesaid, and that said Allen is insolvent, and the plaintiff by his attorney agreeing thereto; It is ordered, adjudged and decreed that the Said Thomas P Hughes, by his Consent and the Consent of the plaintiff be appointed a Commissioner to partition and divide the Said land into parcels Suitable for Sale, and after being So decided Shall expose to public Sale the Said Several parcels at the Court house door of the County of Williamson after giving twenty days public notice thereof as required by law governing Sheriff's Sales, to the highest bidder, the one fourth of the Said Sale to be made for Cash in hand and the remaining three fourths to be made on a credit till the 1st day of October 1870, and that So far as Concerns the purchase money of said Land on a credit, the Said Commissioner Shall take the notes of the purchasers with good Securities and also a deed of Trust on the land Sold to Secure the payment thereof,

It is further ordered and adjudged that the Said Commissioner proceed immediately to the execution of this decree and that he pay the first of all moneys arising from Said Sale until the debt aforesaid of the plaintiff and the Costs are Satisfied, to the Said plaintiff and the Officers of this Court respectively and that the remainder

Friday Sept 24th 1869

of the moneys arising therefrom he shall appropriate to the benefit of the Trust of which he is trustee as aforesaid, according to the Terms thereof,
It is further ordered that the Commissioner make report of all matters with which he is charged, in this decree to this Court

Ordered that Court adjourn until half past Eight O'clock tomorrow morning.

Saturday September 25th 1869. Court met pursuant to adjournment present as on yesterday,

2489 G. S. Thomas vs David Litton James Henderson et al } On this day (25th September) come the parties, and the motion of Pltf for new trial coming on to be heard and after argument of Counsel and the Court being fully advised thereon, It is ordered by the Court that the said motion be and the same is hereby overruled,

2891 Abraham Locket vs Richard Warren } On this day (25th Sept) come the parties by their attorneys, on the motion of the Defendant to dissolve the Injunction, for reasons in the motion stated coming on to be heard and after argument of Counsel, and the Court being fully advised thereon It is ordered by the Court that said motion be and the same is hereby overruled,

It is ordered by the Court, that a fine of Ten Dollars ($10.00) be assessed against George H Gray Esq: for contempt of this Court

2838 David Richardson vs Joseph Walker & wife et al } In this cause now comes the attorney of the plaintiff, and the attorney of the Defendants answering and submit to the Court a Statement of the facts proved on the trial of this cause, and the Court having inspected the same and being satisfied that it contained a true Statement of all facts proved on the trial of this cause, does approve the same and order that it be filed as a record in this cause, And thereupon leave being asked by the plaintiff to withdraw the title papers used by him in this cause, the same is granted

Saturday September 25th 1869

1894 — Eliza Hannig vs John Hannig — Now come the parties to be heard upon the motion of Plaintiff to compel the Defendant to file an inventory and appraisement of the Estate both real and personal in his possession, which said motion, being considered by the Court, is Sustained, And thereupon came on for hearing the motion of said Plaintiff for an injunction restraining said Defendant from disposing of any of the property mentioned in the inventory, And said motion having been heard and considered by the Court, it is ordered that the same be overruled,

1855 — The State of Texas vs John Mussett — Now come the parties to be heard upon the motion of the District attorney to reinstate this Cause upon the Docket, and the Court having considered said motion, It is ordered that the Same be overruled,

1996 — The State of Texas vs Julia Morton — Now come the parties by attorney and the motion of Defendant, to Set aside the Continuance heretofore entered in this Cause, coming on for hearing, and the Court having Considered Said motion and being now fully advised, It is ordered that said motion be Sustained and said Continuance Set aside

1988 — The State of Texas vs Wm Humphreys — Now come the Parties by attorney and thereupon came on for hearing the motion of the Defendant for a new trial, and the District attorney agreeing thereto It is ordered that said motion be Sustained, and a new trial granted

1848 — The State of Texas vs Robert Brown — Now come the parties by attorneys and thereupon come on to be heard the motion of the Defendant for a new trial herein, and the Court having heard and considered said motion and being now fully advised, It is ordered that the Same be overruled, and thereupon Deft. gave notice of appeal

Ordered that Court adjourn until half Past 9 O'clock Monday morning

Monday September 27th 1869.

Court met pursuant to adjournment, present the Same as on Saturday

Monday September 27th 1869.

It is ordered by the Court that the fine of Ten Dollars, assessed against George. W. Gray Esq. at at a former day of this Term of Court, be and Same is hereby recommitted,

Elijah Morris, who has been regularly Summoned, as a Petit Juror, failing to appear and answer to his name when called, It is ordered by the Court that a fine of Twenty five Dollars be assessed against him, and that Scire facias issue commanding him to appear and Show Cause, if any he can, at the next Term of this Court, why this nisi Judgment Shall not be made final

Lewis Green, who has been regularly Summoned as a Juror, failing to appear and answer to his name when Called. It is ordered by the Court that a fine of Twenty five Dollars be assessed against him and that Scire facias, Commanding him to appear at the next Term of this Court and Show Cause, if any he can, why this nisi Judgment Shall not be made final

The Presiding Judge being disqualified to act in the following Cases, they were Submitted to the Hon T. C. Baldwin, Judge of the 1st Judicial District of Texas, who was present, when the following proceedings were had,

V 1845

The State of Texas vs Thos Ake and Elijah Oates

This day personally appeared in open Court James Smith who acknowledged himself to owe and be indebted unto The State of Texas in the Sum of Five Hundred Dollars, to be levied of his goods and chattles, lands and tenements: To be void nevertheless upon condition that the Said James Smith make his personal appearance at the next Term of the District Court of Travis County, to give Evidence on behalf of The State in the Case of The State of Texas vs Thomas Ake and Elijah Oates, and remain from day and from Term to Term and not depart the Court without leave; Otherwise to remain in full force and Effect

1986 The State of Texas vs Buck Soloman, This Cause is Continued by agreement

V 1845 The State of Texas vs Ake & Oates

It is ordered that this Cause be Continued on application of the Plaintiff. And further ordered that the Bail of Elijah Oates be fixed at $250.00 and that of Thos Ake at $750.00

Monday September 27th 1869

1845 ✓

The State of Texas vs Thos Ake and Elijah Oates

This day personally came the Defendant Elijah Oates, as principal and Sam Knight, Mark Cook, Geo Snider, Bob Ake and Rufus Carruthers, as securities who acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of Two hundred and Fifty Dollars to be levied of their goods and chattles, lands and tenements respectively: To be void nevertheless upon condition that the said Elijah Oates make his personal appearance at the next Term of the District Court of Travis County and there remain from day to day and from Term thereafter, and not depart the Court without leave, to answer an Indictment now pending in said Court against him for murder: Otherwise to remain in full force and Effect.

1845 ✓

The State of Texas vs Thomas Ake and Elijah Oates

Now on this day come the Defendant Thomas Ake, as principal, and William Riker, Jacob Raney, Joshua Johnson, Anderson Scroggin, Ezekiel Carrington, Thomas McClellan, Ed Carrington Sam Knight, Henry Dickinson, Charles Clark, Roger Blanch, Gee Pollard and Nat Grumbles, as Securities who acknowledge themselves to owe and be indebted unto the State of Texas in the Sum of Seven hundred and fifty Dollars, to be levied of their goods and chattles, lands and tenements respectively: To be void nevertheless upon the Condition that the said Thomas Ake make his personal appearance at the next Term of the District Court of Travis County, and there remain from day to day and from Term to Term thereafter and not depart the Court without leave, to answer an Indictment now pending in said Court against him for murder: Otherwise to remain in full force & Effect

✓ 1845

The State of Texas vs Ake & Oates

Ordered That attachments issue to Bishop and Williamson Counties for the State's Witnesses, returnable to the next Term of this Court.

✓ 1923

The State of Texas vs Giles Burleson

Now on this day Comes the District Attorney who prosecutes for the State in this behalf and also, Comes the Defendant Giles Burleson in person and by attorney and the parties announce themselves ready for trial, and the said Defendant pleaded not Guilty to the Charges contained in the Indictment in this Cause and thereupon Came a Jury of Twelve good and lawful men of Travis County, to wit: J H Robinson and Eleven others

Monday Sept 27th 1869.

Who were duly elected, tried, Empannelled and Sworn according to Law; and who having heard the Indictment, Evidence, Argument of Counsel and Charge of the Court retired to Consider of their Verdict, and after a Short absence returned into Court the following verdict towit: "We the Jury find the Defendant not guilty: J. W. Robinson foreman" Wherefore It is ordered by the Court that the Defendant go hence without day, fully discharged and acquitted.

J. C. Barden
Judge 1st Judicial Dist. Tx

V 1985 The State of Texas vs Joseph Owens } By agreement of the District attorney It is ordered that the Bail of the Defendant herein, be fixed at Three Hundred Dollars, and by agreement of parties It is ordered that the cause be continued

V 1988 The State of Texas vs William Humphreys } On this Day an attachment is issued to Travis County for State's witness Quilla J. Mahon, Bail for witness fixed at $100.00, and also ordered that the Bail of Defendant be fixed at Five hundred Dollars and that the cause be continued,

V 1998 The State of Texas vs William Beard } It is ordered the Bail of Dft be fixed Five hundred Dollars

1996 V The State of Texas vs Julia Morton } Now comes the District attorney who prosecutes for the State and also comes the Defendant in person and by attorney, and thereupon came on for hearing the plaintiff plea to the jurisdiction of this Court in this cause, and after argument of Counsel being heard and the Court being fully advised It is ordered that said plea be overruled, to which ruling of the Court the Defts attorney excepts: And thereupon the parties announce themselves ready for trial and the Dft pleaded guilty to the Indictment and Waives a Jury and Submits this Cause to the Court as upon the verdict of a Jury. It is therefore ordered by the Court that The State of Texas do have and recover of and from the said Defendant Julia Morton The Sum of One hundred Dollars fine, and all the Costs of this prosecution, and the Defendant is ordered into the Custody of the Sheriff until the same is paid

Monday Sept 27th 1869

2380

G. T. Ward, Plaintiff
vs
W. H. Townsend &
Jos. E. Rauch } Defendts
W. B. Floyd,
Geo. C. Quinan and } Garnishees
Jackson Rust

Now comes the Plaintiff by Attorney and asks for Judgment by Default against the said Garnishees, and it appearing to the Court that said Garnishees have been duly and legally served with writs of garnishment in accordance with law, but failed to appear and answer, It is therefor ordered by the Court that the said Plaintiff have Judgment by Default against said Garnishees, and that a writ of Inquiry be awarded to asses said Plaintiff's damages.

Ordered that Court adjourn until tomorrow morning at 9 O'clock,

Tuesday September 28th 1869

Court met pursuant to adjournment, present as on yesterday

1982

The State of Texas
vs
Douglass Deal alias
Sam Johnson

The prisoner was again placed at the bar, on this day, in custody of the Sheriff, and being asked if he had anything to say why Judgment should not be entered and Sentence pronounced against him according to the verdict of the Jury who tried his case: and said prisoner giving no Sufficient reason; It is ordered adjudged and decreed by the Court that the said Prisoner, Douglass Deal alias Sam Johnson be and he is hereby adjudged to be guilty of Felony, as in the indictment against him, in this behalf alleged; and It is further ordered by the Court that the said prisoner be punished by Confinement in the penitentiary of the State of Texas for the Period of Five years as found in the verdict of the Jury aforesaid. and it is further ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the agent or Superintendent of said Penitentiary to be by him, Safely Confined at hard labor for the Space of five, years.

It is further ordered that the Sheriff aforesaid have two guards to accompany him in Conveying said prisoners to, the Penitentiary

2885

Henry Rodefeld
vs
Catharine Cordes
alias Rodefeld

On motion of the Plaintiffs attorney Thomas. E. Sneed is appointed Guardian ad litem for the Defendant herein

Tuesday September 28th 1869

V J 2887

354

Giles H. Burdett
vs
J. W. Burton

Now come the parties by their attorneys and thereupon came on for hearing the motion of the Defendant to dissolve the Injunction Issued Out in this Case, and the Court having heard and Considered Said motion, It is ordered that the Same be Sustained, and that Said Injunction be dissolved, and that the bill be dismissed, and that the plaintiff Giles H. Burdett pay all costs in this behalf incurred for which execution may issue.

The State of Texas
County of Travis

The undersigned Clerk of the District Court within and for the County and State aforesaid hereby reports to the Court the Jury Service at the Fall Term 1869, as follows

	Names	Days	Amount		Names	Days	Amount
	Grand Jury						
1	James Philips	9	18 00	14	Angust Zillert	5	10 00
2	J. M. Mansfield	9	18 00	15	Lacy McKenzie	5	10 00
3	Wash Naumett	8	16 00	16	Peter Jackson	5	10 00
4	Wm. T. Patterson	9	18 00	17	Jno. D. McArthur	5	10 00
5	B Shuman	8	16 00	18	Phil Jones (col)	6	12 00
6	Jno Dillingham	6	12 00	19	R. M. Johnson	5	10 00
7	David Eppright	7	14 00	20	Josh Eagle	5	10 00
8	A. L. Buddington	6	12 00	22	Robt Johnson	5	10 00
9	B. C. Bennett	6	12 00	23	Sam Cooper	5	10 00
10	D. L. Cook	7	14 00	24	John Jones	5	10 00
11	Jno Nickson	9	18 00	25	S. A. Miller	5	10 00
12	Jno Buttery	9	18 00	26	Louis Wallody	11	22 00
13	A. H. Cox	9	18 00	27	G. H. Crozier	6	12 00
14	Peter Boatton	9	18 00	28	Andrew Jackson	6	12 00
15	Thos Merry	9	18 00	29	Alex Swinkman	6	12 00
16	J. L. Nichols	9	18 00	30	Alex Swanson	6	12 00
	Petit Jury			31	Duke Mitchel	6	12 00
1	Wm Bruggerhoff	5	10 00	32	J K Brizendine	6	12 00
2	S. G. Ringgeary	6	12 00	33	Dan Moran	6	12 00
3	J. H. Robinson	6	12 00	34	Henry Hollingsworth	6	12 00
4	C Hornberger	5	10 00	35	Eugene Belmont	6	12 00
5	J. L. Brown	5	10 00	36	Eli Green	6	12 00
6	Julius Rootz	6	12 00	37	Brown Sawyer	6	12 00
7	Thos Hill	6	12 00	38	Joseph Johnson	6	12 00
8	Jacob Raney	6	12 00	39	Stephen Hopkins	6	12 00
9	Thomas Gordey	5	10 00	40	E. H. Darden	6	12 00
10	Stewart Hamilton	6	12 00	41	Julius Nitzkey	6	12 00
11	J. H. Walker	12	24 00	42	Alex Morgan	6	12 00
12	Elijah Morris	8	16 00	43	Dan Cleveland	6	12 00
13	H. N. Jurgerson	5	10 00	44	Marion McKinney	6	12 00

Tuesday September 28th 1869.

	Names of Jurors	Days	Amount		Names of Jurors	Days	Amount
45	H. C. Eanes	6	12 00	71	Ceasar Bell	6	12 00
46	L. D. Lakin	6	12 00	72	Alex Hamilton	6	12 00
47	J. B. Baron	6	12 00	73	Page Walker	6	12 00
48	Jno. Caruthers	5	10 00	74	W. A. Ryan	6	12 00
49	Miller Hamilton	2	4 00	75	Joseph Pollard	3	6 00
50	Bob Harris	3	6 00	76	Leonard Hartson	3	6 00
51	H. C. Bengener	6	12 00	77	Wm Gibson	3	6 00
52	Jas Munroe	6	12 00	78	Jno. H. Robinson	3	6 00
53	Joseph Culberson	6	12 00	79	Jno Peterson	3	6 00
54	C Krohn	6	12 00	80	A. P. Piper	3	6 00
55	A Klein	6	12 00	81	David Doyle	3	6 00
56	Essy Carrington	6	12 00	82	Robt Barr	3	6 00
57	H. C. Brinkman	6	12 00	83	Alex Luckett	3	6 00
58	Robt Harris	6	12 00	84	Wash Norton	3	6 00
59	Rodger Blount	9	18 00	85	Nat Grumbly	3	6 00
60	Andrew Hamilton	6	12 00	86	Louis Green	3	6 00
61	Thos McLane	6	12 00	87	E. F. Eggleston	1	2 00
62	Fred Slaughter	6	12 00	88	N. M. Metz	1	2 00
63	A. Scrogins	6	12 00	89	O H Mitteau	1	2 00
64	Abraham Timin	6	12 00	90	Thos Burdett	1	2 00
65	Enoch Martin	4	8 00	91	James Brown	1	2 00
66	Alonzo Pennington	3	6 00	92	A Brogier	1	2 00
67	Henry Dickinson	6	12 00	93	John Price	1	2 00
68	Joseph Sigmund	6	12 00	94	Wm Richter	1	2 00
69	Henry Hofius	6	12 00	95	Anthony Rice	1	2 00
70	James Harrington	6	12 00	96	Emmich Carrington	7	14 00

Respectfully Submitted Sept 28th 1869.

E. C. Bartholomew Clk. D.C. T.C.

It is ordered that the Judgment nisi heretofore entered against Louis Green as a Defaulting Juror, be Set aside and held for naught, and that Said fine of Twenty five Dollars be remitted,

It is ordered that the account of Nagle & Bro, of ($33.50) Thirty Three 50/100 Dollars, for Stationery furnish the Clerk of this Court, from July 1st 1869, up to date, be approved and allowed and that the Treasurer of Travis County be required to pay the Same upon presentation of a certified Copy of this Order, which Shall be his Voucher therefor

It is ordered by the Court that the Sheriff of this County (R Platt) be allowed the Sum of Sixty Six Dollars for Extra Services at this Term of the Court, and that the Treasurer of Travis County be required to pay the Same on presentation to him of a certified copy of this order.

Tuesday September 28th 1869.

It is ordered by the Court that the Clerk of this Court (E.L. Bartholomew) be, and he is hereby allowed Sixty Six Dollars, for Extra Services at this Term of the Court, and That the Treasurer of Travis County, be and he is hereby required to pay the Same on presentation to him of a Certified Copy of this order.

It is hereby ordered, adjudged and decreed by the Court that the Clerk of this Court, do make a Complete Record of all proceedings had in Each and Every Civil Case disposed of at this Term of the Court; that he be authorized to charge therefor Twenty Cents for Each and Every hundred Words, So recorded, to be taxed and Collected as other Costs of Suit. It is also further Ordered that the Said Clerk be, and he is hereby allowed Twenty cents for Each and Every hundred words, included in each interlocutory Order and Decree, entered at this Term of this Court; The Same to be taxed and Collected as other Costs of Suit.

V

2866

Jno F Miller Plff
vs
Giles N Burdith Admr &c
R Platt, Sheriff, A.M. Davidson,
M.L. Burdith, H.M. McBride
I.T. McLaurin, Ed Rogers
& al Heirs at law of James Rogers dec'd
Hardman and Wife and J T McLaurin, Defts

Now on this day Come the parties to this Suit, by attorneys and the Plaintiff dismisses his Suit as to the Defendants W Hardman and J T McLaurin, and thereupon the parties announce themselves ready for trial and by consent submit said Cause to the Court, ~~upon the motion of Defendants to dissolve the Injunction heretofore Issued out in this case~~ and the Court having heard the Same on the petition, answers and proofs and having heard the Argument of Counsel thereon, It is ordered by the Court that the Injunction heretofore Issued out in this Cause be dissolved and that Plff's bill be dismissed, and that said Defendants, have and recover of and from the said Plaintiff Jno. F. Miller and of his Securities on Injunction Bond, all costs in this behalf incurred for which Execution may issue, and thereupon Plff gave notice of appeal

V

2901

Julius Schutze
vs
Trustees of the German Free School association

In this Cause, on the 29th of Sept came the Plaintiff by attorney and it appearing to the Court that Plaintiff demand has been fully paid off and discharged since the institution of

Tuesday September 28th 1869.

this Suit. It is therefore considered by the court that the plaintiff take nothing by his Suit. And it further appearing, that all costs of this Suit have been fully paid, It is therefore Considered and ordered by the Court that no further proceeding be had herein, and that Said Cause be dismiped.

Ordered that Court adjourn until half past 8 O'clock tomorrow morning

Wednesday September 29th 1869.

Court met pursuant to adjournment, present as on yesterday

1848 The State of Texas vs Robert Brown } On this day come the Defendant herein by attorney and withdraws his notice of appeal, given and entered at a former day of this Term of the Court, And thereupon the prisoner was again placed at the bar in custody of the Sheriff, and being asked if he had anything to say why Judgment Should not be entered and Sentence pronounced against him according to the verdict of the Jury who tried his case: and Said prisoner giving no sufficient reason, It is ordered adjudged and decreed by the Court that the Said prisoner Robert Brown be and he is hereby adjudged to be guilty of felony, as in the Indictment against him, in this behalf alleged, And it is further ordered by the Court that the Said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the Period of Three years, as found in the verdict of the Jury aforesaid. And It is further ordered that the Sheriff of this County do forthwith take the Said prisoner and deliver him to the agent or Superintendent of Said Penitentiary to be, by him, Confined at hard labor for the Space of Three years.

And thereupon the Defendant by his attorney, gave notice, in open Court, of an appeal to the Supreme Court

1985 The State of Texas vs Joseph Owens Luke Blair } This day personally appeared in open Court, the Defendant Joseph Owens as principal and Jerry Arnold and as Securities, and acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of Three hundred Dollars, to be levied of their goods and Chattles lands and tenements respectively: To be void nevertheless upon Condition that the said Joseph Owens make his personal appearance at the next Term of the District

Wednesday Sept 29 1869

Court for Travis County, to answer an Indictment pending in said Court against him for theft of a Gelding; and that he remain from day to day and from term to term thereafter, until discharged by the Court: otherwise to be and remain in full force and effect

2849

John W Brown }
vs }
M Goldstein Dft }
F. T. Duffau }

On this day come the parties by attys and announce themselves ready for trial and thereupon came a Jury to wit J N Walker and Eleven other good and lawful men duly empannelled and Sworn who after hearing the pleadings, Evidence and charge of the Court return their verdict as follows: "We the Jury find for the plaintiff the land in Controversy in this Suit and for M Goldstein against Defendant Duffau the Sum of Six hundred and fifty four 63/100 Dollars.

J. N. Walker Forman"

It is therefore considered of the Court that the Plaintiff do recover of the Defendants the Said Lot No 5 in Block No 110 in the City of Austin and that a writ of possession may issue, and it is further considered by the Court that the Defendant M Goldstein do recover of the defendant F T Duffau Six hundred & fifty four & 63/100 Dollars for which execution may issue & it is further adjudged by the Court that the Plff and Deft M Goldstein do recover of Defendant F T Duffau all costs herein expended for which execution may issue,

1901.

The State of Texas }
vs }
Saw Paper }

The Ni Si Judgment heretofore entered in this case against J. B. Barron as a default this day entered is hereby set aside, and said fine of $100.00 Dollars is remitted.

1901

The State of Texas }
vs }
Saw Paper }

This day personally appeared in in open Court J. B. Barron who acknowledged himself to owe and be indebted unto The State of Texas in the Sum of One Hundred Dollars: to be levied of his goods and Chattles Lands and Tenements, : To be void upon Condition that he make his personal appearance at the next Term of the District Court of Travis County, to give evidence on behalf of the Defendant in the case of the State of Texas vs Saw Piper, and that he remain from day to day and from Term to Term until discharged by the, Otherwise to remain in full force and Effect.

Wednesday Sept 29th 1869

It is ordered by the Court That, Thos Nill, Jack Eagle, Andrew Jackson, Spence Robinson Duke Mitchell, Percy Mansfield, W. Patterson, George Dowsdale, Fred Stunzing, J. N. Walker, Robt Barr and W. E. McClellan. be and they are hereby allowed one days pay as Jurors at this Term of Court, having been Summoned to try a cause after the Clerk had Submitted his Jury report.

It is ordered by the Court that all causes not otherwise disposed of at this Term of Court, be continued, until the next regular Term of This Court

The foregoing minutes having been examined and approved, It is ordered that Court do Stand adjourned until Court in course.

David Shelley
Judge—

The following is a true copy of the mandate received and filed this day, in case No 1762 of Ebern vs Cannon's Admrs.
December 13th 1869

The State of Texas,

To the District Court of Travis County Greeting:
Before our Supreme Court of Texas at Austin on the 1st day of December A D 1869 the cause upon appeal to revise or reverse your judgment between

Thomas Ebern - appellant
and
C. R. Perry, Maria Allen,
and W. T. Allen admr of
W. R. Cannon dec'd - appellees

was determined and therein our said Supreme Court made its order as follows;

No 3224 " This cause came on this day to be heard on the Transcript of the record of the Court below, and the Same being inspected, because it is the opinion of this Court that there was Error in the Judgment of the Court below. It is therefore Considered adjudged and ordered by the Court that the Judgment in the Court below be reversed: and this Cause proceeding to render such Judgment as the Court below should have rendered, It is further Considered, adjudged and ordered by the Court that Defendants in Error as Administrators and Administratrix of William R Cannon deceased, recover of plaintiffs in Error and his Securities, A. H. Cook

and Felix E. Smith the Sum of Three Hundred ~~and~~ Dollars and Forty Eight Cents being the balance of purchase money of the tract of 1131½ acres of Land hereinafter described and interest to the 15th day of September 1868. With legal interest thereon from that date till paid and all costs in this behalf expended; That the notes of William R. Cannon for $1000. and for $50. and the Deed of trust to Secure the payment of the Same which were executed on the 5th day of January 1855 and are filed among the papers of this Cause, be and the Same are hereby declared to be Satisfied Cancelled and annulled. It is further Considered, adjudged and ordered that upon the payment by the Said Thomas Ebon of the said Sum of $300 Dollars with interest to the date of payment, all the right, title and interest of William R Cannon his heirs and administrators in and to the following described tract of land to wit: Commencing at the South West Corner of a tract deeded to B. F. Johnson a Stake near the mouth of a Small branch that Empties into Boggy Creek, thence West 1700 varas to a corner, Thence South 30° West 1510 varas intersecting the north line of the Slaughter League, Thence East with the said line of the Slaughter League, it being also the South line of the Cannon League 1882 varas to the corner of the Nat Perry tract of 400 acres: Thence North 30° East with the line of said Perry's tract 1138 varas to the corner of the Perry tract on the South line of B. F. Johnsons tract Thence North 60° West 159 varas to the place of beginning Containing 1131½ acres lying in Travis County and being part of the William Cannon League be divested from the Estate of said William R. Cannon and from Defendants in Error, his administrators and administratrix and vested in the said Thomas Ebon his heirs and assigns forever. And it is further Considered, adjudged and ordered by the Court that the Vendor's lien upon the above described tract of land be and the Same is hereby recognized and established in favor of Said Defendants in Error as the representatives of the Said William R. Cannon deceased for the Said Sum of Three Hundred Dollars and forty Eight Cents, and the interest thereon and that an order of Sale Shall issue to the Sheriff of Travis County directing him to sell the said tract of land as under execution, and if the proceeds of Such Sale be insufficient to Satisfy this Judgment that further execution issue against Said Ebon and his Said Securities: And this decision be certified to the Court below for observance."

Wherefore we Command you that you observe the order of Our said Supreme Court in this behalf, and that you cause the Same to be duly recognized, obeyed and executed.

Witness the Honorable Amos Morrill Chief Justice
of our Said Supreme Court and the seal thereof
at the City of Austin the 10th day of December 1869
W. P. DeNormandie C.
per Sam P. Hart D.C.

Monday March 7th 1870.

The State of Texas, }
County of Travis } Be it remembered that on this 7th day of March A D 1870 that being the day appointed by Law for holding the District Courts of Travis County, there was begun and holden a regular Term of said Court, at the City of Austin Travis County, When there were present, the Honorable J. J. Thornton, Judge of the 2d Judicial District of State aforesaid Presiding, Ruddiff Platt Sheriff of Travis County, and E.C. Barthelmes Clerk of the District Court of Travis Co

And thereupon the Court ordered the names of the Grand Jury to be called, Which being done the following persons were found to be in attendance to wit: 1 Wash Hammett 2 Wm Smoote, 3 James Jans, 4 Ben Thompson, 5 W. W. Evans, 6 David Jones, 7 W.D. Taylor, 8 George Swaches, 9 Louis Green, 10 O.A. Millican, 11 J.B. Steins, 12 Jno A Robinson, 13 E.E Millett, 14 E Perry, 15 Thomas Anderson.
And thereupon the above named persons, Summoned as the regular Venire, were duly sworn by the Court and examined as to their qualifications to Sit as Grand Jurors, and said persons being found duly qualified according to Law were empannelled and sworn by the Court and instructed in regard to their duty,
And thereupon Wash Hammett was appointed by the Court foreman of said Grand Jury at this Term of Court, and said Jury being fully instructed as to their duty was ordered to retire upon the discharge of the Same

And thereupon It is ordered that H. Clay Eanes be appointed Bailiff to the Grand Jury, Who was duly Sworn and instructed as to his duties,

And thereupon the Court ordered that the Criminal Docket be set for hearing on Thursday March 17th 1870

Thos. C. Collins was thereupon appointed Bailiff for this Term of Court and was Sworn and instructed accordingly

√ 2845 — Merrell and Merrell vs Thos Wm Ward } Ordered by the Court that Plaintiffs herein have leave to file an amended Petition

√ 2932 — Sarah F. Williams Etal vs Almedia Rice Etal } Thos. J. Sneed appointed Guardian ad litem of Almedia Rice

A. A. Hughes, Aaron Burleson & David Jones appointed Commissioners to make partition of Land

Monday March 7th 1870

2936	P A Thompson et al vs A N Smith et al and Sidney P Smith	Ordered by the Court that O.H. Cullen Esq. be appointed Guardian ad litem of Minor Defendant Chas N Morton

Ordered that Court adjourn until 10 O. clock tomorrow morning,

Tuesday March 8th 1870

Court met pursuant to adjournment, present as on yesterday

1583	Nancy Bray et al vs A M Cox	Ordered that plffs herein have leave to file an amended petition
1613	Mc. R. Cannon et als vs March Smith et als	Ordered that Plffs herein have leave to amend,
1693	S.J. Cassidy Admr vs John King	In this case the Death of the deft. being suggested, It is ordered that the Case be continued to make parties
1728	T. B. Calhoun vs George Hancock et als	Ordered that W.C. Hamilton have leave to intervene in this cause, and Cause continued by consent,
1743	G. G. Simmons vs D. Mc. & G. R. Freeman	The plff. herein failing to comply with Rule for Costs, this Case is dismissed, and It is ordered that said Defendants recover of and from said plaintiff all Costs in this behalf incurred for which Execution may issue
1818	John. T. Miller vs M. A. Taylor	The cost of this case being paid the Same is discontinued by the plaintiff, It is therefore ordered by the Court that the case dismissed
1813	F. J. Barziza Admr of Ralph Graves Decd. vs J. S. Holman	The plff. herein failing to appear Either in person or by attorney It is ordered that this cause be dismissed, and that said Defendant recover of and from said plaintiff all costs in this behalf incurred for which execution may issue

Tuesday March 8th 1870

2023	E Henry Etal vs A. M. Davidson	By consent of parties, It is ordered that this cause be continued	
2064	Jas Riley vs Webb & Holman	Ordered that these causes be continued to make parties	
2169	A Hedgecoke vs R. N. Simmons Etal		
2183	Ellen Duvall vs Dyer & Swenson	Ordered that this cause be continued	
2218	W Tams vs Johnson & Burleson	Ordered that this cause be continued to make parties	
2263	Aaron Baley vs Mark Grigsby	Ordered that this cause be continued	
2548	J M Litten vs S. G. Sneed	Ordered that plff. herein have leave to amend	

Ordered that Court adjourn until 9 O. Clock Tomorrow morning,

Wednesday March 9th 1870

Court met pursuant to adjournment, present as on Yesterday,

2267	Wm Rust vs Willis Fawcett	The plff herein not appearing either in person or by attorney, It is ordered by the Court that this Cause be dismissed, and that said Defendant Willis Fawcett have and recover of the Plff. William Rust all Costs in this behalf incurred for which execution may issue
2347	Jas N Murray vs John Hollander	Ordered that this cause be continued to make parties

Wednesday March 9th 1870

1 2303 / 367 / V

F. E. Smith Admr. vs J. Hughes Et Als } Now on this the 9th day of March 1870 comes the plaintiff and Suggests the death of the Defendant A. B. Slaughter and dismisses this Suit as to him, and thereupon came the plaintiff and also came the Defendants, J. Hughes and J. J. Hughes, by attorneys and announce themselves ready for trial: Whereupon came a Jury, to-wit: J. H. Walker and Eleven others, good and lawful persons of Travis County, who after hearing the pleadings, Evidence, argument of Counsel and the charge of the Court, retired to consider of their verdict and afterwards returned into Court the following verdict to-wit: "We the Jury find for the plaintiff Three Hundred and Eighty nine & 72/100 dollars ($389.72) and that J. J. Hughes is Surety for the Same. J. H. Walker foreman"
It is therefore considered, ordered and adjudged by the Court that the plaintiff Felix. E. Smith, administrator of the Estate of Israel Pickins Dec'd, do have and recover of and from the Defendants, J. Hughes and J. J. Hughes, the Sum of Three Hundred and Eighty nine 72/100 Dollars, and that this Judgment bear interest at the rate of Ten per cent per annum from this date,
It is further considered, ordered and adjudged by the Court that the aforesaid Defendants pay all the costs of this Suit for all which execution may issue,
And the Said Defendant J. J. Hughes being only Surety for the Defendant John Hughes on the note Sued on, as found by the Jury in their Said verdict: It is therefore ordered that any execution issued on this Judgment be levied first upon the property of Said John Hughes; and it is further ordered that whatever amount Shall be collected out of the Said J. J. Hughes on this Judgment, Shall not extinguish this Judgment as to John Hughes, but that Said J. J. Hughes have execution over against Said John Hughes for whatever amount may be paid by him

V / 2353

P. S. Williams Admr. vs Philip Jobe Et Als } In this cause It is ordered that James. A. Chandler, admr of Williams be made party. pltff. hereto

V V / 2364 / 367 / V

Lewis Elgin vs E Hansbraughs } Now comes the plaintiff by attorney and Says he will not further prosecute his Suit in this behalf, It is therefore ordered by the Court that this cause be dismissed and that said Defendant E Hansbraugh have and recover of Said plaintiff Lewis Elgin all costs in this behalf expended for which execution may issue

Wednesday March 9th 1870

V 2380 — J. T. Ward vs M. W. Townsend Etal Defts, N. B. Floyd Etal Garnishees — Ordered that a commission issue to the respective counties of the Garnishees to take their answers, and cause continued

V 2437 — S. M. Swinson vs John. S. Ford — It appearing that this cause has been settled by the parties, and the cost paid It is ordered that the Same be dismissed

V 2450 — W. A. Ryan vs J. C. & J. M. McDavid — In this cause the Bankruptcy of J. C. McDavid is Suggested and this cause passed to head of Docket

V 2459 — E Burk & Wife vs J. J. Musgrove — The Bankruptcy of Deft being suggested It is ordered that this cause be continued

V 2491 — Watson Freeman vs E Perry & Wife — The plaintiff herein failing to appear Either in person or by attorney, It is ordered that this cause be dismissed for want of prosecution and that the said plaintiff Watson Freeman pay all cost in this behalf incurred for which execution may issue.

V 2501 — Basil Luckett & Alf Luckett Plaintiffs vs J. B. Perry Defendant — The plaintiffs herein failing to comply with rule for Security for Costs, heretofore granted, It is ordered that this cause be dismissed and that said plaintiffs pay all costs in this behalf incurred for which execution may issue

V 2526 — F. W. Meserean vs W. W. Townsend — Now comes the plaintiff by atty, and Says he will not further prosecute his Suit in this behalf It is therefore ordered by the Court that this cause be dismissed and that said plaintiff F. W. Meserean pay all costs in this behalf incured, for which Execution may issue.

V 2531 — W Braden vs G W Glasscock — In this cause G. W. Glasscock Jr, Exr of G. W. Glasscock, makes himself a party, and on application of plffs It is ordered that this cause be continued

Ordered that Court adjourn until 9 Oclock Tomorrow morning

Thursday March 10th 1870.

Court met pursuant to adjournment, present as on yesterday

	Cornell Bro's & Co. vs W. W. Townsend	Now come the plaintiffs by attorney and say they will not further prosecute their Suit in this behalf. It is therefore ordered by the Court that this Cause be dismissed and that the plaintiffs, Sam'l M. Cornell, Sidney Cornell and Simon B. Carey, pay all Costs in this behalf incured for which execution may issue
2545	W. C. Battle vs J. J. Musgrove	Now comes the plaintiff and Says he will not further prosecute his Suit in this behalf. It is therefore ordered by the Court that this Cause be dismissed, and that the said Plaintiff W. C. Battle pay all Costs in this behalf incurred, for which execution may issue
2549	E. B. Nichols vs W. P. Rutledge	In this Cause, lost papers being substituted & ordered to be filed

And now on this day appeared the Grand Jury, in open Court empanneled and Sworn for and during this Term of Court, and through their Foreman, Wash Hammitt, presented the following Indictments

2017	The State of Texas vs Perry Baker	Theft of a Gelding
2018	The State of Texas vs Alonzo T Ross	Theft of a Mare
2019	The State of Texas vs Arthur Sheppard	Theft from a house,
2020	The State of Texas vs James Brennan	Theft of a Bay mare
1845	The State of Texas vs Thos Ake and Elijah Oates	Ordered by the Court that a Special Venire facias issue for forty five men, from which to empannel a Jury for the trial of this case, returnable Saturday March 19th 1870

Thursday March 10th 1870

2018 The State of Texas vs Alonzo. T. Ross } Ordered that an attachment issue to McLennan County, returnable forthwith, for States Witnesses, L. J. Hoffman and J. D. Williams.

Ordered that Court adjourn until 9 Oclock tomorrow morning,

Friday March 11th 1870

Court met pursuant to adjournment, present as on yesterday

2544 John Hancock. vs Thos. F. McKinney } And now at this day come the parties to above cause by their attorneys and announce themselves ready for trial and by consent waive a jury and submit the matters in issue to the Court, and thereupon the Court having considered the case, because it appears that the Law and the facts are with the plaintiff, and that the Exceptions by Defendant are not well taken, It is considered by the Court that the said plaintiff John Hancock, do have and recover of and from the said Defendant Thos. F. McKinney the Sum of Eight Thousand, One Hundred and Sixty 58/100 Dollars ($8160.58), and all the costs of this Suit for all which execution may issue

2605 L. Eilers vs Isaac Jalonick Etal } Ordered that the Defendant Myers have leave to amend his answer

2783 J. C. Higgins vs Rutherford & Crockern } Ordered that Plff. have leave to file an amended Petition

2911 Thomas. K. Moore. vs R. C. McLaren } And now comes the plaintiff by attorney and says he will not further prosecute his suit in this behalf. It is therefore ordered by the Court that the Defendant R. C. McLaren, recover of the Plff. Thos. K. Moore all costs in this behalf incurred for which execution may issue

2911 The State of Texas, vs John Henry Brown Etal } Ordered that defendants herein have leave to amend their answer

Friday March 11th 1870.

2911. The State of Texas vs Simon Mack — Ordered that this cause be continued for service.

2929 Robt. D. Harris Exr. vs Deckard & Burdett — By consent of parties, it is ordered that this cause be continued

2934 T. C. Higgins vs T & A Stevens — It appearing that the matters in suit have been settled and the costs paid, It is ordered by the Court that the same be dismissed,

2935 George. B. Lyles vs Bethel Coopwood, Riches & Hall — Ordered that this cause be continued to perfect Service,

2937 Dianna Gilleland vs R. C. McLaren — And now comes the plaintiff by attorney and asks for Judgment by Default against the Defendant, and it appearing to the Court that said Defendant, R. C. McLaren, has been duly and legally served with process herein, and has failed to answer, It is ordered by the ~~Court~~ Court that the plaintiff Dianna Gilleland have Judgment by default against said Defendant, and that a Jury be Empaneled to assess her damages,

2940 W. B. Burdett vs W. C. Hamilton — Now comes the plaintiff by attorney and says he will not further prosecute his Suit in this behalf; It is therefore ordered by the Court that this cause be dismissed and that the plaintiff W. B. Burdett pay all Costs in this behalf incurred for which execution may issue.

2941 August Eilers vs Conner & Chandler — Ordered that this Cause be Continued for Service

2943 J. L. Coryell vs Green B Adams et al — In this cause it ordered that the Service be quashed, Defendants Enter an appearance to next term of Court & Cause Continued by consent

And now on this day appeared the Grand Jury in open Court, and through their Foreman present the following Indictments,

2021 The State of Texas vs N. B. Mitchell — Retailing liquors on Sunday

Friday March 11th 1870

2022	The State of Texas vs N. B. Mitchell	Retailing Spiritous Liquors on Sunday
2023	The State of Texas vs N. B. Mitchell	Retailing Spiritous Liquors on Sunday
2024	The State of Texas vs N. B. Mitchell	Retailing Spiritous Liquors on Sunday
2025	The State of Texas vs N. B. Mitchell	Retailing Spiritous Liquors on Sunday
2026	The State of Texas vs N. B. Mitchell	Retailing Spiritous Liquors on Sunday
2027	The State of Texas vs F. W. Kluge and John Eikle	Retailing Spiritous Liquors on Sunday
2028	The State of Texas vs F. W. Kluge and John Eikle	Retailing Spiritous Liquors on Sunday
2303	F E Smith Admr vs J Hughes Etal	The Plaintiff herein having filed a remittatur of $1.92/100 on the Judgment heretofore rendered in this case.

It is ordered by the Court that said Judgment be and and the same is hereby amended so as to read Three Hundred and Eighty Seven Dollars and Eighty cents instead of "Three Hundred and Eighty nine Dlrs 72/100 Dollars,"

Ordered that Court adjourn until 9 O'clock Tomorrow morning,

Saturday March 12th 1870

Court met pursuant to adjournment present as on yesterday

Saturday March 12th 1870

V
V 2549
V
366

E. B. Nichols vs Wm P. Rutledge — On this the 12th day of March A D 1870 comes the plaintiff in this cause, the Same having been regularly reached on the Docket, and announces himself ready for trial, Whereupon came a Jury to wit: W. B. Price and Eleven others, good and lawful Jurors of the County of Travis, who being duly tried, empannelled and Sworn, after hearing the allegations of the parties, Evidence, argument of Counsel and Charge of the Court, retired to consider of their verdict, and afterwards returned into Court the following Verdict to wit: "We the Jury find for the plaintiff the Sum of Seven Hundred and Eighty two Dollars and Eighty Six cents ($782 86) W. B. Price Foreman". It is therefore considered, ordered and adjudged by the Court that the Plaintiff, E. B. Nichols, do have and recover of and from the Defendant, William P. Rutledge, the Sum of Seven Hundred and Eighty two 86/100 Dollars, to be paid in gold or Silver Coin of the United States, and that this Judgment bear interest at the rate of Ten per cent per annum from this date. It is further ordred that the Defendant, Wm P. Rutledge, pay all costs of this Suit, for all which execution may issue,

V 2561 — The State of Texas vs ___ Duncan — Ordered that this cause be continued for Service

V V 2581 — Risher and Hall vs Boulds Baker et als — The Bankruptcy of the Defendant Baker being suggested, It is ordered that this cause be Continued

V 2583 — The State of Texas vs Thos Bowles et al — Ordered that this cause be continued for service,

V 2587 — J. M. Blackwell vs The City of Austin — Now on this day come the parties by their attorneys and announce themselves ready for trial, and thereupon came a jury to wit: W. B. Price and Eleven others good and lawful men of Travis County, who having heard the Evidence, argument of Counsel and Charge of the Court retired to Consider of their verdict, and after a time, returned into Court the following Verdict to wit: "We the Jury find for the plaintiff the Sum of One Hundred and Twenty Dollars ($120.00) W. B. Price Foreman" It is therefore ordered and adjudged by the court that the Plaintiff, J. M. Blackwell, do have and recover of

Saturday March 12th 1870

And from the Defendant, The City of Austin, the Said Sum of One Hundred and Twenty Dollars, ($120.00) the amount by the Jury aforesaid assessed; together with all costs in this behalf incurred, for which execution may issue

2573 — T. M. Smith, vs Wm Hornsby — By consent of parties, It is ordered that this cause be continued

2595 — Amos Morrill vs Houston & Cook — Ordered that this cause be Continued for service on Houston

2596 — Amos Morrill vs McGuire & Cook — Ordered that this Cause be Continued for service on McGuire,

2598 — Amos Morrill vs Moore & Cook — Ordered that this Cause be Continued for Service on Moore

2599 — Amos Morrill vs Wood & Cook — Ordered that this cause be Cont'd for service on Wood.

2618 — Thomas. W. Ward vs W. P. De Normandie — Now on this day came the parties by their attorneys and announce themselves ready for trial and thereupon came a Jury towit: W. B. Price and Eleven others, good and lawful men of Travis County, who being duly empannelled and sworn, and who having heard the Evidence, argument of Counsel and charge of the Court, retired to consider of their verdict, and after a time returned into Court the following Verdict towit: "We the Jury find for the plaintiff the Sum of One hundred and ninety Eight Dollars and Seventy four cents ($198.74) W. B. Price foreman" It is therefore ordered and adjudged by the Court that the said plaintiff, Thos W. Ward, do have and recover of and from the said Defendant, W. P. De Normandie the said Sum of One Hundred and ninety Eight 74/100 Dollars as by the Jury aforesaid assessed, together with interest thereon at the rate of ten per centum per annum until paid, and all costs in this behalf expended, for all which Execution may issue,

Saturday March 12th 1870

2625 John A. Scrogin vs Nancy A. Scrogin } Ordered that this cause be continued

2783 J. C. Higgins vs Rutherford and Crocheron } Ordered by the court that this cause be dismissed as to the Defendant Crocheron

2802 William Drake vs Richard McLaren and Dianna Gilleland } Ordered that this cause be dismissed as to Deft. Richard McLaren.

2927 The State of Texas vs John Glasscock Etals } In this Cause on this the 12th day of March 1870, come the Defendants by attorneys and move the court to set aside the forfeiture of the recognizance heretofore Entered against the Defendants; Which motion being consented to by the District Attorney duly considered by the Court and the matters therein being understood, It is ordered and adjudged by the Court that the said forfeiture be and the same is hereby set aside and annulled, and that the said Defendant John Glasscock as principal in said recognizance and George Glasscock and William Glasscock as sureties thereon, be released from said forfeiture.

2757 W. L. Smith vs Bethel Coopwood } Ordered that the Garnishee herein have leave to file an amended answer,

Now on this day came the Grand Jury, duly sworn and Empaneled for and during this Term of Court, and through their foreman, in open court, present the following Indictments to wit:

2029 The State of Texas vs Wm Taylor } Aggravated Assault,

2030 The State of Texas vs Jim Sauls } Theft

2031 The State of Texas vs Peter Wallace } Theft

Saturday March 12th 1870

2032 The State of Texas vs G W Simmons — Theft of a mare

2411 A A Barnes vs Joseph Harrell — And now on this day this cause came on to be heard between the parties to this Suit, whereupon came a Jury of good and lawful men viz: W.B. Price and Eleven others, who being duly sworn, after hearing the proof and allegations of the parties retired under charge of the Court and after a short absence returned into Court the following verdict;
"No 2411. A. A. Barnes vs Joseph Harrell, We the "Jury find for the plaintiff the Sum of Twenty one "Hundred and fifty Dollars ($ 2150.) and the Jury "further find that the note Sued on is a lien on the "lots described in plaintiffs petition (Signed) W Price foreman
Wherupon it is ordered, adjudged and decreed by the Court that the plaintiff A. A. Barnes, do have and recover of and from the said Defendant the said Sum of Two Thousand, One Hundred and fifty dollars together with all Costs of Suit in this behalf expended; And it ascertained by the verdict of the Jury that the said Sum of money is due for ~~the~~ a part of the purchase money due for the real Estate mentioned in Plaintiffs petition sold by the said plaintiff to the said Defendant on the 13th day of April A D 1860. Said real Estate being situated in the City of Austin County of Travis and State of Texas, Known and described as part of Lots Ten (10), Eleven (11) and Twelve (12) in Block No Sixty nine (69) fronting on Pecan Street twenty five feet and running back One hundred and Thirty Eight feet, on which is situated a brick building, for a more Specific description reference is made, to the certified Copy of the Deed from plaintiff to Defendant attached to plaintiffs petition in this Case, dated april 13th 1860 and of Even date with the note Sued upon
It is therefore ordered and decreed that the said real Estate be and the Same is hereby foreclosed, declared and Established and that the Clerk of this Court issue an order of Sale pursuant to Law and this decree ordering the Sheriff of said Travis County to proceed to Sell the said premises to Satisfy this Judgment and Decree, together with all costs of this behalf expended, and

V

2411 A A Barnes vs Joseph Harrell Suit for two thousand four hundred & fifty dollars on Note &c Filed 12th 1871 Record of Travis County

V

12th Rcd & Filed
Clerks

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and out of the proceeds of said Sale pay off and discharge said Judgment and Costs and the balance of the money, if any there Should be return to the Defendant in this Cause, It Appearing also to the Court that the note Sued upon was and is dated on the 13th day of April A D 1860 at a time when Gold and Silver was the only lawful money of the United States, or of this State, it is ordered and decreed that this Judgment is payable and dischargable, only, in Gold and Silver Coin,

It is further ordered that in case the said property herein described and ordered to be Sold, Shall not sell for Enough to Satisfy this Judgment then that Execution issue for the residue as in other Cases,

Bray et al vs Cox — 1583

And now on this day come the parties by their attorneys and announce themselves ready for trial, and thereupon came a Jury of Twelve men, to wit: W. G. Maynard and Eleven others who being duly Empanneled, Elected and Sworn, after hearing the Evidence and charge of the Court retired to consider of their verdict and thereupon returned into Court the following verdict to wit: "We the Jurors find for the Defendant that portion of the Land described in Deed of Thos. F. McKinny to W. D. Miller of the date 21st March 1857. the balance of the land we find for the plaintiff

W. G. Maynard Foreman"

And it appearing from the answer of Defendant and announcement in open Court that he disclaimed all right, title or interest in and to any portion of said land sued for except that described in the Deed from McKinny to Miller, it is therefore considered by the Court and it is hereby ordered, adjudged and decreed that plaintiff take nothing of the Defendant Cox in this Suit: That said Defendant A. M. Cox, have and recover of Plaintiffs that portion of the land sued for as described in the said Deed from McKinny to Miller mentioned in the verdict of the Jury to wit i In said County of Travis on Spring or Barton's Creek, about five and a half miles South West of the city of Austin, being a part of a third of a league of land granted to John. L. Bray as his headright - beginning at the beginning Corner of the Third of the league aforesaid, Thence South 65° East 2020 varas to a Stone mound from which a live oak six inches in diameter bears South 35° East 80 varas ditto 7 inches diameter bears north 54° West 70 varas: Thence north 30° East 208 varas to a branch Thence north 10° East 772 varas to the forks of a branch

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Thence down the bed of said branch with its meanders to Spring or Barton's Creek from which a Sycamore 15 inches in diameter bears South 25° West 10 varas; ditto an Elm bears, 10 inches in diameter, South 15 varas: Thence down Spring or Barton's Creek to the place where the lower line of the Bray tract crosses the Same — Thence North 30° East 600 varas to the north west corner of the Standifer 320 acre tract, Thence South 60° East 269 varas to a Stone mound: Thence North 30° East 237 varas to a Stone mound: Thence North 60° West 2250 varas: Thence South 30° West 588 varas to Stake and mound: Thence 60° West 950 varas to Stake and mound: Thence South 30° West 2377 varas to the place of beginning; Variation of Compass 10½° — Containing One Thousand and Sixty four acres, more or less —.
It is further ordered that the Defendant Co[illegible] go hence without day and that he recover of and from the said Plaintiffs all the costs of this suit, for which execution may issue.)

V

2368

370 X

Lewis Elgin vs Wm A Blanton — Now on this day come the parties by attys and announce themselves ready for trial and thereupon came a Jury of good and lawful men to-wit: J. A. Walker and Eleven others, who being duly Empannled and sworn and who having heard the Evidence & the Charge of the court retired to consider of their verdicts and after a time returned into Court the following verdict to-wit "We the Jury find for the plaintiff the Sum of Fifteen Hundred and Seventy one dollars ($1571.00) and that the property mentioned in plaintiffs petition is liable for the Same, J. A. Walker foreman" It is therefore ordered and adjudged by the Court that the plaintiff Lewis Elgin do have and recover of and from the Defendant William A Blanton the said Sum of Fifteen Hundred and Seventy one Dollars by the Jury aforesaid assessed, together with all costs in this behalf incurred for which execution may issue; and it appearing to the Court that the note sued on was given for the part of the purchase money of the following described tracts of land; sold by the plaintiff to the Defendant, to-wit: lying or being situated in the County of Travis and State of Texas, to-wit: One third out of Lot

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Number 42 in Division "O" as Known upon the town plat or maps of ant Lots of the City of Austin Travis County Texas being that portion of said ant Lot upon which the mill now stands, and being in the South East corner of said ant Lot: and also a part of ant Lot Number 64 in said Division "O" commencing at a point in the north line of said ant Lot No 64 South of a line or boundary between ant Lots number 29 and 30 in said Division "O" for the north west corner: Thence West with the north line of said ant Lot Number 64 to the Northwest Corner of said ant Lot no 64, Thence nearly South with the West line of said ant Lot No 64 to the Southwest Corner of the same: Thence nearly East with the South line of said lot No 64 to a point South of a point first named, Thence nearly north to the place of beginning: And also an undivided One half interest in the tract of land lying and being on the West bank of the Colorado opposite and above the said mill house, and for a more particulary description of which reference is made to a Deed from Albert C. Horton to James. B. Shaw and James. H. Mathews dated Sept 1st A D 1856, and recorded in Book "X" on pages 503 and 504 of Records of Deeds for Travis County and also an undivided One half interest in Twenty acres of Land in Travis County and about four miles West from the city of Austin beginning at a Stone mound the north East Corner of L. P. Lunsberg's survey No 71: Thence S 60° E 53 varas to a Stone mound on A. P. Hill's West line: Thence S 30° W 2135 Varas to a corner: Thence N 60° W 53 varas to a Stone mound, at the South East Corner of Survey No 70: Thence N 30° E with line of Surveys No 70 & 71, 2135 varas to the place of beginning. The Survey is Known as no 500, and more particularly described in Patent No 106 issued to N. W. Graham and Lewis Elguin on the 15th day of Nov: A D 1862. It is therefore ordered adjudged and decreed by the Court, that the Vendors lien be and the Same is hereby foreclosed on the above and foregoing described property, and that the Clerk of this Court issue an order of Sale directed to the Sheriff of Travis County Commanding him to seize and Sell, as under execution, the above described Lands, and apply the proceeds of said Sale to the payment of this Judgment, interest and costs, and pay the overplus, if any there be, to the defendant in this suit: And should said Sale, or the proceeds thereof, be insufficient to pay off and fully discharge said Judgment, interest and costs, then it is ordered that Execution issue against said

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Defendant, in favor of said plaintiff, for any balance remaining unpaid,

2552 — H. L. Nelson, Admr, plff vs A. J. Berry Deft — And now at this come the parties to the above cause by their attorneys, and waive a jury and submit the matters involved to the Court and by consent and agreement of parties, it is considered by the court that the said plaintiff as admr do have and recover of and from the said Defendant A. J. Berry the Sum of Three Hundred Dollars, and all the Costs of this Suit for all which Executions may issue,

2548 — J. M. Litten vs S. G. Sneed — Now on this day came the parties by attorneys and agree that this cause be dismissed at the cost of the Defendant. It is therefore ordered by the Court this cause be dismissed and that the plaintiff J. M. Litten, recover of the Defendant S. G. Sneed, all costs in this behalf incurred, for which execution may issue

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2605 — L Eilers vs Isaac Jalonick Etal — Ordered that plff have leave to amend

2635 — G. W. Paschal vs Jenkins Davis Etal — Ordered that this cause be continued

2641 — S. M. Swenson vs Jas Nicholson Etal

2644 — S. M. Swenson vs J. N. Herndon Etal — Ordered that these causes be Continued for Service

2645 — George W. Paschal Pro ads vs A. P. Blocker — Now comes the plff by atty and says he will not further prosecute this suit It is therefore ordered by the Court that the plaintiff George W. Paschal, pay all the costs of this suit for which execution may ipue

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Ordered that Court adjourn until 9 O'clk Monday March the 14th,

Monday March 14th 1870

Court Met pursuant to adjournment present as on Saturday

2648	William Bagley vs W. B. Burdett & Etal	Now comes plaintiff by attorney and takes a not Suit in this cause, & is therefore order that said plaintiff William Bagley pay all costs in this behalf incurred for which execution may issue,
2653	E. M. Smith vs M & Rayston	Ordered that this cause be continued
2699	W. A. Morris vs C. A. Wooldridge admr.	Ordered that these causes each be continued
2700	Phelps & Johnson vs D A & W B Nichols	
2701	Phelps & Johnson vs W. B. Nichols	
2703	Phelps & Johnson vs John Stringer	The plaintiffs herein not appearing either in person or by counsel, On motion of Defendants atty it is Ordered that this cause be dismissed for want of prosecution and that the plaintiffs, Phelps and Johnson, pay all costs in this behalf incurred for which execution may issue
2704	B A Risher vs F. B. Sawyer	Ordered that this cause be continued
2713	Christina Arnold vs Wm Arnold	Ordered that this cause be dismissed for want of prosecution and that said plaintiff Christina Arnold pay all the costs of this Suit for which execution may issue
2715	Isaac Jalmick Etals vs Pleasant Taylor Etal	Ordered that this cause be Continued on affidavit of Defts

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2716	J. A. & Geo. W. Parshal vs D. L. Croft	3	Ordered that this cause be continued
2718	Chas & Sarah Ward vs Thomas H. Jones admr	3	Ordered that Mrs James, late Mrs McGehee have leave to intervene herein,
2721	L Renfro vs James P. Hector	3	Now comes the plaintiff by atty and dismisses this Suit, It is therefore ordered that the Defft James P. Hector have and recover of the plaintiff L Renfro all the costs of this suit for which Execution may issue
2734	W. W. Townsend vs N. C. Raymond	3	Ordered that this cause be continued
2736	Joseph Newsham vs G. R. Freeman	3	Now comes the plaintiff by attorney and says he will not further prosecute this Suit therefore it is ordered by the Court that this cause be dismissed and that the plaintiff pay all costs for which execution may issue
2743	Thos Freeman vs Geo Quinan & al	3	Ordered that this cause be continued for Service on Quinan,
2746	J A Pope vs Rutherford Rector & al	3	By agreement of parties it is ordered that this cause be dismissed at the costs of Defts, and that Plaintiff have and recover of said Defendants R. A. Rutherford, Nelson. S. Rector, T. M. Rector and John. A. Washington, all the costs of this Suit for which execution may issue
2749	Geo Lee & al vs Aaron Burleson & al	3	The Rule for Costs having been complied by Plffs herein, by agreement of parties it is ordered that this cause be continued
2755	L D Carrington & Co vs W. O. Martin	3	By Consent of parties it is ordered that this cause be continued

Monday March 14th 1870

John. N. Robinson & William Robinson vs John Hughes

Scire facias to revive a Judgment rendered in this Court on the 31st day of May 1866.

And on this day came on to be heard this cause and motion to revive the Judgment of this Court heretofore rendered between these parties. The parties by their respective attorneys waive a Jury and submit the matters in issue to the Court; and it appearing that the said plaintiff did recover a Judgment against the Defendant on the said 31st day of May A D 1866, for the Sum of Four Hundred and forty Dollars and Seventy Five cents, which Judgment has become dormant, And it also appearing to the Court that there is still due to the plaintiff from said Defendant upon said Judgment the Just and full sum of three Hundred and Twenty & 52/100 Dollars ($320 52/100). It is further ordered adjudged and decreed that the said plaintiffs have and recover of and from the said Defendant the said Sum, and that the said Judgment of May 31st 1866 be and the same is hereby revived for that amount, together with all costs of the former suit as well as of this Suit, motion & Judgment, and that interest be computed at the rate of ten per cent per annum upon the $320 52/100, now adjudged, from this date, for all of which execution may issue.

L Rentfro vs W. M. Trumbles

On this comes the plaintiff by attorney and says She will not further prosecute her suit in this behalf. It is therefore ordered and adjudged by the Court that suit be dismissed and that the Defendant W. M. Trumbly have and recover of and from the said plaintiff L Rentfro all costs of this suit for which execution may issue—

N Townsend's Ex'r vs B. A. Rusher

Ordered that this cause be Continued

Heirs of Jane McFarland per C R Johns & Co agents vs D. L. Crop

On motion of Defts atty it is ordered that this Cause be dismissed for want of prosecution, and that the plaintiff pay all costs of suit for which execution may issue,

Tho Freeman vs C. A. & D Trimble admrs

Ordered that this cause be Continued

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2783

J. C. Higgins
vs
R. A. Rutherford
& A Crocheron

In this cause appeared the parties plaintiff and defendant by their attorneys and the plff dismisses his Suit against the Defendant A Crocheron. It is therefore ordered, adjudged and decreed by the court that this Suit be dismissed as to the Defendant A Crocheron and that he go hence without day and recover of and from the plaintiff J. C. Higgins all the Costs of this Suit that have accrued for or on account of him the said Crocheron, and by agreement of parties, plaintiff and the Defendant R. A. Rutherford a Jury is waived and the following Judgment and Decree is entered by consent of the said J. C. Higgins and the said R A Rutherford, and it is therefore ordered adjudged and decreed by the Court that the plaintiff Jacob. C. Higgins do have and recover of and from the Defendant Robert. A. Rutherford the Sum of Seven Thousand Sixty Six and 54/100 Dollars in Specie for his principal debt and interest up to date, together with ten per cent interest thereon from this date until paid, with all costs of this Suit incurred for or on account of the said R A Rutherford, It is further ordered, adjudged and decreed by the Court that the plaintiffs vendor's lien be, and the same is hereby foreclosed upon the following described tract of Land: towit: Three Several tracts of Land in Travis County in said State, containing altogether about Three Thousand Six hundred and Seventy five acres more or less, The first of which tracts Contains two hundred and Seventy five acres being a part of a three hundred and twenty acre tract which was granted by the State of Texas to the heirs of John Rowland by letters patent bearing date May 3d A D 1852, The two hundred and Seventy five acres thereof heretofore Conveyed is more perfectly described as the whole of a two hundred and ninety five acre tract thereof (except twenty acres heretofore Sold by ~~me~~ A Crocheron to James Abercrombie, which was Conveyed to ~~me~~ A Crocheron by Josiah Fisk by Deed bearing date February 1st A D 1853 which of record in Travis County, The Second tract Containing four Hundred acres is Situated Eight Miles North of the City of Austin, Beginning at the South East Corner of J. C. Brooks survey, from thence North

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30° East to what is Known as big Walnut Creek from, Thence up the Southern Bank of said Creek with its meanders to a sufficient distance so that by running a line from such point on said parallel with the first line of this Survey until it shall intersect the Southern Boundary line of said Brooks' Survey and from thence South 60° East with said Southern Boundary line to the beginning, will include four hundred acres being the same tract which was sold and conveyed to Jerry Clopton by Henry. W. Dublett by Deed bearing date which Deed is of record in Travis County.

The third and last tract is supposed to contain about Three Thousand acres more or less, is situate upon the Waters of Walnut Creek and joins the last described tract is known as a survey made for me by virtue of the Head right certificate of John Applegate, ~~Except the following named Eleven~~ tracts, and is described as follows: The tract hereby conveyed Contains and includes all that that tract of Land surveyed by me by virtue of the head right certificate of John Applegate as aforesaid. Except the following named Eleven tracts, which I have heretofore sold off of the said original Survey, to wit: to Henry. W. Dublett Two hundred acres, To G Barnes One hundred and thirty five acres: To Jno Abercrombie one hundred and two hundred acres. To two Geo Saunders two tracts containing four hundred and twenty acres, To M Perry one hundred acres for a grave yard, five acres: To J Burdett Sen one hundred and thirty acres: also to Jesse Burdett Sen two Hundred acres: To James Smith one hundred and Thirteen acres and to L.B. Moore one hundred and eighty two acres: all of which tracts except that to James Smith are fully described in title papers from Henry Brodie to the parties interested: and that the tract to said Smith is described as lying between the lands of Burdett and that of L.B. Moore, and the tract hereby including and contains all the land in the original Survey before described except such part thereof as is included within the aforesaid Eleven tracts or some one of them, all of which said three tracts are supposed to contain about Thirty Six hundred and Seventy five acres more or less: It is therefore ordered by the Court that an Order of Sale issue to the Sheriff of Travis County, Commanding him to sell said land as under execution for the Satisfaction of this Judgment: In the event that the proceeds

Monday March 14th 1870

of the sale of said land shall proove insufficint to Satisfy this Judgment and Costs, that Execution ipso against the Defendant Rutherford for any balance that remains unsatisfied by the sale of said land,

2757

Smith plff.
vs
Coopwood Deft.
B. A. Risher and C. K. Nall } Garnishees

March 14th 1870
And now on this day Comes the plaintiff by his attorney and the said Garnishees B. A. Risher and C. K. Nall by their attorney; the parties waiving a jury and Submitting the matters of Law and fact to the Court and it appearing to the satisfaction of the Court from the amended answer of the Garnishees, Risher and Nall, that they were indebted to the Defendant, Coopwood, at the time of the Service of the Garnishments in this case, or then, in a Sum of money sufficient to Satisfy the Judgment interest and Costs rendered in favor of the plaintiff at the last Term of this Court, against the Defendant Coopwood, It is therefore considered by the Court, and it is hereby ordered, adjudged and decreed that the plaintiff have and recover of the said Garnishees B. A. Risher and C. K. Nall the amount due on said Judgment towit: the Sum of Four Hundred and Twenty Six Dollars and forty cents ($426.40/100) together with interest thereon from the date of said Judgment towit: from the 14th day of September 1869 at the rate of Eight per cent per annum until fully Satisfied, together with all Costs by Pltf in the said plaintiff in this behalf expended, and ordered that Execution ipso therefor

2760

M Olmsted
vs
McKinney & Maverick

Now on this Come the parties by attorneys, and thereupon Came on to be heard the Defendants exceptions to that part of plffs petition which seeks to charge Deft Ada Maverick with the alleged indebtedness before the death of her alleged husband, and said exceptions being argued by Counsel as well for plff as Deft and the Court being fully advised, It is ordered that said exceptions be and the Same are hereby sustained, to which ruling of the Court the plffs attorney excepts; Whereupon on motion of the Defendant the depositions of Simon Fechter

Monday March 14th 1870

J. L. Higgins and A. D. Houston, on file in this cause, are ordered to be suppressed, And thereupon came on for hearing the Defendants motion to suppress the deposition of J. J. Miller, on file in this cause and the Court having considered said motion, it is ordered that the same be overruled, to which ruling of the Court the Defendants, by atty, except. Ordered that the cause be passed to the heel of the Docket.

2795	Appleton, Noyes & Co vs Peeples & Bro	3	Ordered that this cause be continued for service
2799	J. T. Alexander vs N. B. Kn & etal	3	Ordered that this cause be continued
2802	Wm Drake vs McLaren & Gilleland	3	Ordered that this cause be continued as upon affidavit of Defendant,
2862	E. Kidwog vs Glasscock & Chandler	3	Ordered that Deft Glasscock have leave to amend.
2888	Henderson Hardy admr. vs C. B. West Exr & c, R. G. Kyle & etal	3	Ordered that have leave to amend

No 2936

Pamelia A. Thompson, Alexander C Thompson Daniel D. Thompson, Louisa R. Gordon & her husband John G. Gordon, Jasper M. Thompson, Bettie J. Johnson & her husband John O. Johnson, Lucinda L. Thompson, & Fremont Knox Thompson by his next friend Jno. G Gordon

vs

America N. Smith & her husband Robert G. Smith, Clementine C. Nicholson, Ann M. Smeed & her husband Nicholas T. Smeed & Minor Heirs of Charles P Smith Decd viz: Charles N. Smith, Morton J. Smith & Sidney P. Smith

Decree for partition

This the 14th day of March 1870 came the petitioners by their attys and comes Alex O. N. Cullen, Guardian ad litem for said Minors & upon motion of the said petitioners a Judgment pro confesso is taken and is hereby adjudged against the said Defendants other than the minors and the said matters in the petition together with the Evidence by the petitioners

Monday March 14th 1870

introduced, being submitted to the Court, and it further appearing that for the benefit of said minors a partition should be made of the said lands; and it further appearing that the allegations in the petition are true and that the said parties towit: Permelia A. Thompson is widow of the Decd. W. D. Thompson, and that the said Alexander L. & Daul. D. Thompson, Louisa R Gordon, Joseph M. Thompson, Bettie J. Johnson, Lucinda L. Thompson & Fremont Knox Thompson are the heirs of said W. D. Thompson, and that America A Smith, Clementine C Nicholson & the deceased Chas. C. Smith (father of the said minors, Chas N. Morton J. & Sidney D Smith) and Thos. J. Smith are the heirs of the said O.B. Smith, and that said Clementine C Nicholson claims the part of her brother Thos. J. Smith and shows a transfer to her therefor; It is thereupon ordered, adjudged and decreed by the Court that the partition of the Lands described in the petition be made in accordance with the prayer of the Complainants and that Commissioners be appointed to make said partition, and that the two lots in the City of Austin viz: Lot No 1 in Block No 60 and Lot No 12 in Block No 27 be divided Equally between the Complainants and the Defendants, That is to say, that Complainants take one half interest, and the Defendants one half interest, And as to the remaining property towit: 1. The tract of 677½ acres of the Head Right League of Thos A Moore, in Williamson County being off the East Side of said League and being about 675 varas in width and 5000 varas in length being the same set apart to Smith and Thompson by Decree of District Court of Travis County January 1856.

2. The tract of three fourths of a League patented in the name of W. D. Thompson, assignee of Thomas A. Mayo in Bosque County Texas,

3d The unlocated balance of Head Right Certificate No 173 issued to Thos. A. Moore for a League and Labor issued by the Board of Land Commissioners of Bastrop County, the unlocated balance being for 4524800 labors It is ordered and decreed by the Court that the Same be partitioned between the Complainants and the Defendants in the proportion that the Complainants shall take two fifths in value thereof and the Defendants three fifths in value thereof; And it is further ordered that John E. Campbell, Wm H. Hardeman & Joseph Harrel be and they are appointed Commissioners to make partition of the said property in accordance with

Monday March 14th 1870.

this decree, any two of which commissioners may act, and that they report their action under oath to this court for further proceedings, and this Term of the court, if they can do so: And it is further Ordered that the costs herein be taxed ~~expressly~~ against the parties Complainants and Defendants and that a fee of Twenty five Dollars be allowed O. H. Cullen Esq. Guardian ad litem to be taxed as costs,

Now on this day appeared the Grand Jury and through their foreman present the following indictments, in open court

2033 The State of Texas vs Thos Bowles } Exhibiting Faro Bank

2034 The State of Texas vs Thos Bowles } Betting at Faro

2035 The State of Texas vs Thos Bowles } Exhibiting Monte

2036 The State of Texas vs Chas Smith } Exhibiting Faro Bank

2037 The State of Texas vs Chas Smith } Exhibiting Faro Bank

2038 The State of Texas vs Chas Fenget } Exhibiting Monte Bank

2039 The State of Texas vs Chas Fenget } Exhibiting Faro Bank

2040 The State of Texas vs Pleasant Saunders } Exhibiting Monte Bank

2041 The State of Texas vs P Brass } Retailing Liquors without license

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2042 The State of Texas vs P Brass } Retailing liquors without license

2043 The State of Texas vs P Brass } Retailing liquors without license

2044 The State of Texas vs J. W. Simmons } Theft of a colt,

1901 The State of Texas vs Sam Piper } Ordered that an attachment issue to Bashop Canny for Witness Claiborne Harris, returnable forthwith,

2017 The State of Texas vs Perry Baker } On motion of the Dist attorney It is ordered that this cause be dismissed, and that said Deft Perry Baker go hence without day

2018 The State of Texas vs Alonzo. T. Ross } On motion of the Dist atty it is ordered that this cause be dismissed and that Deft. go hence, without day

2055 The State of Texas vs Arthur Shuppard } On motion of the Dist atty, it is ordered that this cause be dismissed and that said Deft go hence without day,

2020 The State of Texas vs James Brennan } On motion of Dist atty, It is ordered that this cause dismissed and that said Deft go hence without day

2029 The State of Texas vs William Taylor } On motion of the Dist atty, It is ordered that this cause be dismissed and that said Deft go hence without day

Ordered that Court adjourn until 9 O. clock tomorrow morning,

Tuesday March 15th 1870

Court met pursuant to adjournment, present as on yesterday

Monday March 14th 1870

√ 2505 — Goldfrank, Frank & Co vs R A Rutherford

V X

And now on this day this cause coming on to be heard; thereupon appeared the plaintiffs, Max Goldfrank A. B. Frank and Samuel Lavenburg, under the firm name of: of Goldfrank, Frank & Co, by their attorneys, and the Defendant by attorney, and announced themselves ready for trial, and thereupon the plaintiffs exceptions to Defendants amended answer being heard and considered by the Court, it was ordered that said exceptions be and the same are overruled: Thereupon came a Jury of good and lawful men, to wit: John H. Walker and Eleven others who being elected tried and sworn well and truly to try the issues between the parties, and having heard the pleadings, Evidence, argument of Counsel and charge of the Court retired to consider of their verdict and thereupon returned into court the following verdict to wit: "Goldfrank & Co vs R. A. Rutherford "No 2505, We the Jury find for the plaintiff the Sum of "($1963 71/100) One Thousand, Nine hundred Sixty three 71/100 Coin Dollars, J H Walker foreman" Thereupon the plaintiffs by attorney come and file their waiver in writing of a Judgment for Coin Dollars, and ask only for Judgment upon said verdict for the amount assessed therein in the lawful money of the United States. It is therefore ordered and adjudged by the Court that the plaintiffs have and recover of and from the Defendant the Sum of one Thousand and Nine Hundred Sixty Three 71/100 Dollars, the amount assessed by the Jury aforesaid, in the lawful money of the United States together with all costs in and about this Suit expended for which execution may issue.

Now on this day come the Grand Jury and through their foreman, in open court present the following indictments

2045 — The State of Texas vs Primus Williams — Burglary

2046 — The State of Texas vs Austin Munson — Theft

2047 — The State of Texas vs Bean & Bean — Robery

Tuesday March 15th 1870

2048	The State of Texas vs Harry Johnson	Assault with intent to Kill & Murder
2049	The State of Texas vs Edmund Boulden	Assault with to Kill and murder
2050	The State of Texas vs Matthias Woodliff	Exhibiting Faro Bank
2051	The State of Texas vs John Bond	Exhibiting Monte Bank
2052	The State of Texas vs Thomas Tucker	Exhibiting Monte Bank,
2053	The State of Texas vs J. W. Simmons	Theft of a mare,
2054	The State of Texas vs Alonzo T. Ross	Theft of a mare
2055	The State of Texas vs Arthur Sheppard	Theft of a horse
2056	The State of Texas vs James Brennan	Theft of a mare
2057	The State of Texas vs Perry Baker	Theft of a Gelding
2058	The State of Texas vs Sebastian Kips	Theft

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2059 The State of Texas vs Watt Good } Exhibiting gaming Table

2060 The State of Texas vs Aaron Mousgrove } Gaming

2061 The State of Texas vs Dan. P. Gallagher } Aggravated Assault

2062 The State of Texas vs William Taylor } aggravated Assault

2063 The State of Texas vs Henry Dowell } Murder

2054 The State of Texas vs Alonzo. T. Ross } Ordered that an attachment issue to McLennan County, for State's witnesses Jas H. Williams and L. J. Hoffman, returnable forthwith

2063 The State of Texas vs Henry Dowell } Ordered that a Special Venire facias issue, for forty five men, returnable on Monday next

V 2718 Chas & Sarah Ward vs Thos & Jno Jones admr &c } Ordered that Deft Jones have leave to amend,

V 2756 X J. D. McGarey vs Seth B. Reed and Geo W Glascock } On this the 15th day of March 1870 Come the parties to this cause and the Deft Reed withdraws his answer filed herein on the 6th day of March 1868. and thereupon the parties agree in open Court to waive a Jury and submit said cause to the Court; and the Court thereupon heard the allegations of the parties the Evidence and argument of Counsel; and being fully advised of the said Cause, It is Considered, Ordered and adjudged by the Court that the plaintiff J. D. McGarey do have and recover of and from the defendants, Seth B Reed and George. W. Glascock, Executor of the Estate of George. W. Glascock dec'd the sum of Four hundred

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Seventeen & 54/100 Dollars, together with all costs of this suit for which Execution may issue. And it further appearing that that this Suit is founded on a promissory note executed by Defendants on the 9th day of January 1861 It is Considered and ordered by the Court that this Judgment is to to be discharged only in Gold and Silver Coin of the United States. And it further appearing that the note sued on and upon which this Judgment is based, draws interest at the rate of ten per cent per annum, It is considered ordered and adjudged that this Judgment draw interest at the said rate of ten per cent per annum from and after this date. And the parties to this suit having agreed to a Stay of Execution herein for three months, It is considered and ordered that no Execution issue herein until the Expiration of three months from and after the adjournment of this Court. If at the Expiration of said time the Defendants shall fail to pay this Judgment and Costs then Execution may issue herein the same as if no Stay had been granted.
And it further appearing that Geo. W. Glasscock Sen. was Surety on the note sued on it is ordered by the Court that the Sheriff levy the Execution to be issued on this Judgment first upon the property of Deft Reed situated in the County of Travis subject to execution and if property so belonging to said Reed, Sufficient to satisfy said Execution cannot be found in the said County of Travis then levy to be made upon so much of the property of the Estate of George. W. Glasscock Sen. as may be necessary to make the amount of the Execution.

F. W. Chandler admr
vs
Fred Jordan
2780 — Ordered that plff have leave to amend

W A Taylor
vs
E. G. Reed
2811 — Now on this day come the parties by attorney and announce themselves ready for trial and thereupon came a jury of good and lawful men to wit: W. B. Price and Eleven others, who being duly empannelled and sworn and who having heard the Evidence, argument of Counsel and the charge of the Court retired to consider of their verdict and after a time returned into Court the following verdict to wit: "We the Jury find for the plaintiff the sum of Fifty Six Dollars and twenty four cents ($56 24) W. B. Price foreman"
It is therefore ordered, adjudged and decreed by the Court that the said plaintiff W. A. Taylor do have and recover

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of and from the said Defendant D. G. Sneed the said Sum of Fifty Six and 24/100 Dollars ($56.24) by the Jury aforesaid found to be due, together with all costs in this behalf incurred for which execution may issue,

2815	N Thompson vs D N May	Ordered that this cause be continued for Service
2819	The State of Texas vs Fred Williamson Sheff Burnett Co	Ordered that this Cause be continued
2825	The State of Texas vs Lewis Elgin Etal	Ordered that this Cause be continued for service
2717	Mary Fields vs Albert Brown Etal	Ordered that this cause be continued.
2845	Merrell & Merrell vs Thos. Wm. Ward	
2850	Joseph Harrell vs R. M. Johnson	Ordered that this Cause be continued
2853 372	Frederick W. Chandler vs William Saiier	In this Case appeared the parties plaintiff and Defendant and by agreement of the parties this case is Consolidated with No 2854 on the Docket of this Court between the same parties to the above Stated Cause, the parties waived a Jury and submitted the matters in controversy to the Court and the Court after hearing the Evidence introduced by the parties by agreement of Counsel It is ordered, adjudged and decreed by the Court that the plaintiff F. W. Chandler do have and recover of and from the Defendant Wm Saiier & Wm Sides for his surety the Sum of Three hundred and Thirty Eight 86/100 Dollars in Coin for the principal debt and interest up to this date, and Eight per cent interest thereon until paid, together with all the Costs that have accrued in this Court and the Court below in this Case and in Case No 2854 on this Docket. for which execution may issue,

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2856 — Harriet Hardwell vs Spencer Hardwell — Ordered that this cause be cont.d

2857 — Nancy Taber vs James Taber — Now comes the plff. by atty. and says She will not further prosecute her suit in this behalf. It is therefore ordered by the court that this cause be dismissed and that the plff. pay all costs for which execution may issue.

2902 — Jas D McGarry vs S B Reed — By consent of parties, It is ordered this cause be continued until next Term.

Ordered that Court adjourn until 9 O.clock tomorrow morning

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Court met pursuant to adjournment present as on yesterday,

2806 — Jno. J. Myers vs Hancock & Jalnick & Smith

2807 — The State of Texas vs Cook & Custard

Ordered that these causes be continued

2810 — H P McGuire and Mary McGuire vs Walker Wilson S.G. Speed and F.E. Smith admr &c

And now on this day appeared the parties to the above Entitled Cause by their attorneys and announced themselves ready for trial and a jury being waived the Cause was submitted to the Court, and it appearing to the Court that on the 29th day of June 1861 the Plaintiffs recovered a Judgment before said Felix E. Smith a Justice of the peace of Travis County against Defendant Walker Wilson as the maker and against defendant S.G. Speed as the Endorser of a promissory note for the Sum of $85 00/100 and Costs of Suit; and it further appearing to the Court that on the 8th day of July 1861 Israel Pickens the intestate of Defendant Smith

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appeared before said Justice of the peace and acknowledged him=
self bound as the Security of said Defendant Walker
Wilson for the Stay of execution and that said Justice of
the Peace on said surety being given granted a Stay of
execution for nine months; and it further appearing to
the Court at the time said Israel Pickens bound him
self as Surety of said Wilson for the Stay of execution
as aforesaid, said Wilson was Entirely Solvent and
able to pay his debts and that by reason of the Stay of
Execution as aforesaid the said plaintiffs were delayed
in the collection of their said Judgment for a long period
of time, at the ~~said~~ End of which delay said Walker
Wilson the principal debtor was insolvent and that he
still Continues insolvent; It is therefore ordered, adjudged
and decreed by the Court that said Judgment be revived
and that the plaintiffs A. P. McGuire and Mary
McGuire do have and recover of and from Defendant
Walker Wilson as principal & D. G. Sneed as Endorser and Felix E.
Smith, as the admr of Israel Pickens dec'd, the surety
for Stay of Execution, the Sum of One Hundred and
Forty Four ($144) Dollars as their principal debt
and interest to date, with Interest at Eight per cent
per annum until paid, and all the costs in and about
this suit expended! And It is further ordered that
Execution may issue thereon against said Walker
Wilson and that this Judgment be certified to the County
Court of Travis County pertaining to the Estates of
deceased persons to be paid out of the Estate of said
Israel Pickens dec'd in due Course of administration
And the said Defendant Walker Wilson and the
Estate of said Pickens being first liable for the of this judgment
before said D. G. Sneed can be made to pay the
same, It is therefore ordered that execution shall issue
thereon against said Sneed only for such Sum
as said plaintiffs fail to Collect from said Wilson
and from the Estate of said Pickens; and it is further
ordered by the Court that Execution issue against said
Wilson and in favor of said Pickens administrators
or the said Sneed for whatever amount either of them
shall pay on this Judgment

The State of Texas
vs
F. G. Logan, Shff &c

2818

Ordered that this cause be continued

Ordered that court adjourn until 9 O'clock tomorrow morning

Wednesday March 16th 1870

Court met pursuant to adjournment present as on yesterday

A. R. Crozier
vs
John J. Sneed
Appeal.

No 858

This day comes the plaintiff by his
the records of this Court that
non-appearance was duly
April A D 1869 in open
Defendant to open the
ruled by the Court:
wing Jury towit J. H.
good and lawful men
duly tried, empanneled and
s damages; and Sat
nce of the plaintiff the
charge of the Court and
verdict, and after a short
turned into Court the following verdict
towit "2858 A. R. Crozier vs J. J. Sneed, We the
Jury find for the plaintiff the Sum of Forty Three
Dollars and Sixty Three Cents to be paid in Specie
J H Walker". It is thereupon Considered and adjudged
by the Court that the plaintiff A. R. Crozier have and
recover of the Defendant J. J. Sneed the said Sum
of Forty Three Dollars and Sixty three Cents, So found
by the Jury aforesaid, to be paid in gold or Silver Coin,
together with the Costs of this Suit in this Court and
the Court below, to be taxed and that execution issue
therefor.

District Ct Travis County.
Judgment Plaintiff March Term 1870
For Coin Thirty five Dollars. $35.00
besides Costs of.
Received the a Sum of thirty five Dollars
in of E C Barlow District Clerk. by the
of W W Willia[illegible]
E Hig[illegible] atty for Plff

No 2787

Saml Harris, plff.
vs
A H Cook Et al
Alfred Smith, and T. W. Chandler Defendants had

This cause came on to be heard
and it appearing to the Court that
A. H. Cook, W. H. D. Carrington
been duly served with Citation and were represented
by their respective attorneys in Open Court and a Jury
having been waived the matters in Controversy were
submitted to the Court and said Carrington, Smith
and Chandler having set up in their Answer that
they had signed the note sued upon in plaintiffs petition
as Securities of A H Cook the principal, and it appearing
to the Court from the Evidence that said Carrington Smith
and Chandler had signed the note sues upon as
Securities of A. H. Cook; It is therefore ordered, adjudged
and decreed by the Court that Samuel Harris, the

This judgment is credited by one Thousand and [illegible]

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Court met pursuant to adjournment present as on yesterday

A. R. Crozier
vs
John J. Sneed } Appeal.

No 2858

And now at this day comes the plaintiff by his attorneys and it appearing by the records of this Court that the default of the Defendant for non-appearance was duly entered upon the 9th day of April A D 1869 in open Court, and the motion of the Defendant to open the default having been overruled by the Court: Thereupon came the following Jury towit J. H. Walker and Eleven others good and lawful men of Travis County, who were duly tried, empannelled and sworn to assess the plaintiffs damages; and Sat together and heard the Evidence of the plaintiff, the argument of Counsel and charge of the Court and retired to consider of their verdict, and after a short absence returned into Court the following verdict towit "2858 A. R. Crozier & J. J. Sneed, We the Jury find for the plaintiff the Sum of Forty Three Dollars and Sixty Three Cents to be paid in Specie J H Walker". It is therupon Considered and adjudged by the Court that the plaintiff A. R. Crozier have and recover of the Defendant J. J. Sneed the said Sum of Forty Three Dollars and Sixty three Cents, So found by the Jury aforesaid, to be paid in gold or Silver Coin, together with the Costs of this Suit in this Court and the Court below, to be taxed and that execution issue therefor.

Saml Harris, plff. } This cause came on to be heard
vs } and it appearing to the Court that
A H Cook Et al } A. H. Cook, W. H. D. Carrington
Alfred Smith, and F. W. Chandler Defendants had
been duly served with Citation and were represented
by their respective attorneys in open Court and a Jury
having been waived the matters in Controversy were
submitted to the Court and said Carrington, Smith
and Chandler having set up in their Answer that
they had signed the note sued upon in plaintiffs petition
as sureties of A H Cook the principal, and it appearing
to the Court from the Evidence that said Carrington Smith
and Chandler had signed the note sues upon as
sureties of A. H. Cook; It is therefore ordered, adjudged
and decreed by the Court that Samuel Harris, the

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plaintiff do have and recover of A. H. Cook as principal and W. H. D. Carrington Alfred Smith and F. W. Chandler as his sureties the Sum of Five Thousand, four Hundred and forty seven Dollars, ($5447.00), in Specie, That is to say in lawful coin of the United States, The principal Sum and interest due upon the note sued upon, together with Twelve per cent interest per annum on the same until paid, and all costs of this suit, for which execution may issue, and that the Sheriff shall be directed in said execution to levy the same first upon the property of A. H. Cook, the principal, in Travis County Texas subject to execution, before levy levy shall be made upon the property of said sureties, and if sufficient property of said Cook's cannot be found to satisfy this Judgment then he is directed to levy upon sufficient property of said Sureties to satisfy the same. And should sureties or any of them be compelled to pay this Judgment or any part thereof then said Sureties shall have and be subrogated to the rights of the plaintiff against said Cook, their principal, and shall have execution in their favor for any Sum or Sums of money paid by them, or any of them, upon this Judgment.

Ordered that Court adjourn until 9 O. clk tomorrow morning

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Court met pursuant to adjournment present as on yesterday,

1235	The State of Texas vs W. C. Leggett	Ordered that these causes respectively be continued for service
1317	The State of Texas vs J. H. Esmond	
135-2	The State of Texas vs Jesse Graham et al	
1382	The State of Texas vs A. Chamberlain	
1468	The State of Texas vs Jno Martin	
1489	The State of Texas vs J. Hurley	
1569	The State of Texas vs J. H. Malone	
1570	The State of Texas vs J. H. Malone	
1579	The State of Texas vs Anton Seguin	
1584	The State of Texas vs W. Dibrell	
1586	The State of Texas vs B. H. F. Butts	
1587	The State of Texas vs W. Dibrell	
1588	The State of Texas vs Milam County	
1595	The State of Texas vs J. B. Clifton	
1596	The State of Texas vs J. Jackson	
1598	The State of Texas vs Elmo Puckett	
1605	The State of Texas vs Jno H. Brown	
1609	The State of Texas vs Randall Lightfoot	
1621	The State of Texas vs Jenkins	

This judgment is credited by one thousand and fifty six dollars and forty four cents ($1056 44/100) in coin at the date of its rendition, by instruction of the Plaintiff in writing made by him assigned on file among the papers of this cause No. 2787.

A. Alexander
Attorney for Plaintiff.

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1623 The State vs Thos Moran
1626 The State vs Augustine (mexican)
1632 The State vs John Turner
1636 The State vs Lewis Elgin
1637 The State vs Celia Stanely
1644 The State vs Oscar (Freeman)
1649 The State vs Estes & Blount
1651 The State vs George Martin
1660 The State vs Henry Alexander
1666 The State vs Wheelock & Belamy
1690 The State vs Thos Swisher
1691 The State vs Aurora Alexander
1699 The State vs Sampson Murray
1700 The State vs Sampson Murry
1710 The State vs George Martin
1711 The State vs Frank (a freeman)
1712 The State vs Frank (a freedman)
1713 The State vs Crawford Kimbro
1714 The State vs Crawford Kimbro

Ordered that these causes be continued for Service

1715 The State of Texas vs Belamy, Estes & Reeves — Ordered that Cause be continued for Service, with alias Capias to Bowie County for Estes & to Dawld County for Belamy and to Grayson County for Reeves

1755 The State of Texas vs Dan Morris — Ordered that alias Capias issue and Cause continued for Service

1759 The State vs O. W. McFarland
1800 The State vs Castiana Luci Rias
1801 The State vs Albert (a freedman)
1805 The State vs Geo Joel
1809 The State vs Chester Williams
1823 The State vs John Green
1817 The State vs John Jackson
1821 The State vs Paul & Caroline Carter

Ordered these Causes be Continued for Service

1831 The State of Texas vs Jno & Byron Glasscock — Ordered that alias Capias issue for Byron Glasscock and Cause Continued for service

1832 The State of Texas vs Alfred Morris — Ordered that this Cause be Continued for Service,

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1837 The State vs John Lynch
Ordered that this cause be continued for servia with alias capias to the Counties of McLennan and Bosque,

1838 The State of Texas vs Jno Lynch
1836 The State of Texas vs John Lynch
} In these causes alias capias are ordered to McLennan County and cause continued for servia

1847 The State of Texas vs Robert Brown
} Ordered that this cause be continued with alias capais to Walker County for deft Robt Brown,

1851 The State vs G. W. Morris
1852 The State vs Julius Deidel
1853 The State vs Anderson Hill
1857 The State vs Johnson Davis
1858 The State vs Johnson Davis
1878 The State vs Drum Smith
1881 The State vs Julius Deidel
1883 The State vs James. P. Major
1884 The State vs Gabe (a freedman)
1892 The State vs Gabe (a freedman)
1893 The State vs Gabe (a freedman)
1896 The State vs N Puckett
1898 The State vs Fanny Johns
} Ordered that these causes be continued for service,

1901 The State of Texas vs Sam Pipes
This day personally appeared in open Court Claiborne Harris, who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and chattles lands and tenements: To be void nevertheless upon condition That he, said Claiborne Harris, make his personal appearance at the present Term of this Court and remain from day to day and from term to term until discharged, to give Evidence on the part of the plaintiff in the above Entitled Cause, and that he do not depart the Court without leave,

1905 The State vs John Rogers
1906 The State vs Chas Hight
1908 The State vs Jeremiah Ogle
1909 The State vs Jeremiah Ogle
} Ordered that these causes be Continued for Service

Tuesday March 17. 1875.

1911 The State of Texas vs August. B. Braker — And now on this day comes the Dist. attorney who prosecutes for the State in this behalf, and also comes the Defendant by attorney and announce themselves ready for trial and thereupon came a Jury of good and lawful men to wit: W. B. Price and Eleven others good and lawful men of Travis County, who having heard the evidence, argument of Counsel and charge of the court returned into Court the following verdict to wit: "The State of Texas vs August. B. Braker, We the Jury find the Defendant not guilty, W. B. Price Foreman".
It is therefore ordered and adjudged by the court that the Plff. The State of Texas, take nothing by her suit in this behalf and that the Defendant Aug. B. Braker go hence without day, fully discharged and acquitted

1912 The State of Texas vs B. N. & Bantum — Ordered that this cause be continued for service

1917 The State of Texas vs James Tedders Etal — Alias Capias Ordered and Cause continued for service.

1919 The State vs Tom Swisher
1920 The State vs Jas Tedders Etal
1921 The State vs Jas Tedders Etal
1922 The State vs A Muse — Ordered that these Cause be continued for service

1925 The State of Texas vs C. C. Clark Etal — Ordered that alias Capias issue to Comals or Travis & Bell or any other Counties where Defendants may be found, and cause set for Tuesday next

1929 The State of Texas vs Geen, McKinny Etal
1931 The State of Texas vs Carpenter & Carpenter — Ordered that these Causes be continued for Service

1938 The State of Texas vs Chas Sublett — Ordered that alias Capias issue to the Counties of Travis, Caldwell and Bastrop and Cause Cont'd for Service

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1939 The State of Texas vs Charles Sublett } Ordered that alias Capias issue to County Travis, Caldwell and Bastrop, and Cause cont'd for service.

1940 The State of Texas vs F. B. Walker } Ordered that this cause be continued for service,

1941 The State of Texas vs C W Bryant } Ordered that alias Capias issue to Counties of Galveston, Harris and Marion and Harrison and Cause continued for service,

1942 The State vs Gallin & Gallin } Ordered that these causes
1944 The State vs Jane Hamilton } be continued for service

1947 The State of Texas vs Burrier & Bell } Ordered that alias Capias issue to Counties of Bastrop, Caldwell, Bell, Hays, Gaudalupe and Travis, Burleson & Continued for Service

1945 The State of Texas vs Sanford Vance } This day personally appeared in Open Court R. A. Rutherford, who acknowledged himself to owe and be indebted unto The State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and chattles, lands and tenements; To be void nevertheless upon condition, that he said R. A. Rutherford, make his personal appearance at the next Term of this Court, and remain from day to day and from Term until discharged, to give Evidence on behalf of the State in the above Entitled Cause, and that he do not depart the Court without leave,

1945 The State of Texas vs Sanford Vance } This day personally appeared in open Court, James Washington Who acknowledged himself to owe and be indebted unto The State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and chattles, lands, and tenements: To be void nevertheless upon condition that he, said James Washington, make his personal appearance at the next Term of this Court, and there remain from day to day and from Term until discharged, to give evidence on behalf of the State in the above Entitled Cause, And that he do not depart the Court without leave

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1945 The State of Texas vs Sanford Vance } This day personally appeared in Open Court Thos McLennan, who acknowledged himself to owe and be indebted unto The State of Texas in The Sum of Two Hundred Dollars, to be levied of his goods and chattles lands and tenements: To be void nevertheless upon condition that he said Thos McLennan make his personal appearance at the next Term of this Court and there remain from day to day and from Term to Term until discharged, to give evidence on behalf of the State in the above entitled Cause; And that he do not depart the Court without leave,

1945 The State of Texas vs Sanford Vance } Ordered that attachments issue for Mark Spence & Archie Holman, returnable to next Term of this Court and cause continued on affidavit of Defendant,

1948 The State vs Burrier & Bell
1949 The State vs Burrier & Bell
1950 The State vs Burrier & Bell
1951 The State vs Burrier & Bell
1952 The State vs Burrier & Bell } In these cases, It is ordered that alias copias issue to Counties of Bastrop, Caldwell, Bell Hays, Burleson & Travis, and Cause continued for service

1954 The State of Texas vs A. J. Green } Agreed that this cause be continued for Service

1957 The State of Texas vs Jesse Bowman Etal } Alias Copias Ordered to Caldwell County, for Defendants and Cause Continued for service

1958 The State vs Munroe Gathin
1959 The State vs Joseph Wilhelm
1960 The State vs Sandy Haden Etal
1970 The State vs Jno. T. Grooms } Ordered that these Causes be continued for service

1962 The State of Texas vs Jesse Bowman Etal } Alias Copias ordered to Caldwell County & Cont? for Service

1964 The State of Texas vs Nace Gardner } On motion of the District Attorney It is Ordered that this Cause be dismissed and that the defendant Nace Gardner, go hence fully discharged, as to the offense, charged in the Indictment

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1966 The State of Texas vs Margaret Walsh } By agreement, it is ordered that this cause be continued

1969 The State of Texas vs —— Mitchell } Alias capias ordered to Bexar County and cause continued for service.

1972 The State of Texas vs Frank Meeks } And now on this day comes the District Attorney who prosecutes for the State in this behalf, and also comes the Defendant, and announce themselves ready for trial, and thereupon came a Jury of good and lawful men, to-wit: W. B. Price and Eleven others qualified jurors of Travis County, who having heard the evidence, argument of counsel and charge of the Court, retired to consider of their verdict, and after a time returned into Court the following verdict to-wit: "We the Jury find the Defendant not guilty, W. B. Price". It is therefore ordered and adjudged by the Court that the State of Texas take nothing by her suit, and that the Defendant Frank Meeks, go hence without day fully discharged and acquitted,

1977 The State of Texas vs —— Mitchell } In this case alias capias is ordered to the counties of Bexar & Travis and cause continued for Service

1979 The State of Texas, Plaintiff vs —— Allen, Defendant } This cause being called for trial the Defendant — Allen failing to appear and answer to the indictment in this case he and his surety, George Harris, being distinctly called at the door of the Court House of Travis County, and the Defendant after a reasonable length of Time Still failed to appear: And it appearing to the Court that the Defendant — Allen, with the said George Harris as his Surety did execute the Bail Bond on file in this case, Substantially as follows: Dated 28th day of January 1870, payable unto the State of Texas in the Sum of Two Hundred Dollars Conditioned that the said Defendant — Allen make his personal appearance at the District Court of said County of Travis on the 1st Monday in March 1870 to answer the indictment preferred against defendant Allen, by the Grand Jurors of Travis County at the Fall Term A.D. 1869 for unlawfully playing at a game with Cards in a public place, and there remain from day to day and from Term to Term of said Court, and that he do not depart thence without leave of said court; Which said Bond is forfeited — and it is

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Considered by the Court that The State of Texas, do have and recover of the said — Allen the said Sum of Two Hundred Dollars and of his said Surety the Sum of Two Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Allen did not appear: And further Ordered that Citation do issue to said Surety; Alias Capias ordered and cause Continued for Service

1980 The State of Texas vs Fanny Wickley } Ordered that this Cause be Continued for Service.

1983 The State of Texas vs Thomas Ford } In this cause alias Capias is Ordered to Counties of Hays and Travis & Cause Continued for Service

1984 The State of Texas Plaintiff vs Addison Smith Defendant } This cause being called for trial the Defendant Addison Smith failing to appear and answer to the Indictment in this cause he and his Securities J M Hamilton and D. W. Hamilton, being distinctly called at the door of the Court House of Travis County, and the defendant after a reasonable length of time Still failed to appear, and it appearing to the Court that the Defendant Addison Smith, with the said J. M. Hamilton and D. W. Hamilton as his securities did execute the Bail Bond on file in this case substantially as follows: Dated 6th day of November 1869 payable unto the State of Texas in the Sum of Five Hundred Dollars, Conditioned that the said Defendant Addison Smith make his personal appearance at the District Court of said County of Travis on the First Monday in March 1870 to answer the indictment prefered against him the Said Defendant Addison Smith by the Grand Jurors of Travis County at the Fall Term AD 1869 for the theft of personal property, and there remain from day to day and from Term to Term of said Court, and that he do not depart thence without leave of said Court; which said Bond is forfeited - and it is Considered by the Court that the State of Texas do have and recover of the said Addison Smith the said Sum of Five Hundred Dollars and of his said Securities the Sum of Five Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Addison Smith did not appear: And further ordered that Citations do issue to the said Securities; alias capias ordered and Cause Continued,

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1987 — The State of Texas vs Ann Calaway — This day personally appeared in open Court R. O. Horne, who acknowledged himself to owe and be indebted unto The State of Texas in the Sum of One Hundred Dollars, to be levied of his goods and chattels lands and tenements: to be void nevertheless upon Condition that he, the said Horne, make his personal appearance at the present Term of this Court and remain from day to day and from Term of said Court, and not depart without leave, to testify on the part of the State on the trial of the above entitled cause

1988 — The State of Texas vs Wm Humphreys — In this cause it is ordered by the court that an attachment ipsu for State's Witness, James Nichols returnable forthwith,

1988 — The State of Texas vs Wm Humphreys — This day personally appeared in open Court James Nichols, who acknowleged himself to owe and be indebted unto the State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and chattles lands and tenements: to be void nevertheless upon condition that he, said Nichols make his personal appearance at the present Term of this Cause and remain from day to day and from Term to Term until discharged, and not depart the Court without leave, to testify on behalf of the State on the trial of the above Entitled Cause.

1989 — The State of Texas vs Chas Greeg — Ordered that this Cause be Continued for Service

1995 — The State of Texas vs Clay Simmons — In this Cause alias Capias is ordered to Counties of Travis & Bastrop and Cause Continued for Service

1997 — The State of Texas vs Ace Gardner — In this Cause attachment is ordered to Guadalupe County for Moses Haley (col.d) returnable to next Term, and Cause Continued on affidavit of Defendant,

1997 — The State of Texas vs Ace Gardner — This day personally appeared in open Court August Lange who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of Two Hundred Dollars to be levied of his goods and chattles, lands and tenements: To be void nevertheless upon condition that he, said Lange, make his personal appearance at the next Term of this Court and remain from day to day and from Term to Term until discharged

Thursday March 17th 1870

and not depart thence without leave, to give Evidence on the part of the State on the trial of the above Entitled Cause.

1997 The State of Texas vs Ace Gardner } This day personally appeared in open Court Wm Tennin, who acknowledged himself to owe and be indebted into the State of Texas in the Sum of Two Hundred Dollars to be levied of his goods and Chattles Lands and Tenements; to be void nevertheless upon condition that he, said Wm Tennin, make his personal appearance, at the next Term of this Court, and there remain from day to day and from Term to Term until discharged and not depart thence without leave, to give Evidence on the part of the State on the trial of the above Entitled Cause,

1997 The State of Texas vs Ace Gardner } This day personally appeared in Open Court Nathan Tennin who acknowledged himself to owe and be indebted into the State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and Chattles lands and tenements: to be void nevertheless upon condition that he, said Nathan Tennin, make his personal appearance at the next Term of this Court and remain from day to day and from Term to Term until discharged, and not depart without leave of the Court, to testify on behalf of the State on the trial of the above Entitled Cause,

1997 The State of Texas vs Ace Gardner } This day personally appeared in Open Court Perry Tennin, who acknowledged himself to owe and be indebted into the State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and Chattles lands and Tenements; to be void nevertheless upon Condition that he, said Perry Tennin, make his personal appearance at the next Term of this Court, and there remain from day to day and from Term to Term until discharged and not depart thence without leave, to testify on behalf of the State on the trial of the above Entitled Cause,

1997 The State of Texas vs Ace Gardner } This day personally appeared in Open Court Alfred Everton, who acknowledged himself to owe and be indebted into the State of Texas in the Sum of Two Hundred Dollars, to be levied of his goods and Chattles, land, and tenements; to be void nevertheless upon Condition that he, said Everton, make his appearance at the next Term of this Court, and remain from day to and from Term to Term until discharged, and not depart thence without leave, to give Evidence on the part of the State on the trial of the above Entitled Cause,

Thursday March 17th 1870

1999 The State of Texas vs Abraham Spence, Riley Spence and Albert Adkins — Now on this day comes the District Attorney who prosecutes for the State in this behalf, and also come the Defendants by attorney, and on motion of Defts attorney the Cause is severed and the plaintiff, and Defendant Abraham Spence announce themselves ready for trial, and thereupon came a Jury of good and lawful men of Travis County, towit: W. B. Price and Eleven others, who being duly empannelled and sworn, and who having heard the Evidence, argument of Counsel and Charge of the Court, retired to Consider of their verdict and after deliberation returned into Court the following verdict towit: "The State of Texas vs Abraham Spence We the Jury find the Defendant not guilty W. B. Price foreman" It is therefore Ordered and adjudged by the Court that the State of Texas take nothing by Her Suit in this behalf and that the Defendant Abraham Spence go hence fully discharged and acquitted

2002 The State of Texas vs Bursby — Ordered that this cause be continued

2006 The State of Texas vs Riley Spence — This day personally appeared in open Court Byrn Nichols, who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of Two Hundred Dollars: To be levied of his goods and chattles, lands and Tenements: to be void nevertheless upon Condition that he said Byrn Nichols make his personal appearance, at the present Term of this Court and remain from day to day and from Term to Term until discharged, and not depart thence without leave, to give evidence on behalf of the State on the trial of the above entitled Cause

2007 The State of Texas vs Alfred Scott — Ordered that cause be continued for Service

2008 The State of Texas vs J. M. Neal — Alias Capias Ordered to Nevces County on Cause Continued for Service

2021 The State of Texas vs W. B. Mitchell — In this case an attachment is ordered to Fayette County for L Lindsey and to Grimes County for Colbert Caldwell

Thursday March 17th 1870

2022 The State vs N. B. Mitchell
2023 The State vs N. B. Mitchell
2024 The State vs N. B. Mitchell
2025 The State vs N. B. Mitchell
2026 The State vs Kluge & Eikle
2027 The State vs Kluge & Eikle
2028 The State vs Kluge & Eikle

In each of these cases an attachment is ordered to Fayette County for L. Lindsey and to Grimes County for Colbert Caldwell,

2045 The State of Texas vs Primus Williams } Ordered that —— Denton Esqr: be appointed to defend in this case

2047 The State of Texas vs Bean & Bean } In this case it is ordered that attachment issue to McLennan County for Chas Hogan, Irvin Howard, Moses Wright, Robert Wright, James Patterson, Wm Patterson & John Birney and Williamson County for J. W. Mullens, returnable forthwith,

2062 + The State of Texas vs William Taylor } Now comes the District Attorney, who prosecutes for the State in this behalf and, also came the Defendant by attorney and the parties announce themselves ready for trial, and the Defendant pleaded guilty to the charges in the Indictment Whereupon came a Jury of good and lawful men of Travis County, to wit: W. B. Price and Eleven others, who having heard the charges contained in the indictment, and the instructions of the Court, retired to consider of their verdict, and after a time returned into Court the following verdict to wit:
"We the Jury find the Defendant guilty and assess the fine at one Hundred Dollars, W. B. Price foreman"
It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant William Taylor, the said Sum of One Hundred Dollars, together with all costs of this proceeding, and that the prisoner be remanded into the Custody of the Sheriff until the same is paid,

Ordered that Court adjourn until 9 O'clock tomorrow morning.

Friday March the 18th 1870
Court met pursuant to adjournment present as on yesterday

1981 The State of Texas vs Jeff Houston } Now comes the District attorney who prosecutes for the State in this behalf and also comes the Deft Jeff Houston

Friday March 18th 1870

and announce themselves ready for trial and thereupon the Defendant being placed upon his plea, pleaded not guilty to the charges contained in the Indictment: Whereupon came a jury to wit: W.S. Maynard and Eleven others, good and lawful jurors of Travis County, who having heard the evidence & charge of the Court ~~and~~ retired to consider of their verdict and after a time returned into Court the following verdict to wit: "We the jury find the Defendant not guilty: W.S. Maynard foreman" It is therefore ordered and adjudged by the Court that the plaintiff take nothing by her suit in this behalf, and that the Defendant Jeff Hamilton, go hence without day.

Ordered that Court adjourn until 9. O.clock tomorrow morning

Saturday March 19th A.D 1870

Court met pursuant to adjournment, present as on yesterday

1819

The State of Texas vs Howe Burditt } Now comes the District attorney who prosecutes for the State in this behalf, and also comes the Defendant by attorney, and announce themselves ready for trial: and the Defendant Howe Burditt being placed upon his plea pleaded not guilty to the charges contained in the Indictment, and thereupon came a Jury of good and lawful men of Travis County, ~~to wit~~ to wit: W.B. Price and Eleven others, who having heard the Evidence, argument of Counsel and charge of the Court retired to consider of their verdict and after a time returned into Court the following verdict to wit: "We the Jury find the Defendant not guilty W.B. Price foreman"
It is therefore ordered and adjudged by the Court that the State of Texas take nothing by her suit in this behalf and that the Defendant, Howe Burditt, go hence, fully discharged and acquitted

1999

The State of Texas vs Riley Spruce and Albert Adkins } Now comes the District attorney who prosecutes for the State in this behalf, and also come the Defendants by attorney, and announce ready for trial. and the Defendants plead not guilty to the charges contained in the indictment, Whereupon Came a Jury of good and lawful men of Travis County to wit: W.B. Price and Eleven others, who having heard the Evidence, argument of

Cannell and charge of the Court retired to consider of their verdict, and after a time returned into Court the following verdict toWit: "We the Jury find the Defendants not guilty W. B. Price Foreman" It is therefore ordered and adjudged by the Court that the State of Texas take nothing by her suit in this behalf, and that the Defendants Riley Spence and Albert Adkins go hence fully discharged and acquitted.

2903 — A Desmetts vs A Thompson } On this 19th day of March 1870 Comes the plaintiff in the above entitled cause and announced himself ready for trial, Whereupon came a Jury toWit: J. H. Walker and Eleven others, duly empannelled and sworn, according to law, who after Hearing the Evidence, adduced and charge of the Court retired to Consider of their verdict and after due deliberation returned into Court the following verdict toWit: "Case No 2903, We the Jury find for the Plaintiff the Sum of Eleven Hundred, Eighty four Dollars and fifty Eight Cents, J H Walker foreman" It is therefore ordered, adjudged and decreed by the Court that the Plaintiff A Desmetts, do have and recover of and from the Defendant A Thompson the said Sum of Eleven Hundred, Eighty four & 58/100 Dollars principal Debt and interest to date, with interest thereon from this date at the rate of Eight per Cent per annum together with all Costs in this behalf expended for which Execution is prayed,

Ordered that Court adjourn until 9 O. Clock
Monday March 21st 1870

Monday March 21st 1870—

Court met pursuant to adjournment present as on yesterday Ridgs Paschal, District attorney of the 2d Judicial District having tendered his resignation, and the same having been accepted, and the appointee not having qualified in accordance with Law, It is ordered by the Court that B. Trigg Esq be appointed District attorney pro tempore

Ordered that Court adjourn until 9 O'Clock Tomorrow,

Tuesday March 22d 1870

Court met pursuant to adjournment present as on yesterday

Ordered that Court adjourn until 9 O'Clock tomorrow

Wednesday March 23d 1870, 2 O'clock P.M.

Court met pursuant to adjournment. present as on yesterday,

2057 — The State of Texas vs Alonzo J Rose } In this case an attachment is ordered to Falls County for T.J. Stewart, F.M. Ruble & J Ruble and to Bell County for Anderson Smalley, witnesses for Defendant returnable forthwith.

2063 — The State of Texas vs Henry Dowell } This day personally appeared in open Court Wm Scales who acknowledged himself to Owe and be indebted unto the State of Texas in the Sum of One Hundred Dollars to be levied of his goods and Chattles, lands and tenements: to be void nevertheless upon Condition that he, said Scales, make his personal appearance at the present term of this Court, and remain from day to day and from Term to Term and not depart thence without leave, to give Evidence on the part of the State in the above entitled Cause,

2063 — The State of Texas vs Henry Dowell } This day personally appeared in open Court Cathan Perry, who acknowledged himself to Owe and be indebted unto the State of Texas in the Sum of One Hundred Dollars, to be levied of his goods and Chattles, lands and tenements; to be void nevertheless upon Condition that he, said Perry, make his personal appearance at the present Term of this Court and remain from day to day and from Term to Term, and not depart thence without leave, to give Evidence on behalf of the State in the above Entitled Cause,

2063 — The State of Texas vs Henry Dowell } attachments are Ordered to Travis County for Cynthia Dowell and Julia Thomas, witnesses for Defendant, returnable forthwith

George Harris having petitioned the Court to appoint a Committee to examine him as to his qualifications as an Attorney and Counsellor at Law, It is ordered by the Court that George H. Gray, E.S. West and B Trigg, be and they are hereby appointed a Committee to examine said applicant in open Court,

Ordered that Court adjourn until 9 O'clock tomorrow morning

Thursday March 24th 1870

Court met pursuant to adjournment present the Honble T.J. Thornton Judge of the Second Judicial District. Radcliff Platt Sheriff and E.B. Bartholomew Clerk

Thursday March 24th 1870

V
2063

The State of Texas vs Henry Dowell } This day appeared in open Court Cynthia Dowell, who acknowledged herself to owe and be indebted unto the State of Texas, in the Sum of Five Hundred Dollars to be levied of her goods and Chattles, lands and tenements to be void nevertheless upon condition that She, said Cynthia Dowell, make her personal appearance at the present Term of this Court and remain from day to day and from Term to Term, and not depart thence without leave, to give Evidence on behalf of the State on the trial of the above entitled Cause,

2063

The State of Texas vs Henry Dowell } This day personally appeared in open Court Julia Thomas, who acknowledged herself to owe and be indebted unto the State of Texas in the Sum of Five Hundred Dollars; to be levied of her goods and Chattles, lands and tenements; to be void nevertheless upon Condition that She, said Julia Thomas shall make her personal appearance at the present Term of this Court and remain from day to day and from Term to Term, to give Evidence on behalf of the State on the trial of the above Entitled Cause; and that She do not depart thence without leave of the Court

No 1643

Maria R. Cannon Etal vs Marth. E. Smith Etal } In this cause appeared the parties plaintiffs and the Defendants M. E. Conley and Preston Conley by their respective attorneys and the minor Defendants by James and Bartlett Smith by their Guardian ad litem, John A. Green Esq; and waived a Jury and submitted the matters in controversy to the Court; after hearing the Evidence introduced by the parties plaintiffs and Defendants and the argument of Counsel and having fully considered the Same, It is ordered and adjudged and decreed by the Court that the last Will and testament of James Smith, the late husband of the Defendant Martha E. Conley, formerly Martha E. Smith, dated the 8th day of October 1855 and probated and ordered of record by the probate Court of Bastrop County Texas at its June Term 1856, be and the Same is Hereby annulled, set aside and in all things held for naught as to three fourths of the real, personal and mixed property bequeathed by said Will to the Defendants Martha E. Conley, formerly Martha E. Smith, James Smith and Bartlett Smith,

Thursday March 24th 1870.

It is further ordered, adjudged and decreed by the Court that the plaintiffs Maria. R. Allan and Margaret R. Perry by virtue of their having been adopted by the said James Smith, in his lifetime, as his children and heirs at Law, are hereby adjudged and decreed to be the heirs at Law of the said James Smith Dec'd, equally with the Defendants James Smith and Bartlett Smith except as to the one fourth of the property bequeathed by the said James Smith, now deceased, by his will to the Defendants Martha E. Conley, formerly M. E. Smith, James Smith and Bartlett Smith. It is further ordered, adjudged and decreed by the Court that the defendant Martha. E. Conley, formerly Martha. E. Smith, do have in her own right One equal half of all the Community property of her and her and her late husband James Smith as appears from her Inventory of the same returned to the Probate Court of Bastrop County, and all the Household and Kitchen Furniture as the same appears upon her said Inventory, including all the farming utensils and one half of the Corn returned by her as Community property: and that She have the exclusive use and benefit, possession and Control of the Homestead of Two Hundred acres, including the improvements where they lived when her said husband James Smith died, during her natural life, and at her death that three fourths thereof be equally divided between the plaintiffs Maria. R. Allan, Margaret R Perry and the Defendants James Smith and Bartlett Smith giving to Each One equal fourth of Said three fourths of Said homestead. It is further ordered, adjudged and decreed by the Court that the Defendant Martha E Conley do have all the Hogs returned in her Said Inventory as Community property and to a life Estate in one third of the lands that were the Separate property of the Said James Smith deceased, with the remainder over to the plaintiffs and the Other children of the Said James Smith deceased

And as the Defendant, Martha. E. Conley has not accounted in any manner or Shown to the Court, whether or not She has any part of the property Either, real, personal or mixed in her possession, ready to turn over to Commissioners to divide between the legal heirs of the Estate, and it appearing to the Satisfaction of the Court from the Evidence adduced that all the personal property that passed into the Hands of the said Defendant Martha. E. Smith, now Martha. E. Conley, belonging to the Estate of James Smith deceased, and the respective Shares of Each of the Heirs at Law and of the Surviving Widow of James Smith deceased, is correctly represented by the following Statement of said Amounts and Shares viz:

(Over)

Thursday March 24th 1870–

Amount and Value of the personal property belonging to the Estate of James Smith dec?, and which was received by Mrs M.E. Conley, formerly M.E. Smith, as his Executor:

Separate property

3 Horses @ 35 Each	105	00
1 Note on Oliver & Cackley	507	00
Interest on above Amts. from Sept 1856 to March 18. 1870 @ 8%	660	96
Hire of Negro man, Jeff from Sept 8 1856 to may 9 1865 @ 15 00/100 Dalls per month	1710	00
Hire of negro woman from Sept 8. 1856 to May 9 1865 at 100.00 per annum	950	00
Interest on negro hire withe March 18 1870 at 8%, aggregate of 9 yrs 7 mos	2039	31
Total Value of Separate property & Interest, for which Mrs Conley is responsible	5972	27

Contra

Deduct from the above amount, James Smith was permitted to devise by will 1/3 of 1/4 –	1493	06
Leaving balance subject to distribution according to the Statute of and distribution	4479	21
Deduct Share of Mrs Conley under the Statute, being one Third of it	1493	07
Leaving balance to be divided between the four Heirs at Law	2986	14
making Each one's Share,	746	53
To above must be added to show the Share of Each James Smith and Bartlett Smith, one fourth of Amount devised by their father James Smith	373	27
Amt to Each Js & Bartlett Smith,	1119	80

Recapitulation as to Separate property

M.E. Conley's Share under will	746	53
" " " " Statute	1493	07
M.E. Conley's Total Share	2239	60 = 2239.60
James Smith's Share under will	373	27
" " " " Statute	746	53
Js Smyth's Total Share	1119	80 = 1119.80
Bartlett Smiths Share under will	373	27
" " " " Statute	446	53
Bartlett Smiths Total Share	1119	80 = 1119.80
M.R. Allen's Share under Statute	746	53 = 746.53
M.R. Perry's " "	746	53 = 746.53
Total Value of personal property		5972.26

Amount and value of the Community property

47 Horses	1645	00
1 Stable Horse	300	00
300 Head Cattle	2100	00
3 Wagons	195	00
Note on J.W. Wilbarger	240	00
" " Maypa Turner	70	00
" " J.M. Davis	65	00
350 Bushels Corn	262	50

Thursday March 24th 1870—

Interest on above amount at 8% from Sept 9. 1856				
to March 18. 1870, being 1877 57/100	5267	70		
Hire of 1 negro man Tom from Sept 9th 1856 to May				
9th 1865 @ 15 07/100 Dolls per month	1530	00		
Int on above for 9 yrs & 7 mos	1050	60		
Total amount of Community property	12725	80		
Deduct from this the amount that Jas Smith could and				
did dispose of by will, being 1/4 of all	3181	45		
Balance to be disposed of by Statute	9544	35		
Deduct from this 1/2 for Mrs Conley, being the amount				
She takes under Statute—	4772	17		
Balance to be divided by Statute between Heirs, each one fourth	4772	18		
Share of Each heir under Statute	1193	04		
Add to this to make Total share Each of Jas Smith and				
Bartlett Smith 1/4 of the 1/4 their father left by will, being	795	36		
Total Share of Each Jas & Bartlett Smith in Community property	1988	30		
——— Recapitulation of Community property ———				
M. E. Conley's Share under will	1590	72		
" " " " Statute	4772	17		
Total Share M. E. Conley	6362	89	6362	89
Jas Smiths Share under will	795	36		
" " " " Statute	1193	04		
Total Share Jas Smith	1988	40	1988	40
B Smith's Share under will	795	36		
" " " Statute	1193	04		
Totl Share of B Smith	1988	40	1988	40
M. R. Allen Share under Statute	1193	04	1193	04
M R. Perry " " "	1193	04	1193	04
Total Community property			12725	77

——— Grand Recapitulation ———

M. E. Conley's Share Separate property	2239	60		
" " " Community "	6362	89	8602	49
B Smith's " Separate "	1119	80		
" " " Community "	1988	40	3108	20
Jas Smiths " Separate "	1119	80		
" " " Community "	1988	40	3108	20
M. R. Allen's " Separate "	746	53		
" " " " Community "	1193	04	1939	57
M. R. Perry's " Separate "	746	53		
" " " " Community "	1193	04	1939	57
Total Value of all property			$18698	03

Thursday March 24th 1870

It is therefore ordered, adjudged and decreed by the Court that the plaintiffs Maria. R. Allen and William. F. Allen do have and recover of and from the Defendant, Martha. E. Conley the Sum of nineteen, Hundred, Thirty nine & 57/100 Dollars in full for their destributive Share of the personal property of the said James Smith deceased, taken possession of, and converted to her own use, by the said defendant Martha. E. Smith, together with the interest thereon from the date of the filing of this Suit for which execution may issue

It is further ordered, adjudged and decreed by the Court that the plaintiffs Margaret R Perry ~~wife~~ husband & [illegible] Perry do have and recover of and from the Defendant Martha. E. Conley, formerly Martha E Smith, the Sum of Nineteen Hundred, Thirty nine & 57/100 Dollars in full for the distributive Share of the said Martha. R. Perry of the personal property of the said James Smith deceased, taken possession of and converted to her own use by the said Martha. E. Conley, together with interest thereon from the date of the filing of this Suit for which execution may issue.

It is further ordered, adjudged and decreed by the Court that the Defendant John. A. Green Esq, Guardian ad litem do have and recover of and from the defendant Martha. E. Conley, for the joint use of the Defendants James Smith and Bartlett Smith and to be Equally divided between them, the Sum of Six Thousand Two Hundred, Sixteen & 40/100 Dollars, in full for the distributive Shares of said James and Bartlett Smith in and to the personal property of the said James Smith deceased, taken possession of and converted to her own use by the said Defendant Martha. E. Conley, together with interest thereon from the date of the filing of this Suit for which Execution may issue.

It is further ordered, adjudged and decreed by the Court that the title in and to one undivided fourth of all the real estate of which the said James Smith deceased died possessed, be and the same is hereby vested in the Defendant James Smith subject to the life Estate of the Defendant M.E. Smith in one third of said Interest. It is further ordered, adjudged and decreed that the title in and to one undivided one fourth of all the real Estate, which the said James Smith died possessed of be and the same is hereby vested in the Defendant Bartlett Smith, Subject to the life Estate of the Defendant M.E. Smith in one third of the Same

It is further ordered, adjudged and decreed by the Court that the title in and to the one undivided one eighth of all the real Estate which the said James Smith deceased died

possessed of, be and the same is hereby vested in the Defendant Martha E. Conley, formerly Martha E. Smith.
It is further ordered, adjudged and decreed by the Court that the title in and to three undivided Sixteenths of all the real Estate which the said James Smith deceased died possessed of, be and the same is hereby vested in the plaintiff ~~Martha~~ Maria R Allen subject to the life Estate of the Defendant Martha E. Conley in one third of said Share,
It is further ordered, adjudged and decreed by the Court that the title in and to three undivided Sixteenths of all the real Estate which the said James Smith deceased died possessed of be and the same is hereby vested in the plaintiff Margaret R. Perry subject to the life Estate of said Defendant Martha E. Conley in one third of the said Share,
It is further ordered adjudged and decreed by the Court that the plaintiffs M.R. Allen, W.J. Allen, M.R. Perry and C.R. Perry, do have and recover of and from the Defendant Martha E. Conley all the costs in this behalf expended, for which execution may issue,

2791 J.M. Steiner & wife vs Banks & Johnson } ordered that J.W. Braun have leave to intervene in this cause, and petition of intervention is filed

2888 Henderson Hardy admr vs C.S. West Ex. et al } ordered that plaintiff herein have leave to file an amended petition,

2938 Jesse Scott vs G W Malone } ordered that plaintiff have leave to amend

Ordered that Court adjourn until 9 O.clock tomorrow morning

Friday March 25th 1870. 9 O.clock A.M.
Court met pursuant to adjournment present as on yesterday

Geo Harris having made application, this day, in open Court, to be admitted as an attorney and Counsellor at Law, It is ordered by the Court that George N. Gray, C.S. West and B Trigg, Esqr be and they are hereby appointed a Committee to examine said Applicant, in open Court, as to his qualifications

Friday March 25th 1870

2070 The State of Texas vs Lisi & Nowark } This day personally appeared in open Court N. L. Raven who acknowledged himself to owe and be indebted unto the State of Texas in the Sum of one Hundred Dollars, to be levied upon his goods and Chattles lands and tenements; to be void nevertheless upon Condition that he said N. L. Raven make his personal appearance at the present Term of this Court and remain from day to day and from Term, to Term and not depart thence without leave, to give Evidence on behalf of The State on the trial of the above Entitled Cause

Ordered that Court adjourn until 9 O'clock tomorrow morning

Saturday March 26th 1870

Court met pursuant to adjournment present as on yesterday

1845 The State of Texas vs Thomas Ake and Elijah Oates } Now on this day came the District attorney who prosecutes for the State in this behalf, and also came the Defendants in person and by Attorneys, And the parties, respectively, announce themselves ready for trial, and the Defendants Thos Ake and Elijah Oates, being duly arraigned and placed upon their plea, pleaded "not Guilty" to the charges contained in the Indictment: And thereupon came a Jury of Twelve good and lawful men of Travis County Viz: W. T. Norton, A Rice, LeGrand Wood, J M Mansfield, Cato Eagle, Eli Green, Charles Dodge, Wm M. Saunders, E. S. Matthews, Peter Gregg, T. W. Nolen and R. E. Carrington, Who being duly Empannelled, Sworn and charged well and truly to try the issue Joined between the State of Texas and the said Defendants, And true verdict render, and who having heard the evidence, argument of Counsel and Charge of the Court, retired to Consider of their Verdict, And after a Short absence returned into Court the following Verdict towit: "We the Jury find the Defendants on trial not guilty W. T. Norton foreman"

It is therefore ordered and adjudged by the Court that the State of Texas take nothing by her Suit in this behalf, and that said Defendants Thomas Ake and Elijah Oates, go hence without day fully discharged and acquitted

Ordered that Court adjourn until 9 O'clock Monday March 28th 1870

Monday March 28th 1870

Court met pursuant to adjournment, present as on Saturday

2063 The State of Texas vs Henry Dowell } And now on this day comes the District attorney who prosecutes for the State in this behalf, and also comes the Defendant in person and by attorney, and the parties respectively announce themselves ready for trial, and the Defendant Henry Dowell was thereupon duly arraigned and placed upon his plea, and said Defendant pleaded "Not guilty" to the charges in the Indictment: Whereupon came a Jury of good and lawful men, towit: Thomas Bowles and Eleven others, who having been duly impaneled and sworn according to Law, and who having heard the evidence, argument of Counsel and charge of the Court, retired to consider of their verdict and after a short absence returned into Court the following verdict towit: "We the Jury find the Defendant guilty of man Slaughter and asses his punishment to five years in the State Penitentiary, Thomas Bowles foreman" And thereupon It is ordered that the Defendant Henry Dowell be remanded to Jail to await the judgment of the Court

2067 The State of Texas vs J. B. Radcliff } On motion of the District attorney It is ordered that these Causes be dismissed and that the Defendant go hence fully discharged.

2068 The State of Texas vs J. B. Radcliff }

2070 The State of Texas vs Lee & Nowark } On motion of the District attorney It is ordered by the Court that this cause be dismissed and that the Defendants go hence fully discharged and acquitted,

2071 The State of Texas vs Lee & Nowark } Now comes the District attorney who prosecutes for the State in this behalf and also comes the Defendants in person and by attorney, and the said Defendants pleaded guilty to the charges Contained in the Information, and thereupon came a Jury of good and lawful men of Travis County, towit: Wash Hammett, and Eleven others who being duly sworn according to Law, and who having heard the plea of the Defendants and the instructions of the Court, upon their Oaths do say, "We the jury find the Defendants guilty and assess their fine at Ten Dollars, Wash Hammett foreman" It is therefore Ordered and adjudged by the Court that the

Monday March 28th 1870

State of Texas, do have and recover of and from the said Defendants Henry Liss and August Nowart the said Sum of Ten Dollars - fine by the Jury aforesaid assessed and together with all costs in this behalf incurred for which execution may issue.

2072 The State of Texas vs Liss and Nowark } Now comes the District attorney who prosecutes for the State in this behalf, and also come the Defendants in person, and the parties announce themselves ready for trial, and thereupon said Defendants pleaded guilty to the charges contained in the Information in this case, Whereupon came a Jury of good and lawful men of Travis County, to wit: Wash Hammett and Eleven others who being duly impannelled and sworn according to Law and who having heard the plea of the defendants, and the Instructions of the Court, upon their Oaths do Say: "We the Jury find the Defendants guilty and apess their fine at Ten Dollars Wash Hammett Foreman"

It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the said Defendants Henry Liss and August Nowark the said Sum of Ten Dollars, the fine assessed by the Jury, together with all the Costs of this prosecution, for which execution may issue.

2073 The State of Texas vs Liss and Nowark } Now comes the District attorney who prosecutes for the State in this behalf and also comes the Defendants in person, and the parties respectively announce themselves ready for trial, and the said Defendants pleaded guilty to the charges Contained in the information, Whereupon came a Jury of good and lawful men of Travis County, to wit: Wash Hammett and Eleven others, who being duly empannelled and sworn according to law and who having heard the plea of the said Defendants and the Instructions of the Court: Upon their Oaths do Say: "We the Jury find the Defendants guilty and apess their fine at Ten Dollars, Wash Hammett Foreman."

It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the said Defendants Henry Liss and August Nowart the said Sum of Ten Dollars - the fine assessed by the Jury aforesaid together with all the Costs of this prosecution for which Execution may issue.

Ordered that Court adjourn until 9. O'clock tomorrow morning

Tuesday March 29th 1870

Court met pursuant to adjournment Present as on yesterday

1988 The State of Texas vs William Humphreys } Now on this day comes the District attorney who prosecutes for the State in this behalf and also comes the Defendant Wm Humphreys, in person and by attorney, and the parties respectively announce themselves ready for trial, and the said Deft being duly arraigned and placed upon his plea, pleaded not guilty to the charges in the Indictment, and thereupon came a Jury of good and lawful men of Travis County towit J. H. Walker and Eleven others, who being duly empannelled and sworn according to Law and who having heard the Evidence, argument of Counsel and Charge of the Court, retired to consider of their verdict and after a short absence, returned into Court the following Verdict Towit: "We the Jury find the Defendant guilty as charged in the Indictment and assess his punishment at five years Confinement in the penitentiary.

J. H. Walker foreman."

And thereupon it is ordered that the Defendant William Humphreys be remanded to Jail to await the Sentence of the Court

Now comes the Committee appointed at a former day of this Term of Court, to examine George Harris touching his qualifications as an attorney at Law, and make the following Report:

"George Harris Exparte

Now comes the Committee appointed by the Court to examine the said George Harris touching his qualifications to practice Law, and having in open Court examined said Candidate find him qualified and recommend that his proper License be granted.

Geo. H. Gray
C. S. West } Committee
B. Trigg "

And the said George Harris having given Satisfactory proof to the Court that he is a man of good reputation for moral character and honorable deportment, and he making oath in open Court to Support the Constitution of the United States and of the State of Texas and in all things discharge the duties of an Attorney of this Court. It is therefore ordered that he be admitted as an attorney and Counsellor at Law in the District and inferior Courts of the State of Texas and that a License issue to him therefor - and that his name be Enrolled as an Attorney of this Court

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V
No 560

570

Larkin F. Price
vs
Michael Short's Executors

In District Court of Travis County
Judgment and decree at Spring Term
1868- with an order directing the
Surveyor of Brown County, or of the Land District in which
the land in controversy may be situated to partition the same
in conformity to the judgment, order and decree of the Court
in said cause: In obedience to said order and decree
the undersigned J. H. McMillin, surveyor of Brown County
Texas, Where said land is situated have made and here
submit the following partition of said tract of Two Thirds of
the one league and labor of land patented to Michael Short
giving to the Plaintiff, Larkin F. Price for his equal one
half of said two Thirds of a League, Survey No One,
bounded as follows to wit, Beginning at a Stone mound the
original north corner of said League: Thence South 45°
West with the original line of this League and the Island &
Smithson's Surveys 5100 varas to a Stake from which a Post oak
bears N 80° W 4 varas: Thence South 45° East with the
South West line of said League 1700 varas to a Stake for
the South corner of this Survey: Thence North 45° East
parallel with the first line of this Survey 5100 varas to a Stake
in the North East line of said League: Thence North 45°
West 1700 varas to the place of Beginning. And the remaining
portion of said Two Thirds of a League and Labor of Land
described by metes and bounds as follows: Beginning at the
upper corner of a tract out of said League Conveyed to Thomas
Simpson which is 1700 varas North 45° W from the East
corner of said League and Labor: Thence North 45° West
1700 varas a Stake mound the East Corner of a Survey made
for L. F. Price: Thence South 45° West 5100 varas with
the South East line of L. F. Price's Survey to a Stake:
Thence South 45° East 1700 varas with the South West line
of said League to a Stone mound the West Corner of Thomas
Simpson's Survey: Thence North 45° East 5100 varas
with the North West line of Thos Simpson's Survey to the
place of beginning To the Defendant Wm. M. Short Executor
of Michael Short deceased; all of which is respectfully
Submitted and I ask the Court to allow me for my
Services the Sum of Dollars to be taxed
in the bill of costs and Collected out of the parties to this Suit
as the Court may direct. Jack. H. McMillin
Surveyor of Brown County.

And now at this term of the Court the foregoing Surveyor's
Report coming on to be heard and the Same having been
fully inspected by the Court and the aforesaid partition of
said land made and said Surveyors report thereof

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appearing to the Court to be in all things fair and correct,
It is ordered, adjudged and decreed by the Court that said partition
and Surveyors report thereof, be and the Same is in all things
accepted by the Court approved and confirmed, and that the
Defendant W.M. Short as Executor, and the Estate of Michael
Short be and they are Hereby divested of all right, title, interest or
Claim in or to the aforesaid tract of Land, partitioned and set
apart to him the said Larkin D. Price, as designated by the said
J. H. McMillin the Surveyor of Brown County Texas, and the
Same is Hereby fully vested in the Plaintiff Larkin D. Price, his
heirs and assigns! It is further ordered by the Court that
the said J.H. McMillin be and he is Hereby allowed the Sum
of Thirty Dollars for his Services as Surveyor in dividing and
partitioning said land; That the Same be taxed in the bill of
Costs in this Case by the Clerk, and Collected and paid over
to him, by the proper Officer, when Collected,
It is further ordered, adjudged and decreed by the Court that the
Plaintiff L. D. Price do have and recover of and from the
Defendant Wm. M. Short as Executor of the Said Michael Short
dec'd all the Costs of this Suit except So much thereof as was
adjudged against the Plaintiff for or on account of the
Defendant Thomas Simpson in the original Judgment in this
Cause, for which Execution may issue against the property of
the Estate of Michael Short dec'd for said Costs

Ordered that Court adjourn until 9 O'clock Tomorrow morning.

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Court Met pursuant to adjournment, present as on yesterday

2031

The State of Texas vs Peter Wallace

Now on this day Comes the District Attorney who prosecutes for the State in this behalf and also Comes the Defendant in person and by attorney and thereupon Came on for hearing the Defendants exceptions to the Indictment in this Case, and the Court having heard and considered Said exceptions, it is ordered that the Same be overruled, to which ruling of the Court the Defendants attorney excepted, and thereupon the parties respectively announce themselves ready for trial, and the Said Defendant Peter Wallace pleaded not guilty to the Charges Contained in the Indictment, Whereupon Came a Jury of good and lawful men of Travis County towit: J.N. Walker and Eleven others who being duly Empannelled and sworn and who having heard the Evidence, argument of Counsel and Charge of the Court retired to Consider of their verdict and after a Short Time returned into Court the following verdict towit: "We the Jury find the Defendant guilty

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and afses his punishment at a fine of One Hundred Dollars and Confinement in the County Jail for One year, J.H. Walker Foreman"

It is therefore ordered adjudged and decreed by the Court that the State of Texas do have and recover of and from the said Defendant Peter Wallace the Said Sum of One Hundred Dollars, fine, together with all the costs of this prosecution, and that he, said Defendant be imprisoned in the County Jail of Travis County for the Space of one year from the date of this judgment and further Ordered that the Sheriff of Travis County proceed to the Execution of this Sentence,

2032 The State of Texas vs J.W. Simmons } On motion of the District attorney, It is ordered that this Cause be, and the Same is hereby, dismissed and that the Defendant J.W. Simmons go hence discharged,

4

2044 The State of Texas vs J.W. Simmons } On motion of the District attorney It is Ordered that this Cause be dismissed and that the Defendant J.W. Simmons, go hence discharged and acquitted

6

2045 The State of Texas vs Primus Williams } Now comes the District attorney who prosecutes for The State in this behalf and also comes the Defendant Primus Williams in person and by attorney, and the parties respectively announce themselves ready for trial, and the said Defendant pleaded guilty to the charges in the Indictment, and thereupon came a Jury of good and lawful men of Travis County, to-wit: W.B. Price and Eleven others, who being duly empanneled and Sworn and having heard the Evidence and Charge of the Court retired to consider of their Verdict and afterwards a Short time returned into Court the following Verdict to-wit: "We the jury find the Defendant guilty and affix his punishment at two years imprisonment in the penitentiary. W.B. Price foreman" And thereupon It is ordered that the Defendant Primus Williams be remanded to Jail to await the Sentence of the Court

V

2046 The State of Texas vs Austin Munson } Now comes the District attorney who prosecutes for the State in this behalf and also comes the Defendant Austin Munson in person and by attorney, and thereupon Came on to be heard the Defendants exceptions to the Indictment in this case, and the Court having heard and considered the Same It is ordered that said Exceptions be, and they are hereby, Overruled, to which ruling of the Court the Defendants attorney excepted.

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and thereupon the parties respectively announce themselves ready for trial and the Defdt pleaded guilty to the charges in the Indictment. Whereupon Came a Jury of good and lawful men of Travis County to wit: W. B. Price and Eleven others, who having been duly empanneled and sworn, and having heard the Evidence and charge of the Court, retired to consider of their verdict and after a Short time returned into Court the following verdict to wit: "We the Jury find the Defendant guilty and assess his punishment at Two years Confinement in the Penitentiary. W. B. Price Foreman" And thereupon It is ordered that the Defendant Austin Munson be remanded to Jail to await the Sentence of the Court.

2053 — The State of Texas vs J. W. Simmons } On motion of the District attorney It is ordered that this Cause be dismissed and that the Defendant J. W. Simmons go hence discharged,

2054 — The State of Texas vs Alonzo. T. Ross } On motion of the District attorney, It is ordered that the bond of the Defendant Alonzo. T. Ross, Entered into on the 22d day of February 1870 with J. H. Raymond as Security, for One Thousand Dollars, be and the Same is Hereby Set aside and held for naught,

2054 — The State of Texas vs Alonzo. T. Ross } This day personally appeared in open Court Alonzo. T. Ross, as principal and Jesse J. Dmalley as Surety who acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of One Thousand Five Hundred Dollars: To be levied of their goods and Chattles, lands and tenements, respectively: To be Void Nevertheless upon Condition that the said principal Alonzo. T. Ross make his personal appearance at the present Term of this Court and remain from day to day and from Term ~~until~~ to Term until discharged, and not depart thence without leave, to answer the charge preferred against him by the Grand Jury at the Spring Term 1870 of the District Court of Travis County, for the Theft of a certain Grey mare about 14 or 15 hands high, Twelve years old and of the value of Seventy five Dollars: Otherwise to remain in full force & Effect

2057 — The State of Texas vs Perry Baker } Now Comes the District attorney who prosecutes for the State in this behalf and also Comes the Defendant Perry Baker in person and by attorney and the parties respectively announce themselves ready for trial, and the said Defendant pleaded not guilty to the charges contained in the Indictment, and thereupon

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Came a Jury of good and lawful men of Travis County, town
John H. Walker, and Eleven others good and lawful men, who
being duly Empanneled and Sworn and having heard the
evidence, argument of Counsel and charge of the Court retired
to consider of their Verdict and after a Short absence
returned into Court the following Verdict towit "We the
Jury find the Defendant Perry Baker guilty as charged in
the Indictment and assess his punishment by Confinement
in the State Penitentiary for a Term of Five Years
Jno. H. Walker Foreman"
And thereupon It is ordered that the Defendant Perry
Baker be remanded to Jail to await the Sentence of the
Court.

2070 The State of Texas vs William Sims & Edom Page } On motion of the District Attorney It is ordered that this prosecution be dismissed as to the Defendant Edom Page, and that said Defendant be discharged and go hence without day

No 2932 Sarah Williams Etal vs Almedia Rice Etal } In the District Court Travis County Spring Term 1870

Now at this Term of the Court comes the Plaintiffs by their attorney D. H. Davis and the Defendant Almedia Rice and Alice D. Rice by their Guardian ad litem Thos. E. Breed as appointed by order of This Court to represent said minors, and the Commissioners heretofore appointed by this Court to make partition and distribution of the property or effects and Estate of Nancy D Rice Equally among the heirs of Nancy D Rice and having filed their report subscribed and Sworn to as required by Law. The parties announced ready for trial and a Jury being waived. The Matters in Controversy were Submitted to the consideration of the Court, and the Court having Examined the petition and found the allegations therein to be true, and that Sarah F. Williams and Elizabeth Ann Meeks, plaintiffs and Almedia M. and Allice D. Rice, Defendants are the Children and Heirs of Nancy D. Rice dec'd and that the real Estate described in the report of Commissioners was subject to partition and distribution between said Heirs. And it appearing to the Court that the partition and distribution as made by the Commissioners in their report is just, Equitable and fair in all things It is therefore ordered, adjudged and decreed

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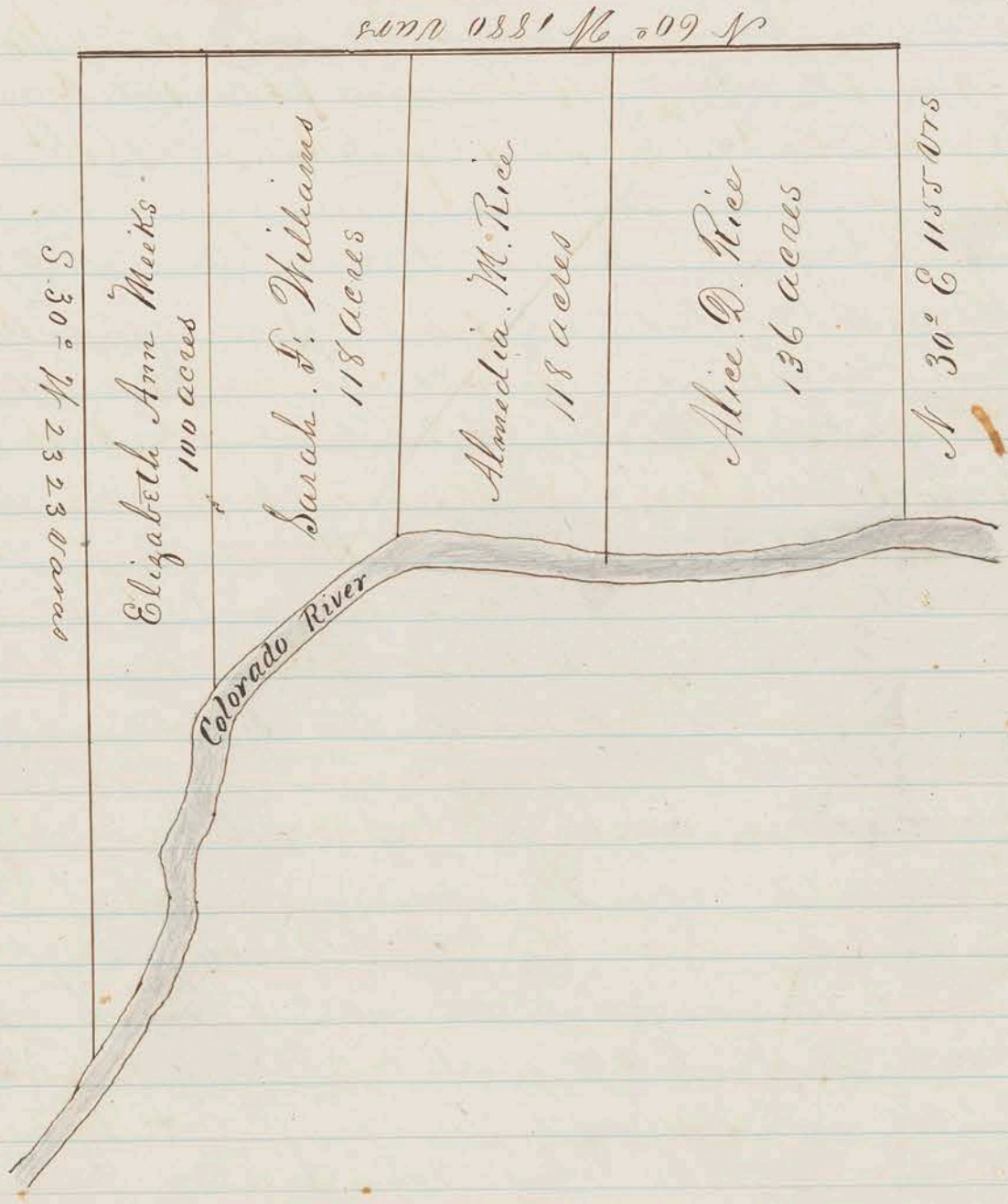
by the Court that said report be received, approved and confirmed and entered upon the records as a part of this Decree, which report is as follows towit:

" We the undersigned Commissioners appointed by order of said Court to partition the Estate of Nancy D. Rice dec'd, have performed the work and beg leave to submit the following as a Just, fair and Equitable division: The following plat and field notes Shows the land set apart to each Heir viz:



Plat of the Subdivisions of the Nancy D. Rice tract situated in the South West Corner of James Gilleland's league in Travis County 12 miles South East from Austin City, on the East Side of the Colorado River, platted upon a Scale of 400 varas to an Inch, mates and bounds in following field notes.

Field notes of one hundred acres of Land for Elizabeth Ann Meeks, being part of the James Gilleland League situated on the left bank of the Colorado River about fourteen Miles below the City of Austin in the County of Travis: and begins on a Stake in the bank of the River for the South East Corner of the John Burleson League and the upper and South West Corner of said Gilleland League from which a Cotton Wood 24 inches in diameter Mk'd X bears N 18½° W 12 vrs and a hackberry 12 Inches in diameter

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Mkd x brs S 44½° 3 vrs — Thence N 30° E 2323 vrs with the East line of John Burleson's to a Stake from which a cedar 12 Inches in diameter Mkd x brs N 5 vrs — Thence S 60° E 278 vrs to a Stake for Sarah Francis Williams' North West Corner and Thence S 30° W 1586 vrs to a Stake in the bank of the River from which a Pecan 24 Inches in diameter Mkd x brs N 46° E 13 vrs — Thence up the River with the meanders to the place of beginig — Containing 100 acres.

× Sarah Francis Williams' begins on the lower and South East Corner of Elizabeth Ann Meeks, a Stake from which a Pecan 24 Inches in Diameter Mk'd x bears S 91° E 13 vrs — Thence N 30° E with the East line of said Meeks 1586 vrs to a Stake from which an Elm 8 Inches in diameter Mk'd x brs S 68° E 4 vrs another bears N 67° W 2 vrs — Thence S 60° E 475 vrs to a Stake and North West Corner of Almeda M. Rice from which an Elm 8 inches in diameter Mk'd x brs S 17° E 8 vrs — another 6 Inches in diameter Mk'd x brs S 53° E 10 vrs — Thence with Almeda M. Rice's West boundary line 1100 vrs to a Stake in the bank of the River, from which a willow Elm 12 Inches in diameter Mk'd x brs S 73° E 13 vrs, and a Gum Elastic 4 Inches in diameter Mk'd x brs N 75° W 7 vrs — Thence up the River with the meanders to beginning: Containing 118 acres — ×

Almeda M. Rice's begins on a Stake and lower corner of Sarah Francis Williams — from which a willow Elm 12 Inches in diameter Mk'd x bears S 73° E 13 vrs, a Gum Elastic 4 Inches in diameter mk'd x brs N 75° W 7 vrs — Thence N 30° E 1100 vrs to a Stake and north East corner of Sarah F. Williams from which an Elm 8 Inches in Diameter Mk'd x brs S 17° E 8 vrs, another 6 Inches Same mark brs N 53° E 10 vrs — Thence S 60° E with the South boundary line of Mattie McLaren 485 vrs to a Stake from which a Pecan 4 Inches in diameter Mk'd x brs N 10° W 6½ vrs, an Elm 6 Inches in diameter, Same mark brs S 82° W 11 vrs — Thence S 30° W with the West line of Alice D. Rice 1152 vrs to a Stake in the bank of the River from which an Elm 12 Inches in diameter Mk'd x brs N 22½° W 8½ vrs, Another 8 in, Same mark brs N 11½° E 11½ vrs; and the mouth of Onion Creek points to the Corner — Thence up the River with the meanders to the place of beginning, Contains 118 acres;

Alice D. Rice's begins on the lower Corner of Almeda M. Rice's a Stake opposite the mouth of Onion Creek — Thence N 30° E 1152 vrs with Almeda's East boundary line to a Stake in the South boundary of McLaren from which an Elm 6 Inches in diameter Mk'd x brs S 82° W 11 vrs, a Pecan 4

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in same mark brs S 82° E 11 vrs — Thence S 60° E with the line of McClaren 635 vrs to a Stake from which a Hackberry 8 in mkd x brs S 7½° E 7 vrs S 30° W 1155 vrs to a Stake in the bank of the River, from which a Pecan 20 Inches diam mk'd x brs N 51° W 14 vrs, a Cotton wood 24 in, Same mark, brs S 47½° E 22 vrs — Thence up the River with the meanders to the beginning, and Contains 136 acres.

We the undersigned Commissioners having viewed the land and Studied the Interest of Each heir, believe the foregoing partition to be just, Equitable and fair as between heirs and pray the Same may be received and Commissioners discharged.

Austin March 12 A D 1870 —

Sworn to and subscribed before me this 12th day of March A D 1870
W. D. Scott J. P. Travis County

David Jones,
Aaron Burleson } Commissioners "

It is further ordered, adjudged and decreed by the Court that the title to the land as set aside to Each of said heirs by said Commissioners, as shown and described ~~and described~~ in said report, be and is hereby divested out of the other heirs and distributees and the title vested in Each heir according to the partition in said Report.

It is further ordered and decreed that the minors Almedia. M. and Alice. O. Rice pay to Thomas. E. Sneed Guardian Adlitem the Sum of Twenty Dollars for which execution may issue; and that they the said Almedia. M. and Alice. O. Rice do have and recover of and from the the plaintiff all Costs in this behalf expended for which execution may issue.

2874 / 374

The State of Texas vs 6 C Clark, Henry Harris and Wm Perkins

Now on this day Comes the District Attorney who prosecutes in behalf of the State, and also comes the Defendants, by Counsel, Who demurred to the Scire facias issued in said Cause against said Defendants, which demurrer after being duly considered by the Court is overruled; It is therefore ordered adjudged and decreed by the Court that the judgment ~~nil dic~~ entered at a former Term of this Court against said Defendants be made final, and that the State of Texas do have and recover of and from the said Defendants, C. C. Clark, Henry Harris and William Perkins the Sum of Five Hundred Dollars, together with all Costs in this behalf Expended, for all which Execution may issue.

2876 / 374

The State of Texas vs C C Clark, Wm Perkins and J. A. Perkins

Now on this day comes the District atty who prosecutes in behalf of the State, and also come the Defendants by Counsel, who demurred to the Scire facias

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ipued in said cause against said Defendants, which demurrer after being duly considered by the court is overruled.
It is therefore ordered, adjudged and decreed by the court that the judgment nii si entered at a former term of this court against said Defendants be made final, and that The State of Texas do have and recover of and from the said Defendants Jas. C. Collins, William Perkins and J. A. Perkins the Sum of Five Hundred Dollars, together with all costs in this behalf expended, for all which execution may ipue.

V
2877
37

The State of Texas
vs
C.C. Clark,
William Perkins and
Henry Harris

Now on this day comes the District attorney who prosecutes in behalf of the State, and also come the Defendants by counsel, Who demurred to the Scire facias ipued in said cause against said Defendants, which demurrer after being duly considered by the Court is overruled: It is therefore ordered, adjudged and decreed by the Court that the judgment nii si entered at a former Term of this Court, against said Defendants be made final and that The State of Texas do have and recover of the said Defendants C.C. Clark, William Perkins and Henry Harris, the Sum of Five Hundred Dollars, together with all costs in this behalf expended for all which execution may ipue.

No 2937

Diana Gilleland
vs
Richard C. McLaren

In the above entitled and numbered cause at a former day of this Term of the Court, judgment by default having been rendered in favor of said plaintiff and against the Defendant, and a writ of inquiry awarded to assess the plaintiffs damages, the plaintiff now comes by attorney and announced ready for trial, whereupon came a jury towit J.H. Walker and Eleven others, Twelve good and lawful men of Travis County who being duly sworn, Empannuled and sworn according to law and who after hearing the Evidence, retired to consider of their verdict, and returned into Court the following verdict towit: "We the jury find for the plaintiff Six hundred Dollars for the year 1868 and four Hundred and Thirteen Dollars and a half, Specie, for the year 1869.
J.H. Walker foreman"
It is therefore ordered, adjudged and decreed by the Court that the plaintiff Diana Gilleland do have and recover of and from the Defendant Richard C McLaren

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the Sum of Six Hundred Dollars, the amount so found to be due said plaintiff for Rent for the year 1868, and that said plaintiff Hilleland do have and recover of and from said Defendant Richard C. McLaren the further Sum of Four Hundred, Thirteen and 57/100 Dollars in Coin, the amount so found to be due said plaintiff for rent for the year 1869 together with interest on each of said Sums of money so found to be due by the Jury as aforesaid from the date hereof until paid, at the rate of Eight per cent per annum, and all the Costs in and about this suit expended,

And it appearing to the Court that a Distress Warrant was sued out in this Cause and levied on Two Bales of Cotton by the Sheriff of Travis County as the property of said Defendant, and that said Sheriff by virtue of an order from a Justice of the Peace of Travis County has sold said two bales of Cotton as perishable property, and that at ~~said~~ said sale said two Bales of Cotton brought the aggregate Sum of One Hundred and Thirty Eight 74/100 Dollars in Coin, which Sum, less fifteen Dollars in Coin due for the Bagging and ties on said Cotton and for hauling said Cotton from farm where raised to a gin, now remains in the Hands of the Sheriff of said County of Travis, Radcliff Platt, It is therefore ordered, adjudged and decreed by ~~said~~ the Court that said Platt, as such Sheriff apply sufficient of the money in his hands to pay all the costs in this suit expended, and that said Platt pay over the balance of said money in his hands on the debt due by this judgment to said plaintiff's attorney; And it is further ordered that Executions do issue against said Defendant for the balance remaining unpaid on this Judgment, after the application of the proceeds of the sale of said two Bales of Cotton as aforesaid.

Ordered that Court adjourn until 9. O'Clock Tomorrow morning.

Thursday March 31st 1870

Court met pursuant to adjournment, present as on yesterday

2003 The State of Texas vs Charley Smith — On motion of the District attorney It is ordered that this Cause be dismissed, and that the Defendant, Charley Smith go hence discharged,

2009 The State of Texas vs Jack Nash — On motion of the District attorney It is ordered that this Cause be dismissed and that the Defendant Jack Nash go hence discharged

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2030 The State of Texas vs Jim Sauls } Now comes the District attorney who prosecutes for the State, and also comes the Defendant by attorney, and thereupon came on to be heard the Defendants motion to quash the Indictment in this cause, and the Court having considered said motion, It is ordered that the same be sustained and that said Indictment be quashed, and that the Defendant Jim Sauls be discharged

2036 The State of Texas vs Charles Smith } Now comes the District attorney who prosecutes for the State, and also comes the Defendant by attorney, and the parties respectively, announce themselves ready for trial, and thereupon the said Defendant pleaded "Guilty" to the charges in the Indictment; Whereupon came a jury of good and lawful men of Travis County, to wit: Wash Nammets and Eleven others, who being duly Empannelled and sworn and who having received the instructions of the Court returned the following Verdict to wit: "We the Jury find the Defendant Guilty as charged in the Indictment and afers fine at (50.00) Five Hundred Dollars, Wash Nammets foreman" It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Deft Charley Smith the said Sum of Five Hundred Dollars and all the costs of this prosecution, and that he Stand Committed to jail until said fine and costs are paid,

2037 The State of Texas vs Charley Smith } On motion of the District attorney It is ordered that this cause be dismissed and that the Defendant Charley Smith go hence discharged

2056 The State of Texas vs James Brannan } On motion of the District attorney It is ordered that this Cause be dismissed and that the Defendant James Brannan go hence discharged

2058 The State of Texas vs Sebastian Kipes } Ordered that this cause be continued on application of the District attorney,

2075 The State of Texas vs N. B. Mitchell } Now comes the Dist. atty. who prosecutes for the State and also comes the Defendant by attorney, and the parties respectively announce themselves ready for trial, and the said Defendant pleaded guilty to the charges in the Information in this case,

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And thereupon came a Jury of good and lawful men to wit: Wash Hammett and Eleven others, who having been duly sworn and having received the Instructions of the Court, returned the following verdict-to wit: "We the Jury find the Defendant guilty and assess the fine at Ten Dollars, Wash Hammett foreman" It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant N. B. Mitchell the said Sum of Ten Dollars, fine as aforesaid, together with all the costs of this prosecution, and that he stand committed to Jail until said fine and costs are paid,

2076 The State of Texas vs Charles Wooldrige

Now comes the District attorney who prosecutes for the State in this behalf and also comes the Defendant by attorney and the parties announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the charges in the Information in this case, Whereupon came a Jury of good and lawful men to wit: Wash Hammett and Eleven others who being duly empanneled and sworn and who having received the Instructions of the Court returned the following verdict to wit: "We the Jury find the Defendant guilty and assess the fine at Ten Dollars, Wash Hammett foreman" It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant Charles Wooldrige the said Sum of Ten Dollars fine as aforesaid, together with all the costs of this prosecution, and that he stand committed to Jail until said fine and costs are paid,

2077 The State of Texas vs Thomas Bowles

Now comes the District attorney who prosecutes for the State, and also comes the Defendant by attorney and the parties announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the charges in the Information in this case, Whereupon came a Jury of good and lawful men to wit: Wash Hammett and Eleven others who being duly Empanneled and sworn and who having received the Instructions of the Court returned the following verdict to wit "We the Jury find the Defendant guilty and assess the fine at Ten Dollars, Wash Hammett foreman" It is therefore ordered and adjudged by the Court that The State of Texas do have and recover of and from the Defendant Thomas Bowles the said Sum of Ten Dollars Fine as aforesaid, together with all the costs of this prosecution and that he stand committed to jail until said fine and costs are paid,

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2078

The State of Texas } Now comes the District attorney
vs } who prosecutes for the State, and
Watt Good } also comes the Defendant by attorney
and the parties announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the charges in the Information in this case: Whereupon came a jury of good and lawful men towit: Wash Hammett and Eleven others who being duly sworn according to law, and who having received the Instructions of the Court returned the following verdict towit: "We the jury find the Defendant guilty and assess the fine at Ten Dollars, Wash Hammett foreman" It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant Watt Good the said Sum of Ten Dollars, fine as aforesaid and all the costs of this prosecution, and that he Stand Committed to Jail until said fine and costs are paid

2079

The State of Texas } Now comes the District attorney
vs } who prosecutes for the State and
John Bond } also comes the Defendant, by attorney
and the parties announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the Information in this case: Whereupon came a jury of good and lawful men, towit: W. B. Price and Eleven others, who being duly Empannelled and sworn, and who having received the Instructions of the Court returned the following verdict towit: "We the jury find the Defendant guilty and apess the fine at Ten Dallas, W.B. Price foreman" It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant John Bond the said Defendant John Bond the said Sum of Ten Dollars, fine as aforesaid, together with all costs in this prosecution, and that he Stand Committed to Jail until said Fine and Costs are paid

2080

The State of Texas } Now comes the District attorney
vs } who prosecutes for the State and
Matt Woodliff } also comes the Defendant by atty
and the parties announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the charges in the Information in this case, Whereupon Came a jury of good and lawful men towit: W. B. Price and Eleven others, who being duly empannoled and sworn, and who having received the Instructions of the Court, returned the following verdict towit: "We the jury find the Defendant guilty and assess the fine at Ten Dollars. W. B. Price foreman"

Thursday March 31st 1870.

It is therfore ordered and adjudged by the Court that the State of Texas do have and recover of and from the Defendant Matt Woodliff The said Sum of Ten Dollars fine as aforesaid and all the costs of this prosecution and that he Stand committed to Jail until said fine and Costs are paid,

V

2081 The State of Texas vs Charles Fenget } Now comes the District attorney who prosecutes for the State and also comes the Defendant by attorney and the parties announce themselves ready for trial, and thereupon the Defendant pleaded guilty to the charges in the Information in this case, Whereupon came a jury of good and lawful men towit: W B Price and Eleven others who being duly Empannelled and sworn, and who having received the Instructions of the Court, returned the following verdict towit: " We the jury find the Defendant guilty and assess the fine at Ten Dollars, W B Price foreman" It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the said Defendant Charles Fenget The said Sum of Ten Dollars fine as aforesaid together with all the costs of this prosecution and that he stand committed to Jail until said fine and costs are paid.

X

√

2082 The State of Texas vs Thomas Bawles } Now comes the Dist atty who prosecutes for the State, and also comes the Defendant by attorney and the parties announce themselves ready for trial and thereupon the Defendant pleaded guilty to the charges in the Information in this case, Whereupon came a jury of good and lawful men, towit: W. B Price and Eleven others, who being duly Empannelled and sworn and who having heard the Instructions of the Court returned the following verdict towit: " We the jury find the Defendant guilty and assess the fine at Ten Dollars W B Price foreman",
It is therefore ordered and adjudged by the Court that State of Texas do have and recover of and from the Defendant Thomas Bawles the said Sum of Ten Dollars, fine as aforesaid. and all the costs of this Prosecution, and that he stand committed to Jail until said fine and costs are paid

V

√ 2858 A. R. Crozier vs J. J. Sneed } Now on this day come the parties by their attorneys and thereupon came on to be heard the Defendants motion to

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set aside the Judgment by default entered in this Cause and the Court having heard and considered said motion, It is ordered and adjudged the Same be overruled, and thereupon the Defendants attorney gave notice in open Court of an appeal to the Supreme Court

2906 Agnes Ward vs Julia A Smith — On motion of Plaintiff the Defendant, It is ordered by the Court that the plaintiff herein give Security for Costs on or before the first day of the next Term of this Court

2945 Thos. J. Pitt vs Peter Pearford — Now come the parties by their attorneys and thereupon came on for Hearing, the Defendants motion to quash the attachment issued in this Cause in the Court below, and the Court having heard and considered said motion, It is ordered that the Same be sustained and that said attachment be and the same is hereby quashed; to which ruling of the Court the plaintiffs attorney excepts,

2875 The State of Texas vs Wm Perkins Etal
2878 The State of Texas vs Wm Perkins Etal — Now come the parties to these suits by attorneys, and thereupon came on for hearing the motion to quash the service in said Causes, as to the Defendant R. J. Hocker and the motion having been heard and considered by the Court It is ordered that the same be granted, and that the service on said R. J. Hocker be and the same is hereby quashed,

1583 Heirs of John L Bray vs A. M. Coy — In Dist Court Travis County And now at this day on the regular Call of the docket the motion of the plffs in the above Cause heretofore filed to reform the Judgment rendered at this Term in said Cause Coming on to be heard, It is ordered by the Court that the Judgment heretofore rendered therein during this Term be reformed so as to read as follows: "And now at this day Come the parties to the above Cause by their attorneys and announce themselves ready for trial and thereupon came a Jury of Twelve good and lawful men, ~~xxxxx~~ ~~xxxxxxxxx~~

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duly Empannelled and sworn, towit: W. G. Maynard and Eleven others, who having heard the pleadings the argument of Counsel and the charge of the Court retired to consider of their verdict and thereupon returned into Court the following verdict" We the Jurors find for the Defendant that portion of the land described in Deed of Thos. F. McKinney to W. D. Miller of the date 21st of March 1857; the balance of the land we find for the plaintiff, W. G. Maynard Foreman" Therefore it is considered by the Court that as to One Thousand and Sixty four acres of the land in Suit described as follows: In said County of Travis, on Spring or Barton's Creek, about five and a half miles South West of the City of Austin, being a part of a Third of a League of land granted to John. L. Bray as his headright: beginning at the beginning Corner of the Third of a League aforesaid - Thence South 60° East 2020 vars to a Stone mound from which a live Oak Six Inches in diameter bears South 35° East 50 varas ditto 9 inches in deameter bears north 54° West 70 varas - Thence North thirty degrees East 208 varas to a branch Thence North 10° East 772 varas to the forks of a branch - Thence down the bed of said branch with its meanders to Spring or Barton's Creek from which a Sycamore 15 inches in diameter bears South 25° West 10 varas: ditto an Elm 10 Inches in diameter bears South 15 varas - Thence down Spring or Barton's Creek to the place where the lower line of the Bray tract Crosses the Same - Thence North 30° East 600 varas to the North West Corner of the Standifer 320 acre tract - Thence South 60° East 269 varas to a Stone mound Thence North 30° East 237 varas to a Stone mound - Thence North 60° West 2250 varas - Thence South 30° West 588 varas to Stake and mound - Thence North 60° West 950 varas to Stake and mound - Thence South 30° West 2377 varas to the place of beginning - Variation of Compass 10½°; Containing One Thousand and Sixty four acres more or less, the said plaintiffs take nothing by their Suit. And it is further ordered that for the remaining four hundred and twelve acres contained in the Third of League of Land patented to John. L. Bray and described in the plaintiffs petition and outside the limits of said One Thousand and Sixty four acres above described that the Said plaintiffs do have and recover the said four hundred and twelve acres of land of and from the said Defendant A. M. Cox, for which a writ of possession may ipsue, And the parties having agreed as to costs, It is further ordered that the said plaintiffs do have and recover of and from the said Defendant Cox all the costs of this Suit that

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accrued up to time of his disclaimer on the 7th day of December 1859, and that the plaintiffs pay all costs that have accrued subsequent to that time, and that the parties respectively have execution accordingly,

V
2587 J. M. Blackwell vs The City of Austin

Now come the parties by attorney and thereupon came on for hearing the motion of Defendant for a new trial herein, and said motion having been heard and considered by the Court, It is ordered that the same be overruled and a new trial denied, and thereupon the Defendant by attorney, gives notice in open Court of an appeal to the Supreme Court,

V
2411 A. H. Barnes vs J Harrel

Come the parties by attorneys and the motion of Defendant for a new trial coming on to be heard, and the Court after hearing the same and being fully advised thereon, orders that the same be overruled, and the Defendant in open Court gives notice of appeal to the Supreme Court,

V
2505 Goldfrank Frank & Co vs R A Rutherford

Come the parties by their attorneys and the motion for new trial coming on to be heard, and after argument of Counsel and the Court being advised thereon, orders and decrees that the verdict of the Jury be and the same is hereby set aside and a new trial granted herein,

V
2903 H. Desmetts vs H. Thompson

Comes the parties by attorneys and the motion of Defendant to set aside trial Judgment and Judgment by Default and for leave to pleade, coming on to be heard, and after argument of Counsel and the Court fully understanding the same doth order that the said motion be refused, to which ruling of the Court the Defendant's attorney excepts

V
2757 W. L. Smith vs Bethel Coopwood Etal

This day came the parties by attys and thereupon came on for hearing the motion of the Garnishee for a new trial herein, and the Court having heard and considered said motion, It is ordered that the same be sustained and a new trial is granted

Thursday March 31st 1870

2890

George R Freeman Plff. vs Wm R Baker Deft in fudgt. and E. B. Millett Garnishee

This cause coming on to be heard upon the answer of the said Garnishee, E. B. Millett, and it appearing to the Court from said answer that said E. B. Millett was, at the date of the service of the writ of Garnishment in this case, was indebted to the Defendant W. R. Baker in the sum of four hundred and fifty five Dollars in Coin upon a note executed by him to said W. R. Baker in May 1869 and due in November 1869, It is therefore ordered adjudged and decreed by the Court that the plaintiff G. R. Freeman do have and recover of and from the said Garnishee E. B. Millett the sum of four Hundred and fifty five Dollars Coin, with Interest from this date, for which Execution may issue, It is further ordered that the Costs of this Garnishment be taxed against the Defendant W R Baker

1733

C. A. Hopkins Etal vs A Morrill

Ordered that Dft have leave to amend

Ordered that Court adjourn until 9 O. clock tomorrow

Saturday April 1st 1870

Court met pursuant to adjournment, present as on yesterday

2811

M. A. Taylor vs S. A. Smead

Now come the parties by their attys and thereupon came on to be heard the Defendants motion for a new trial herein, and the Court having heard and considered said motion, It is ordered that the same be overruled and a new trial refused,

2853 X

F. W. Chandler vs Wm Baiier

2854 X

F. W. Chandler vs Wm Baiier

Now come the parties by attorneys and thereupon came on to be heard the motion of the Defendant in these causes, for a new trial and the Court having heard and considered said motion, It is ordered that the same be overruled, and a new trial refused, and thereupon the Deft, by attorney, gave notice in open court of appeal to the Supreme Court,

2041

The State of Texas vs P Brass

On motion of the Dist attorney the Indictment in this cause is quashed and the Defendant discharged —

Saturday April 1st 1870

Pamelia A. Thompson, Alexander C. Thompson,
Daniel D. Thompson, Louisa R. Gordon &
husband Jno. G. Gordon, Jasper M. Thompson,
Bettie J. Johnson & husband Jno. O. Johnson;
Lucinda L Thompson & Fremont Knox Thompson
vs
America N. Smith & husband, Robt. G. Smith
Clementine C. Nicholson, Ann M. Sneed &
husband Nicholas T. Sneed & minor
heirs of Chas. P. Smith decd, viz:
Chas. A. Smith, Morton J. Smith & Sidney P. Smith

No 2936

Decree confirming Report of Commissioners making partition

Now come the parties, plaintiff, as well as the original parties as the said F. Knox Thompson, who has attained his majority, and the Petitioners' motion to confirm the Report of the Commissioners coming on to be heard, the said O.H. Cullen Guardian ad litem for said minors also appearing, and it also appearing to the Court that said Commissioners have made partition of the property set forth and described in the Decree, which report is as follows:

"Under and in Compliance with a Decree of the District Court of Travis County of date 14th March 1870 the undersigned Joseph Harrell, W N Hardaman & John E. Campbell proceeded to discharge of their duties, after examining, ascertaining accessible to them they make partition of lands and property described in the said Decree as follows:

To the Complainants, heirs of W. D. Thompson we allot
1st Lot No. 1 Block No 60, City of Austin, Valued at $250.00
2nd Thirteen hundred & Twenty nine & 3/4 (1329 3/4) acres of Land being part of 3/4 League grant to Thos. H. Mays in Bosque & Coryell Counties described as follows Beginning at N. W. Cor of Jas. Barley's survey from which a Chesnut Oak marked I bears N 14 E 15 vrs a Post Oak brs S 5 E 4 vrs: Thence N 30 W 1696 vrs to mound for corner, from which a live Oak marked P brs S 25 W 122 vrs, Do marked M brs S 33 1/2 W 125 vrs Thence N 60 E 1400 vrs crop a branch 4426 vrs corner in Prairie; Thence S 30 E 1696 vrs to N line of James Barley's survey. Corner in prairie; Thence S 60 W 3000 vrs Branch Enter timber 4426 vrs to place of beginning, Containing 1329 3/4 acres, valued at $1000.00
3rd Also called Balance Certificate issued to Thomas A. Moore, by Joseph Spence Comr G. L. O 4th Jan 1870 for 4524.890 sq vrs, valued $339.00
To the Defendants, Heirs of O B Smith we allot
1st Lot No 12 Block 27 City of Austin, valued at, $250.00
2d Nineteen hundred, ninety four & 3/4 acres

Saturday April 1st 1870

of Land out of 3/4 League Survey granted to Thomas. H. Mayo in Coryell and Bosque Counties and described as Follows: Beginning at the N. W. Corner of a 1029 3/4 acre tract Set apart to Heirs of Thompson, from which a fine oak marked P bns S 25 W 122 vs Do marked M bns S 33 1/2 W 125 vs - Thence N 30 W 2544 vs corner in prairie - Thence N 60 E 3200 vs enters timber 4426 vs corner near Hog creek from which a line oak marked F bns N 55 E 10 vs - Thence S 30 E 800 vs enters prairie, 360 vs, Live oak creek 2544 vs corner in prairie - Thence S 60 W 3026 vs Branch 4426 vs to place of beginning Containing 1994 3/4 acres, valued at $1500.00

3rd Six hundred Seventy Seven 1/2 acres of Land out of Headright League of Land granted to Thomas. H. Moore in Williamson County and discribed as follows; Beginning at S.E. Cor. of Said League, Thence S 71 W 765 vs Cor. on S line of said League - Thence S 19 E 5000 vs Cor. on S line of same - Thence N 71 E 765 vs to Bigining Containing 677 1/2 acres, valued at - $508.50

The Commissioners would respectfully State that in their action they have been guided as to value &c by the affidavits of disinterested parties upon which they are satisfied to act; The lots having been examined by them personally, as above,

We respectfully report our action

John. E. Campbell
Joseph Harrell } Commissioners

Sworn and subscribed to before me this 24th day of March 1870
E. L. Bartholomew,
Clk. D. C. T. C. Tex.

And it appearing to the Court that said partition has been fairly and justly made, and in Compliance with the Decree of partition. It is therefore ordered, adjudged and decreed by the Court that the said apart be and the same is hereby in all things approved and Confirmed, and it is ordered, adjudged and decreed by the Court that all right title & interest in the said property Set apart in the partition by the Commissioners to the Complainants aforesaid, be and the Same is fully vested in them and divested out of the Defendants, and that all right, title and interest in the said property assigned in the partition made by the said Commissioners to the said Defendants be and the Same is hereby vested in them and divested out of the Complainants, and that this decree be a muniment of title to Complainants & Defendants; It is further ordered that the Complainants herein pay two fifths of all the Costs in and about this suit and that the parties Defendants pay the remaining three fifths of the said Costs, for all which execution may issue

Saturday April 1st 1870

2744 — Headley Polk vs C. W. Willis — Now come the parties by their attorneys and the Defendant is granted leave to amend and it is ordered that the Defts demurrer to the plaintiffs petition be and the same is hereby overruled. It is ordered that John M. Swisher Sr be and he is hereby appointed auditor in this cause, and he is required to make & file his report with the Clerk of this Court, in 120 days from this date and the cause is Continued

2745 — Headley Polk vs Thos. F. McKinney et al — Now come the parties by their attorneys and the Defendants are granted leave to amend, and it is ordered that the Defendants demurrer to the plaintiff petition be and the same is hereby overruled. It is further ordered that John M. Swisher Sr be and he is hereby appointed auditor in this cause and he is required to make and file his report with the Clerk of this Court in 120 days from this date, and the cause is Continued

2063 — The State of Texas vs Perry Dowell — Now come the parties by attorneys and thereupon came on for hearing the motion of the Defendant herein for a new trial and the Court having heard and considered said motion, It is ordered that the same be overruled and a new trial refused.

2057 — The State of Texas vs Perry Baker — Now come the parties by their attorneys and thereupon came on to be heard the Defendants motion for a new trial herein, and the Court having heard and considered said motion, It is ordered that the same be overruled and a new trial refused, and that the said Defendant Perry Baker be confined in the State penitentiary at hard labor for the period of five years according to the Verdict of the jury who tried his case, And thereupon the Defendant gave notice in open Court of an appeal to the Supreme Court.

2042 — The State of Texas vs P Brass

2043 — The State of Texas vs P Brass — On motion of the District attorney It is Ordered that these causes be dismiss

Saturday April 1st 1870.

2782

Abel McFarland et al
vs
D. L. Crop

Now come the parties by Attorneys and thereupon came on for hearing the motion of the Plaintiffs to set aside the order of dismissal entered in this case at a former day of this Term of Court, and to reinstate the cause on the Docket. and the Court having considered said motion, It is ordered that the Clerk of this Court reinstate said cause on the Docket upon the payment by said Plaintiffs of all Costs that have accrued up to this date, in the cause, in this Court

1988

The State of Texas
vs
Wm Humphreys

Now come the parties by attorneys and thereupon came on for hearing the Motion of the Defendant for a new trial, and the Court having heard and considered said motion, It is ordered that same be overruled and a new trial refused, And it is further ordered that the Defendant Wm Humphreys be confined in the State Penitentiary at hard labor for the period of five years, according to the Verdict of the Jury who tried this Case: And thereupon the Defendant gave notice in open Court of an appeal the Supreme Court,

2875

The State of Texas
vs
Wm Perkins et al

And now on this day comes the District attorney on behalf the State and Shows to the Court that there was a Clerical error made by the Clerk in the entry of the Judgment Nisi in the above Entitled Cause as to the name of the Defendant R. J. Nocker and moves the Court to Correct the Same and that a correct Judgment Entry of said Judgment be made now for then: And the Court having inspected the record and papers in said Cause: It is ordered that said Judgment be entered now for then, correctly as follows: to-wit: This cause being called for Trial the defendant William Perkins failing to appear and answer to the Indictment in this cause he and his Securities R. J. Nocker and Henry Harris being distinctly called at the door of the Court House of Davis County, and the Defendant after a reasonable length of time, Still failed to appear and it appearing to the Court that the Defendant William Perkins with the said R. J. Nocker and Henry Harris as his Securities did execute the Bail Bond on file in this Case, substantially as follows: Dated 14th day of August 1868 payable unto The State of Texas in the Sum of Five hundred Dollars. Conditioned that the said Defendant William

Perkins make his personal appearance at the District Court of said County of Travis on the 1st Monday in September 1868 to answer any Indictment that might be preferred against him by the Grand Jurors of Travis County at the Fall Term A. D. 1868 for Stealing neat Cattle in said County of Travis, and there remain from day to day and from Term of said Court, and that he do not depart thence without leave of said Court; Which said Bond is forfeited - and it is Considered by the Court that The State of Texas do have and recover of the said William Perkins the said Sum of Five Hundred Dollars and of his said Securities the Sum of Five Hundred Dollars, and that this Judgment will be made final unless good Cause be shown at the next Term of this Court why the said Defendant William Perkins did not appear; and further ordered that Citations do issue to said Securities,

2878

The State of Texas
vs
William Perkins Etal

And now on this day Comes the District Attorney in behalf of the State and shows to the Court that there was a Clerical error made by the Clerk in the Entry of the Judgment nisi in the above entitled Cause as to the Name of the Defendant R. J. Nocker and moves the Court to Correct the same and that a Correct Entry of said Judgment be made now for then, and the Court having inspected the Record and papers in said Cause, it is ordered that said Judgment be Entered Correctly as follows: Viz: The State of Texas vs Wm Perkins; This Cause being Called for Trial the Defendant Wm Perkins failing to appear and answer to the Indictment in this Cause, he and his Securities R. J. Nocker and Henry Harris being distinctly Called at the Door of the Court House of Travis County, and the Defendant after a reasonable length of time still failed to appearing. And it appearing to the Court that the Defendant Wm Perkins with the said R J Nocker and Henry Harris as his Securities did Execute the Bail Bond on file in this Cause substantially as follows: Dated 16th day of August 1868 payable unto the State of Texas in the Sum of Five Hundred Dollars Conditioned that the said Defendant William Perkins make his personal appearance at the District Court of said County of Travis and there personally from day to day on the 1st Monday in September 1868 to answer any Indictament that might be preferred against him by the Grand Jurors

of Travis County at the Fall Term A D 1868 for Stealing neat cattle the property of Wm J. Jones, and there remain from day to day and from Term to Term of said Court and that he do not depart thence without leave of said Court; Which said Bond is forfeited - and it is considered by the Court That the State of Texas do have and recover of the said William Perkins the said Sum of Five Hundred Dollars and of his said Securities the Sum of Five Hundred and this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Wm Perkins did not appear.

C. L. Jordan and
Isabella Jordan
vs.
G. H. Burditt.
Agent of the Est.
of Jesse Burditt dec'd.

2786

On this day April 1st 1870 came the parties by their Attorneys and the defendant has leave to file his amended Answer and the parties waive a jury and submit the matters herein to the Court and after hearing the pleadings and evidence adduced and it appearing to the Court, that the plaintiffs are entitled to recover. It is therefore considered decreed and adjudged by the Court, that the said Isabella Jordan and her said husband C. L. Jordan do have and recover of the Defendants, and from the Estate of the said Jesse Burditt the one undivided half interest in the land described in the petition to wit,

Situated in the County of Travis to wit: One tract of land being one half of the labor of land granted to Ennis Wm Assignee of Dinsmore Dinsmore beginning at the North Corner of said Labor survey at a Stake and rock mound thence S. 30° W. with the S.E. boundary of Jas. P. Wallace's Survey at 500 varas a Stake and Mound of rocks thence S. 60° East at 1000 varas a Stake and rock mound, and the N.W. boundary of Thomas Elariges survey, N. 26. thence N. 30° E. with said Thomas Eldridge N.W. boundary at 500 varas a stake and rock Mound thence N. 60°, West 1000 varas to the place of beginning containing 88 568/1000 acres of land, and being the North east half of said Original labor of land and one other tract of land of 132 Acres out of the Thomas Elariges survey granted to Ennis Wm assignee of Thomas Eldridge beginning at the N. Corner of W. Wilks survey, No. 29 at a Stake and mound of rock, thence S. 30° W with the S.E. boundary of

D Simpson Labor, at 557 5/10 varas, a stake and mound of rock. Thence S. 60° E at 13.052 varas a stake and mound of rock on W. Boundary of J. G. Brooks labor, No 28 thence N. 60° W. with said W. boundary at 352 varas passing the W. corner and with the S.W. boundary of No 29 at 13052 varas to the place of beginning containing 132 acres of land.

And it is further ordered, adjudged and decreed by the Court that all right, title and interest of the Estate of Jesse Burdett dec'd in and to the said undivided half of said land be and the same is hereby divested out of said Estate and vested in the plaintiff Isabella Jordan and it further appearing to the Court that said lands are unsusceptible of division without injury to the value of said land and injury to the said owners thereof, it is ordered, adjudged and decreed by the court that the said two tracts of land shall be sold at public outcry under the laws regulating Sheriff sales and that T. D. Moseley, Esq. be and he is appointed Commissioner to make sale of said lands, the sale to be made on a credit of nine months, the purchaser to secure payment by trust deed on the land sold and personal security and to defray all expenses of sale, security and collecting of said purchase money, and in case of trust sale made in collecting the same the said T. D. Moseley shall have a commission of five per cent to be so paid by the purchaser aforesaid. And in consideration that the said defendant and his intestate have paid the taxes and incurred the expenses in protecting the said land, it is ordered that the costs of suit herein be taxed against the plaintiffs, to be paid however out of their moiety of the proceeds of sale of said lands. The said Commissioners to execute all necessary deeds to execute this order and to divide the moneys arising from the sale and pay one half to the plaintiffs (first paying costs of suit herein) and the one half to the defendant for the use of the said Estate of Jesse Burdett deceased.

2892 — A. J. Luckett vs. T. W. Taylor — On motion of the defendant it is ordered that the plaintiff herein give security for all costs that have or may hereafter accrue in this case, on or before the first day of the next term of this court.

1926 — State of Texas vs. C. C. Clark et al — It is ordered by the court that alias capias issue to Bowlin of Travis & Bell and to any dft. county where defendants may be found; and continued.

1927	State of Texas vs. G. G. Clark et al.	It is ordered that alias capiases issue in these causes to the counties of Travis and Bell or any other counties where the defendants may be found; and causes continued for service.
1928	State of Texas vs. G. G. Clark et al	
2005	N. R. Crozier vs. J. J. Breed	Now comes the plaintiff by his attorney and remits from the judgement here before entered in this cause at the present term of this court the sum of eight dollars and sixty three cents, being the amount of interest allowed by the jury in their verdict. It is ordered by the court, after hearing the motion of defendant for new trial, that the same be overruled and a new trial refused, and thereupon defendant gives notice in open court of an appeal to the supreme court.
1985	State of Texas vs. Joseph Owens	Ordered that this cause be continued.
2021	State of Texas vs. N. B. Mitchell	On motion of District Attorney it is ordered that these causes each be dismissed and that the defendant N. B. Mitchell go hence discharged.
2022	State of Texas vs. N. B. Mitchell	
2023	State of Texas vs. N. B. Mitchell	
2024	State of Texas vs. N. B. Mitchell	
2025	State of Texas vs. N. B. Mitchell	
2026	State of Texas vs. N. B. Mitchell	

2028 State of Texas vs. W. D. Kluge & John Eikel } On motion of the District Attorney it is ordered that this cause be dismissed and that the defendants Kluge and Eikel go hence discharged.

2046 State of Texas vs. Austin Munson } This day this cause came on for final judgement and sentence, and it is ordered, adjudged and decreed by the court that the defendant Austin Munson be confined in the State penitentiary at hard labor for the period of two years according to the verdict of the jury trying his case. The prisoner was then placed at the bar in custody of the sheriff and being asked if he had anything to say why judgement should not be entered and sentence pronounced against him according to verdict of the jury who tried the cause and said prisoner giving no sufficient reason, it is ordered, adjudged and decreed by the court that the said Austin Munson be and he is hereby adjudged guilty of felony as in the indictment against him in this behalf alleged. And it is further considered by the court that the said prisoner be punished by confinement in the State penitentiary for the period of two years as found in the verdict of the jury aforesaid. And it is ordered that the sheriff of Travis county do forthwith take the said prisoner and deliver him to the agent or superintendent of said penitentiary to be by him safely confined at hard labor for the space of two years.

+ he is punished

2063 State of Texas vs. Henry Dowell } This day this cause came on for final judgement and sentence and it is ordered, adjudged and decreed by the court that the defendant Henry Dowell be confined in the State penitentiary at hard labor for the period of five years according to the verdict of the jury trying his case. The prisoner was then placed at the bar in custody of the sheriff and being asked if he had anything to say why judgement should not be entered and sentence pronounced against him according to the verdict of the jury who tried the cause, and said prisoner giving no sufficient reason, it is ordered, adjudged and decreed by the court that the said Henry Dowell be and he is hereby adjudged guilty of felony as in the indictment against him in this behalf alleged. And it is further considered by the court that the said prisoner be and he is hereby sentenced to be punished by confinement in the State penitentiary for the period of five years as found in verdict of the jury aforesaid. And it is ordered that the Sheriff of Travis county forthwith take said prisoner and deliver him to the agent or superintendent of said penitentiary to be by him safely confined at hard labor for the period of five years.

2045

V

State of Texas. } This day this cause came on for final
vs. } judgement and sentence and it is ordered,
Primus Williams } adjudged and decreed by the court that
the defendant Primus Williams be confined in the State Pen-
itentiary at hard labor for the period of two years according
to the verdict of the jury trying his case. The prisoner
was then placed at the bar in custody of the sheriff, and
being asked if he had any thing to say why judgement
should not be entered and sentence pronounced against him
according to the verdict of the jury who tried the case; and
said prisoner giving no sufficient reason it is ordered,
adjudged and decreed by the court that the said Pri-
mus Williams be and he is hereby adjudged guilty of
felony as in the indictment against him in this behalf
alleged. And it is further considered by the court that
the said prisoner be and he is hereby sentenced to be
punished by confinement in the State Penitentiary for
the period of two years as found in the verdict of
the jury aforesaid. And it is further ordered that
the Sheriff of Travis County do forthwith take the said
prisoner and deliver him to the agent or superinten-
dent of said penitentiary to be by him con-
fined at hard labor for the space of two years.

The State of Texas, } The undersigned, clerk of the District Court
County of Travis. } of said county and State hereby reports
to the Court the jury service of the Spring Term, 1870, as
follows:

	Names	Days.	$	cts.	Names.	Days.	$	cts.
	Grand Jury:				R. E. Flanegin	6	12	00
1	Wash Hamphill	11	22	00	Lacy McKenzie	16	32	00
2	William Swartz	9	18	00	John T. McArthur	6	12	00
3	James Lard	11	22	00	John Buchanan	22	44	00
4	Ben Thompson	11	22	00	M. M. McInnis	6	12	00
5	W. W. Evans	9	18	00	Thomas Berry	16	32	00
6	David Jones	11	22	00	Robt Barr	22	44	00
7	W. D. Taylor	11	22	00	J. L. Nichols	12	24	00
8	Geo. Swisher	11	22	00	William Davis	6	12	00
9	Lewis Green	11	22	00	L. K. Miller	6	12	00
10	C. M. Gilliam	11	22	00	J. M. Walker	22	44	00
11	J. B. Stein	8	16	00	Brice Boyd	16	32	00
12	John M. Robinson	11	22	00	Alfred Akers	6	12	00
13	E. E. Millett	11	22	00	Anthony Rice	18	36	00
14	E. Perry	11	22	00	C. M. Saunders	12	24	00
15	Thomas Anderson	7	14	00	Asa French	6	12	00
	Petit Jury:				Thomas Eborn	18	36	00
	W. B. Price	22	44	00	J. F. Smith	6	12	00
	W. L. Maynard	12	24	00	August Heilman	6	12	00

Thomas Hancock	6	$12 00	W. T. Nolan	10	$20	00
Wilson Crum	10	20 00	J. D. Shepherd	10	20	00
Seth Mabry	6	12 00	David Riley	6	12	00
Thomas Dietrich	3	6 00	B. F. Walker	6	12	00
John Burdett	3	6 00	Thomas Gooden	10	20	00
Nat Crumbley	6	12 00	Milton Wright	6	12	00
John Carlson	6	12 00	Theodore Hill	6	12	00
E. B. Millican	6	12 00	Henry Baulding	6	12	00
E. F. Collins	6	12 00	Al Thurgood	10	20	00
Ike Timmins	3	6 00	Cato Eagle	4	8	00
J. B. Cain	3	6 00	H. M. Hall	4	8	00
John W. Burton	16	32 00	Jack Hamburger	4	8	00
George E. Haynie	6	12 00	Peter Bratton	4	8	00
Langdon Wilson	6	12 00	Eli Crum	4	8	00
Fred Sturging	6	12 00	James A. Miller	4	8	00
E. R. Brackett	10	20 00	A. M. Davidson	4	8	00
Wash Hammitt	10	20 00	J. R. Jones	6	12	00
Lebrand Wood	6	12 00				
J. V. Jones	4	8 00				
Rogin Blount	6	12 00				
Jerry Brown	6	12 00				
W. T. Patterson	10	20 00				

Respectfully Submitted
Ed. Barthelmes
clerk Dist. Court, T. C.

Report of Bailiffs employed at the Spring term 1870 of the District Court of Travis County with the time each served and the amount due to each:

	Days	$		Days	$
T. C. Collins	24	48 00	Thomas Dietrich	10	20 00
H. Clay Lacy	6	12 00	Thomas Berry	6	12 00
Nat Moore	18	36 00	M. P. Hemmicut	24	48 00

I certify the above to be correct.
R. Hall,
Sheriff Travis Co.

It is ordered by the court that the sheriff be allowed four guards in conveying the prisoners sentenced to the penitentiary at this present term of court to said penitentiary.

It is ordered that all causes civil and criminal not otherwise disposed of at this term stand continued until next term of court.

It is ordered that Radcliff Hall, Sheriff of Travis county, be and is hereby allowed Fifty Dollars for extra services as sheriff at the present term of this court and that the treasurer of Travis county be authorized to pay the same on presentation to him of a certified copy of this order, which shall be his voucher for said amount.

It is ordered that Ed. Bartholomew, Clerk of the District Court of Travis County be and he is hereby allowed Fifty Dollars for extra services as Clerk at the present term of court; and that the Treasurer of Travis County be authorized to pay the same on presentation of a certified copy of this order to him which shall be his voucher for said amount.

The foregoing minutes having been examined and approved it is ordered that court do stand adjourned until the next term.

J J Thornton
Judge 2nd Dist of Texas.

At Chambers, June 7th 1870

Geo H Gray } In District Court for Travis County
vs. } Texas in vacation before the Hon.
M A Taylor } W P Bacon Judge of 11th Judicial
District of the State of Texas

2952

V X

And now on this 7th day of June A D 1870 came on to be heard at Chambers the motion of the Defendant to dissolve the Injunction heretofore issued in this cause and to dismiss the plaintiffs petition upon the petition and answer files therein by the respective parties and the said petition and answer having been heard and duly considered and it appearing by the answer of the Defendant that all the material allegations of the petition had been fully answered and the truth thereof denied, and the allegations of the answer having been sustained by the proofs files therewith, It is considered, adjudged and decreed by the Court that the Injunction heretofore granted in this cause be, and the same is hereby dissolved, and held for naught, And it further appearing that there were no equities in the petition except such as were fully met by the answer It is further adjudged and decreed that the petition be dismissed, and that the plaintiff, Geo H Gray as principal and J. L. Nichols and W. S. Johnson as his Sureties upon the Injunction bond, pay all the costs of this cause and that execution issue against them therefor, and that a writ of Procedendo issue to the Court below to proceed in said cause upon the judgment heretofore rendered.

W. P. Bacon
Judge 11th Dist Texas

July 26. 1870
Ex Parte

The State of Texas
&
John Watson

And now on this day comes M. Ashley and in open Court acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of Five Hundred Dollars, to be levied upon his Goods and Chattels, Lands Tenements and Estate, but to be void nevertheless upon condition that the said M. Ashley make his personal appearance at the next Term of the District Court of Travis to be held at the Courthouse thereof in Austin on the 1st Monday in September, 1870, then and there to give evidence on behalf of the Plaintiff in the above entitled cause wherein The State of Texas is Plaintiff, and John Watson, charged with the murder of John Eckel, is Defendant, and that he therein remain from day to day and from term to term of said Court and that he do not depart the Court without leave.

October Term, Monday, October 3d 1870.

The State of Texas } Be it Remembered that on this the third day of
County of Travis } October, in the Year of our Lord One Thousand
Eight Hundred and Seventy, the Honorable District Court of Travis County
convened at the Courthouse thereof in the City of Austin, according to law,
the same being the time fixed by Statute for such purpose. And there were present
the Hon. J. P. Richardson, Judge of the Twenty-Seventh Judicial District
of the State of Texas, presiding: A.R. Morris, Clerk of the District Court of
Travis County, by Frank Brown, Deputy Clerk; and George B. Zimpel-
man, Sheriff of Travis County. Whereupon the following proceedings were
had by said Court, to wit:

And thereupon the Court ordered that the
names of those persons summoned on the Regular Venire for the
Grand Jury at this Term of the Court, be called. And it appearing
that there is not in attendance a sufficient number of Jurors summoned
on said Venire, to complete the panel of Grand jurymen, It is ordered
that a sufficient number of bystanders be summoned to complete the
panel. The following named persons, so summoned as aforesaid, were then
examined, under oath, as to their qualifications to sit as Grand jurymen
& they were thereupon duly sworn, according to law, as the Grand Jury of
Travis County, for and during the present October Term of said Court,
duly empannelled, and qualified in every respect, to wit:

Alfred Smith, John[2] Price, William[3] Timmon,
Thomas[4] Rhodes, David[5] Epperight, James[6] Moss, John[7] Watson, Jasper[8]
Stewart, Arnold[9] Klein, Edward[10] Wickerson, Louis[11] Blumentritt, August[12]
Schalz, P.[13] Barnes, Fritz[14] Sterzing, John[15] McCuistion, M.[16] H. Durst,
Alonzo[17] Pennington, H.[18] C. Bengener

And thereupon the Court appointed Alfred Smith
as Foreman of the said Grand Jury.

And the Court having charged the Grand Jury as to
their duties under the Law, and being found in all respects duly eligible
and qualified, they were ordered to retire upon a discharge of the
duties devolved upon them

And thereupon It is ordered that the Crim-
inal Docket be set for hearing and trial on the third Monday of
this Term of the Court, the same being the 17th day of the month.

98 Alex. Thompson et al vs. E. S. C. Robertson et als.
Ordered that this cause be continued

187 Robert Mitchell vs. M. C. & J. Burditt
Ordered that this cause be continued

1021 George W. Cartwright vs. J. J. Porter
Judgment rendered November 1866. We the under-
signed Commissioners appointed to divide and partition into two equal halves the
following described tract of land patented to John J. Porter assignee of James
Forrester, now in Brown County Texas, after examining the field notes and
the locality of the two tracts of land and determining the value thereof

October Term, Monday October 3d 1870

We hereby divide and set apart for the Plaintiff G. W. Cartwright the South half of Survey No. 316 and bounded as follows, to wit:

Beginning at the South East corner of said Survey made for Forester at a stake a Live Oak 18 in. dia. bears N. 69½ E. 77 varas and a Live Oak 9 in. bears N. 70 E. 76 varas. Thence North with the East line of No. 316, 2611 varas to a corner on East line.

Thence West crossing Blanket Creek 3100 varas to the West line of said Survey and corner.

Thence South with the West line of said Survey 2611 varas to the S. W. corner of said No. 316 a stake a Post Oak 6 in bears S. 86 E. 10 varas and a Post Oak 8 in. bears N. 74½ E. 15 vrs Thence East with South line of No. 316, crossing Blanket Creek 3100 varas to the place of Beginning

We also set apart to the Plaintiff Cartwright the West half of Survey No. 295, and bounded as follows: to wit:

Beginning at the N. W. corner of the said Forester Survey. Thence South 3048 varas to the Original S. W. corner. Thence East with the South line of said Survey 1608½ varas. Thence North 3048 varas to the North line of said Survey Thence West 1608½ varas to the beginning containing 4.903.929 varas.

And we set apart to the Defendant John T. Porter the North half of Survey No. 316 and bounded as follows to wit:

Beginning at the N. E. corner of said No 316 at a stake a blackjack 8 in. bears S 75 E 47 varas and a Post Oak 12 in. bears N. 73 E. 45 varas Thence West with North line of No. 316, 3100 varas to a Stone mound, and N. W. corner of No. 316. Thence South with West line of said No. 316, 2611 varas to a stake. Thence East croping Blanket creek 3100 varas to a stake on the East line of said No. 316 Thence North with East line of said No. 316, 2611 varas to the place of Beginning

And to the said John T. Porter the East half of Survey No. 295, and bounded as follows, to wit.

Beginning at the N. E. corner of the said Forester Survey Thence South 3048 varas to the S. E. corner of the said Survey. Thence West with the South line 1608½ varas to a corner. Thence North 3048 varas to the North line of the said Survey. Thence East with said North line 1608½ varas to the beginning, containing 4.903.929 Dgr. varas.

All of which is respectfully submitted, and Commissioners respectfully ask that they be allowed fifteen dollars each for their Services for making the partition.

L. H. Luckett
Jas. M. Sayresher.
Dennis Corwin

And now at this term of the Court came on to be heard the Report of the Commissioners appointed to divide and partition the said land described in the foregoing Report of said Commissioners, and the same having been examined, and it appearing to the Court that said partition is correctly and fairly made, in conformity to the order and decree

October Term, Monday, October 3d 1870

of this Court at the Fall Term, 1866—

It is therefore ordered, adjudged and decreed by the Court that said report of partition be and the same is hereby received and confirmed by the Court, and the title to the two tracts of land set apart to the Plaintiff George W. Cartwright, be and the same is hereby fully vested in him; and the two tracts designated in the foregoing Partition as set apart to the Defendant John J. Porter, be and the same is hereby fully vested in him the said John J. Porter

It is further ordered by the Court that the Commissioners be allowed the sum of fifteen Dollars each for their services in making said partition to be taxed in the Bill of Costs in this Case and collected and paid over to them

It is further ordered that the Order of Sale issue and be directed to the Sheriff of Brown county, where said land is now situated against the two tracts of land herein set apart to the Plaintiff George W. Cartwright, to be sold, or so much of said land as may be necessary to pay off said purchase money yet due That in case the land fails to bring the amount of the judgment against the Plaintiff Cartwright, that the Defendant Porter have execution for the remainder.

It is further ordered by the Court that the Surveyor of Travis County divide the aforesaid tracts of Land decreed to the Plaintiff G. W. Cartwright into tracts of not more than forty acres each, and to furnish the Clerk of this Court with a certified copy of said plat and division to be by the Clerk attached to the Order of Sale of said land, directed to the Sheriff of Brown County, for his direction in selling said land or so much thereof as may be necessary to pay the Defendant Porter's judgment rendered in this case, and one half the costs due the Surveyor, and costs of making the sale of said land

And it is further ordered, adjudged and decreed by the Court that out of the funds arising from the sale of said land, if the same should be sold, the Sheriff or officer making the sale first pay all costs herein adjudged against the Defendant, and pay over to him the residue or sufficient thereof to pay said debt due him, and the remainder, if any, to be paid over to said Plaintiff.

It is further ordered that execution issue against said Defendant Porter for the judgment against him for the costs adjudged against him, and for one-half the costs of partition.

J V 1528. J. S. Thompson vs. J. Dyches et. als.

On this day is suggested the death of Josiah Taylor a party to this suit; and upon motion, his executor, J. M. Brandon, makes and enters appearance as his representative And the death of Mrs Dyches one of the Defendants, being suggested, It is ordered, upon motion, that the Cause be continued for service upon her representative, when known.

J V 1693 Thos Cassidy's Admr v. John King.

Upon motion, It is ordered that Robert A. Smith Administrator of John King deceased, be made a party to this suit, as the representative of said deceased.

October Term, Monday Oct. 3d. 1870.

1728 P. B. Cahoon v. Geo. Hancock, et. als.
Upon motion, It is ordered that this cause lee cont'd

1733. C. A. Hopkins, et. als. vs. A. Morrill
Ordered that this cause be continued.

1844 A. Thompson vs. W. D. Thomson, et. als.
Ordered that this cause lee continued

2013 E. Henry et al vs. A. M. Davidson
Ordered that this cause lee continued

2155 J. H. Browning vs. Barthalf Manufacturing Co.
And now comes the Clerk and moves the Court to require the Plaintiff herein to enter into bond and security for the cost of this suit on or before the first day of the next term of this Court. And the Plaintiffs counsel being present and having notice of said motion It is ordered that the Rule be granted and that the Cause stand Continued.

2218 W. Jams vs. M. T. Johnson & Aaron Burlson.
The Death of the Plaintiff and the Defendant M. T. Johnson being made known to the Court, It is ordered, upon motion, that the cause be continued to make parties

2228 Alfred Ten Eyck vs. Henry & Hamilton
Ordered that this cause be continued as per agreement of parties.

2229 A. B. McGill v. Henry & Hamilton.
Ordered that this cause be continued as per agreement of parties

2263 Aaron Baley vs. Mark Grigsby.
Ordered that this cause be continued.

2347 James H. Murray vs. John Hollander.
The death of the defendant being suggested It is ordered that the Cause be continued to make his representative a party.

2353 P. S. Williams Admr vs. Philip Jobe, et. als.
It is ordered by the Court that the Plaintiff herein have leave to amend his pleadings.

2364 H. W. Lummis v. W. W. Bridges et. als
Death of Plff being suggested It is ordered that his representative be made a party and cause continued

October Term, Monday, October 3rd 1870.

2459 E. Buck and wife vs. J. J. Musgrove.
And now comes pffs Counsel and makes suggestion of the death of one of said plaintiffs, to wit: Mrs. Buck.

2516 W. A. Morris vs. Joseph Newsham.
It is ordered, upon motion, that this cause be continued, to make John Stelfox, Admr. of Joseph Newsham, deceased, party defendant to this suit.

2532 W. Burdon vs. G. W. Glasscock.
Ordered that this cause stand continued

2536 W. D. Harney vs. D. M. Blackwell.
Ordered that this cause stand continued.

2581 Risher & Hall vs. Boulds & Baker, et. als.
Ordered that this cause stand continued

2593 F. M. Smith vs. Wm. Hornsby.
Ordered that this cause stand continued

2605 L. Eilers vs. Isaac Jalonick, et. als.
Ordered, that this cause be continued upon consent of parties, and that the Defendants herein have leave to amend answer.

2641 S. M. Swenson vs. James Nicholson and Geo. W. Paschal
And now come plaintiffs counsel and suggest to the Court the Bankruptcy of the Defendant Nicholson, Whereupon It is ordered that this cause be continued.

2644 S. M. Swenson vs. J. H. Herndon et. als.
Ordered that this cause be continued for service.

2651 O. Hedgcoxe vs. C. L. Nitschke
Ordered that this cause be continued

2704 B. A. Risher vs. H. P. Sawyer
Ordered that this cause be continued

2715 Isaac Jalonick, et als vs. Pleasant Taylor, et. als.
Ordered that this cause be continued

2720 J. R. Worrall vs. J. D. & A. C. Moseley
Because it is shown to the Court that the subject matter of this suit has been settled between the parties, and counsel consenting thereto, It is ordered that this cause be

October Term, Austin, Monday, Oct. 3d, 1870.

dismissed from the Docket, and that the Defendants pay the cost thereof to be taxed, for which execution may issue.

2734 M. W. Townsend vs. N. C. Raymond.
And now come the counsel in this cause and suggest to the Court the Bankruptcy of the Plaintiff and the Defendant.

2744 Headley Polk vs. C. W. Whitis
Ordered that the Defendant herein have leave to amend his pleadings.

2745 Headley Polk vs. Thos. J. McKinney, et als.
Ordered that the Defendants herein have leave to amend their pleadings.

2806 Jno. J. Myers vs. Hancock, Jalonick & Smith.
Ordered to be continued by consent of parties.

2808 J. W. Ferris, et. al. vs. A. L. Reid, et. al.
Ordered that this cause be continued

2850 Joseph Harrell vs. R. M. Johnson.
Ordered that this cause be continued.

2862 Elizabeth Huling vs. J. W. Glasscock, Ex. et. al.
Ordered that this cause be continued

2888 H. Hardy, Admr vs. C. S. West, Ex. et. al.
Ordered that this cause be continued

2896 Catherine Carroll vs. Jno. C. Carroll
Ordered that this cause be continued

2899 James D. McGarey vs. W. C. Philips
Ordered that this cause be continued

2900 M. C. Hamilton vs. A. H. Cook
And now at this day appeared the parties by their counsel, and consent that this cause be dismissed. And It is ordered that the said suit be dismissed from the Docket that the parties go hence, and that the ~~Plaintiff~~ Defendant pay all the cost of suit to be taxed, for which execution may issue.

2906 Agnes Ward vs. Julia A. Smith.
Upon motion of Defendants counsel, and because it appears to the Court that a Rule was entered at a former term requiring

October Term, Austin, Monday, Oct. 3d 1870.

the Plaintiff to give bond and security for the cost of the suit, and the same is not complied with, It is ordered that the same be dismissed for non-compliance therewith, and that the Defendant recover of the Plaintiff all her cost in this behalf laid out and expended, for which execution may issue.

2907 Maggie Murphy vs. John Murphy
And now comes counsel for plaintiff and says he will no longer prosecute this suit, And upon his motion It is ordered that the same be dismissed, and that the plaintiff pay the cost thereof to be taxed; for which execution may issue.

2908 C. J. Keenan vs. A. S. Walker.
And now comes counsel and suggests to the Court the death of C. J. Keenan, plaintiff herein.

2942 A. Hurtel et al vs. Geo. W. Brackenridge
Upon motion It is ordered that the Defendant herein have leave to amend his answer.

2956 Abby Thompson Admr vs. Barnes & Morrell. Riley & Riley
Ordered that this cause be continued

2958 Abby Thompson Admr et al vs. George Saunders.
Ordered that this cause be continued.

2959 Abby Thompson Admr et. als vs. Charles Barnes
Ordered that this cause be continued

2987 Chas & Mag. Moore vs. Frank Meeks.
Ordered that these plaintiffs have leave to amend their petition.

2995 W. E. Goodrich, et als vs. M. A. Goodrich et als.
Ordered that these Plaintiffs have leave to amend their petition.

3007 E. M. Pease vs. H. H. Raven, et. al.
Ordered that this cause be continued for service on the Defendant E. Raven.

And thereupon It is ordered that Court stand adjourned till to-morrow morning at 9 1/2 o. clock

October Term, Tuesday October 4th 1870

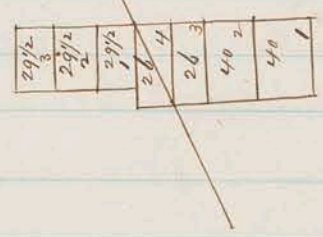
Tuesday October 4th 1870

Court met at 9½ o'clock pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

V

2786 L. L. Jordan and Isabella Jordan vs. G. H. Burditt, Admr of Jane Burditt

On this day, Oct. 4th, 1870, at 9½ o'clock, A.M., came the parties herein and shew to the Court that under decree rendered at the last term of this Court, the said J D Moody, trustee, &c. has advertised the lands described in the Decree for sale on this day, and prior to such advertisement, has had the said lands divided into lots in accordance with the law for sales under decrees of Court, And on motion of Plaintiffs It is ordered and decreed by the Court that the sale of said land be made as advertised and in lots as follows:



and in other respects under the original decree.

1887 L. Fellman vs. C. R. Johns, Deft. and D. Blum, Intervenor

And now on this day this cause being called in regular order for trial, the Plaintiff and Intervenor appeared by counsel, and thereupon came a jury of good and lawful men, to wit: G B Maynard and eleven others, who being duly tried, empannelled and sworn, after hearing the evidence adduced, argument of counsel and charge of the Court, retired to consider of their verdict, and after deliberation brought into Court their verdict as follows: "We, the Jury, find for the Intervenor, D. Blum, the sum of Six hundred and eighty two 50/100 Dollars Maynard, Foreman." It is therefore ordered, adjudged and decreed by the Court that the Intervenor D. Blum do have and recover of and from C R Johns, the Defendant, the sum of Six hundred and eighty two dollars and fifty cents, principal and interest, with eight per cent. per annum thereon from this date, together with all the costs in this behalf expended, for which execution may issue. And the said Intervenor in open Court, makes a remittitur of five dollars from the amount of the Judgment, it being in excess of the sum truly due.

2064 James Riley vs. James Webb, et. al.

Ordered that this cause be continued to make parties.

2169 O. Hedgcoxe vs. R. H. Simmons et als.

Ordered that this cause be continued to make parties.

2183 Ellen Duval vs. W. J. Dyer, et. al.

This cause continued

October Term, Tuesday, October 4th 1870

2273 J. J. Meyers vs. Geo. W. White et als

And now come the parties by their counsel and upon agreement, It is ordered that this cause be dismissed from the Docket, and that the ~~Plaintiff~~ Defendants pay all cost of this suit to be taxed, for which execution may issue

2372 R. M. Johnson v. R. A. Rutherford.

Ordered that this cause be continued for report of the Arbitrators

And thereupon Court adjourned till to-morrow morning 9 o'clock

Wednesday, Oct. 5th 1870

Court met at 9 o'clock a m pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

H. Samuels fined $10

And thereupon It is ordered that H. Samuels be fined ten dollars for failing to be in attendance on the Court this morning, at the hour when the Jury was called, he having been duly empannelled as a Juror, and that he stand committed till the same is paid. This fine remitted

2380 J. T. Ward vs. M. W. Townsend, Deft & N. B. Floyd, Garnishees.

Ordered that this cause be continued

2391 S. M. Swenson vs. Charles McKinney

And now comes counsel and suggests the death of the Defendant

2399 S. M. Swenson vs. Q. J. Nichols

And now comes the counsel for Plaintiff and upon his motion It is ordered that the cause be dismissed from the docket and that the plaintiff pay all the cost hereof to be taxed, for which execution may issue

2410 Amos Morrill v. Wm Simpson.

Ordered that this cause be continued

2450 W. A. Ryan vs. J. C. and J. M. McDavid.

And now comes the counsel for the plaintiff, and upon his motion It is ordered that this cause be dismissed from the docket, and that the Defendants recover of and from the plaintiff all the costs hereof to be taxed, for which execution may issue.

2459 E. Buck and wife v. J. J. Musgrove. Ordered that this cause be continued to make the representative of Mrs. Buck a party to the suit

October Term, Wednesday, October 5th 1870.

2466 E. A. Moore vs Samuels & Mosson

And now comes the parties by their attorneys and by consent it is ordered that this cause be dismissed from the docket and that the Plaintiff pay all the cost hereof to be taxed for which execution may issue

2467 J. P. White vs A. J. Hamilton, et als

And now come the parties by attorney, and by consent It is ordered that this Cause be dismissed from the docket, and that the plaintiff and the securities on his injunction bond, to wit: J. W. Chandler and Geo. W. White pay all the cost hereof to be taxed, for which execution may issue

2484 S. M. Swenson vs W. D. Thompson

And now come the counsel and suggests the death of the defendant Thompson, and Ordered that the cause be continued

2505 Goldsmith, Frank & Co vs R. A. Rutherford

Ordered, upon motion that the plaintiffs herein have leave to amend, and that the cause be continued

2543 Ann Hampton vs Frances Burlage, et. als.

Ordered that this cause be heeled, upon motion

2553 R. P. Saunders v J. J. Harris.

And now come the parties by counsel, and upon motion and by agreement it is ordered that this cause be dismissed from the docket, and that the plaintiff pay all the cost of this suit to be taxed, for which execution may issue

2561 The State of Texas vs Duncan.

Ordered, on motion, that the service on the Scire facias in this cause be quashed, and that the cause be continued for service.

2583 The State of Texas v Ben. Hines & Tom. Bowles

And now comes the Distrd Atty on behalf of the State, and upon his motion It is ordered that the case be dismissed as to the Defendant Steiner, who has not been served. And because it appears that on the 26th Nov, 1866, a judgment ni si was rendered against these Defendants in this cause for the sum of two hundred and fifty dollars upon a forfeited bail bond, and the said Thos. Bowles having been duly cited as security for the principal Ben. Hines, and the said parties having wholly made default and failed to answer, It is therefore considered by the Court that the said judgment ni si be made final, and that the State of Texas do have and recover of and from the said Defendants Ben. Hines and Thos. Bowles the said sum of two hundred and fifty dollars and all the cost of this proceeding, for which execution may issue.

October Term, Wednesday, October 5th 1870

2592 S. P. Houston vs M. K. Miller, et. als

Ordered that this cause lee continued

2353 P. S. Williams Admr vs Phil. Jobe, et. als

In this case appeared the plaintiff by his attorney and dismissed his suit as to the following named Defendants: Joseph Grumbles, C. McLaughlin, John Grumbles, W. Patton E. Patton, John Query, P. F. Pfluger, John Rodgers, Wesley Peirce, Sam. Grumbles, J. Shelton, Samuel J. Wood, J. F. Bowles, John Graham, Philip Jobe, Geo. P. Pfluger, C. McLaughlin, William Lee, J. H. Williams, William Shaw, Henry Dickson, Lorenzo Mays, James Moore and W. W. Beadle, It is therefore adjudged and decreed by the Court that said cause lee, and is hereby dismissed, as to all the above named Defendants; that the plaintiff, James A. Chandler, as Administrator of the said P. S. Williams, take nothing by this his writas to the above named Defendants; that each and all the above named Defendants go hence without day. It is further ordered that said Defendants above named do have and recover of and from the plaintiff, James A. Chandler, as the Administrator of the said P. S. Williams, all the costs of this suit laid out and expended for and on account of the foregoing named Defendants. And it is further ordered that the Clerk of this Court certify this judgment to lee paid in due course of administration

And the plaintiff by his attorney announced himself ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, who being duly tried, empannelled and sworn according to law, to wit: W. G. Maynard and eleven others, after hearing the evidence introduced by the Plaintiff, argument of counsel, and the charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "No. 2353. We, the Jury, find for " plaintiff in the sum of five thousand eight hundred and seventy four Dol " lars. W. G. Maynard, foreman." It is therefore ordered, adjudged and decreed by the Court that the plaintiff James A. Chandler, Administrator de bonis non of P. S. Williams, do have and recover of and from the Defendants Henry Rid Court, Thomas Eaines, James Smith, Marcellus Denman, J. R. Jolly, Jefferson Ake, William Ake, Felix G. Ake, and M. C. Kelley, the sum of five thousand eight hundred and seventy four dollars, for his principal debt and interest up to this date, and eight percent interest from this date, until paid, together with all costs of this suit laid out and expended, for and on account of the last named Defendants, for which executions may issue

2710 Thomas Eborn vs James P. Hector.

And now on this day came the parties by their attorneys, And upon motion and by consent, It is ordered that this cause be dismissed from the docket, and that the plaintiff Thomas Eborn, pay all the cost of this suit to be taxed, for which execution may issue

October Term, Wednesday, October 5th 1870

2381 Thomas J McKinney vs W. H Lemmons, et.als

In this case appears the Plaintiff by his attorney and dismissed his suit as to the following named Defendants: J. H. Keller, Geo Pfluger, C. A Wooldridge, S. J. Wood, J. L. Nichols, Geo. W. Morris, Charles Behnke, W. M. Wilson, James Hickey, J. C. Bonner, W. H Sharp, W. H. Lemmons, Joseph Grumbles, Geo. Holman, J. V. Hutchins Williams, Davis Wadloe, Chas Clifton, E. W. Bonner, Susmann, James Trimble, David Trimble, C. H Lee, F. A. Botts, Joseph Brown, Martin, Martin, Martin, James Rideout, Thomas Owens, James Wooldridge, Albert Weir, Thos J. Pitt and J. J. Tannehill. It is therefore ordered by the Court that said cause be and is hereby dismissed as to all the above named Defendants, that the above named Defendants go hence in their day that the plaintiff take nothing by his suit as to said Defendants, and that they recover of and from the said Thomas J. McKinney all the cost by them laid out and expended, for which execution may issue.

And it appearing to the Court that the following named Defendants have been legally served with process, to wit: Casper Steussy, J. R. Jolly, F. Hauke, B. O. Long, J. C. Petmecky, A. S. Roberts, N. C. Bancum, William Shaw, Desmond Hopkins, M. C. Kelley, Thea Steizing, James M. Ragsdale, and H. N. Jurgensen; that they have failed to appear and answer, plead or demur within the time prescribed by law, but wholly made default. It is therefore ordered, adjudged and decreed by the Court, that a Judgment by default is hereby rendered against the last named Defendants for the want of an answer, and that the last above named Defendants are estopped, barred and precluded from filing any answer in this cause or making any defence to the plaintiffs demand. And it appearing to the Court that suit is brought for unliquidated damages a writ of inquiry is therefore awarded to assess the plaintiffs damages. And the plaintiff announced himself ready for trial.

And thereupon came a Jury of twelve good and lawful men of Travis county to wit C. Krohn and eleven others, who being duly tried, empannelled and sworn, according to law, after hearing the evidence introduced by the plaintiff, argument of counsel, the charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff four thousand dollars. C. Krohn foreman." And at this day also came R. A. A. Carleton, by his attorney, and announced ready for trial. And a Jury having been empannelled, tried and sworn according to law, consisting of the said C. Krohn, and eleven others, good and lawful men of Travis county, who having heard the evidence introduced by the plaintiff and said Carleton, the pleadings, argument of counsel and charge of the Court, retired to consider of their verdict, and returned the following. "We, the Jury, find for the plaintiff four thousand dollars. C. Krohn, foreman." It is therefore ordered, adjudged and decreed by the Court that the said Thomas J. McKinney do have and recover of and from the said R. A. A. Carleton, Casper Steussy, J. R. Joely, F. Hauke, B. O. Long, J. C. Petmecky, A. S. Roberts, N. C. Bancum, William Shaw, Wm. Brown, Desmond Hopkins, M. C. Kelley, Theo. Steizing, James M. Ragsdale and H. N. Jurgenson the said sum of four thousand dollars, so found due by the Jury together with all cost of this suit laid out and expended, as to the said last named Defendants for all which execution may issue.

October Term, Wednesday, October 6th, 1870.

✓ V 2595 Amos Morrill vs. Houston & Cook

Ordered that this cause be continued for service on Houston

✓ V 2596 Amos Morrill vs. McGuire & Cook

Ordered that this cause be continued for service on McGuire.

✓ ✓ 2598 Amos Morrill vs. Moore & Cook

Ordered that this cause be continued for service on Moore.

✓ V 2599 Amos Morrill vs. Wood & Cook.

Ordered that this cause be continued for service on Wood.

✓ V 2625 John A. Scrogin v. Nancy J. Scrogin.

Ordered that this cause be continued

✓ V 2631 P. B. Lowe, Ex. vs. J. O. Illingworth et al

Ordered that this cause be continued

✓ V 2635 Geo. W. Paschal vs. J. Davis et als

Ordered that this cause be continued

✓ ✓ 2647 Fred Walker vs. W. B. McGehee & Bro.

Ordered that this cause be continued for service.

✓ ✓ 2700 Phelps & Johnston vs. S. A. & W. B. Nichols

Ordered, upon motion, that this cause be continued to make pewee in the legal representatives of W. B. Nichols, whose death has heretofore been suggested; and upon motion, it is further ordered that plaintiffs have leave to amend.

✓ ✓ 2701 Phelps & Johnston vs. W. B. Nichols

Ordered, upon motion, that this cause be continued to make the legal representative of W. B. Nichols, whose death has heretofore been suggested, a party to this suit, and that the plaintiffs have leave to amend.

And thereupon Court adjourned. George H. Moore, Esq., an attorney and member of this Court, suggested to the Court the death of Robert A. Alexander, Esq., a member of the Austin bar, and a practicing attorney of this Court, and moved, that the Court stand adjourned out of respect to the memory of said deceased. Whereupon it is considered and ordered that Court do now stand adjourned until to-morrow morning at 9 o'clock

Friday October 7th 1870.

Court met at 9 o'clock A M pursuant to adjournment. Present the Hon. J P Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

And now comes A. S. Walker, Esq., a member of this Court, and presented the following proceedings of a meeting of the members of the Austin bar, in reference to the death of Robert A. Alexander, Esq. deceased, and, on motion, It is ordered that the same be

October Term, Oct. 7th 1870.

entered at length on the minutes of the Court, as follows, to wit:

R A Alexander

At a meeting of the members of the Bar of the District Court of Travis county held in Court room on Thursday the 6th of October, 1870. Hon. Geo. F. Moore was called to the chair, and John A. Green, Esq., appointed Secretary.

The chairman briefly stated that the object of the meeting was to express a proper tribute of respect for the memory of Robert A. Alexander.

On motion of Wm M. Walton Esq the chair appointed a committee of Five to report suitable resolutions expressive of the sense of the meeting as follows: Wm M Walton, E B Turner, A M Jackson, F W Chandler, and Davis Steeks who through their Chairman reported the following resolutions which were adopted, to wit:

Resolutions.

Resolved, 1. That the members of the Bar & officers of the Court have heard with deep and sincere regret of the death of our brother Robert A Alexander Esq a member of this Bar.

2. That in his death the Bar has lost a courteous and learned member - and society one who gave promise of much usefulness

3. That we hold in esteem the virtues, learning, modesty & integrity of our deceased brother.

4. That we sympathize with the surviving relatives, and deplore their great loss.

5. That we wear the usual badge of mourning for thirty days

6. That these resolutions be presented to the Court by Judge A S. Walker & ask that they be spread upon the minutes of its proceedings.

On motion it was further resolved that the city papers be requested to publish said resolutions

Whereupon the meeting adjourned

Jno. A. Green, Secretary. Geo. F. Moore, Chairman

Grand Jury. And now on this day came into open Court the Grand Jury of Travis county, duly tried, empannelled and sworn according to law, for and during the present term of this Court, and presented to the Court the following Bills of Indictment, to wit.

2071 An Indictment against John Watson for Murder.

2072 An Indictment against Ike Washington for Theft of a Gray Mare.

2073 An Indictment against William Martin for Theft from a House

2074 An Indictment against Gus Garcia for Theft of a Gelding.

2075 An Indictment against J. W. Simmons for Theft of a Mare.

2076 An Indictment against Thomas Gates for Theft of a Pistol

2077 An Indictment against Allen Sheppard alias Fernando Sheppard for Theft of a Mule,

2078 An Indictment against Saunders Stone, for Theft from a House,

October Term, Oct. 7th 1870.

2079 An Indictment against Henry Williams for an Assault with intent to kill.
2080 An Indictment against Jus Waeker for Adultery.
2081 An Indictment against Berry Davis for Adultery.
2082 An Indictment against Mary Waeker for Adultery.
2083 An Indictment against Darkis Taylor for Adultery.
2084 An Indictment against Abe Williams for Theft of a Cow.
2085 An Indictment against Toney Edwards. An Aggravated Assault.
2086 An Indictment against Silas Ravels. An Assault with intent to murder
2087 An Indictment against Richard Meeks. Taking up & using an Estray.
2088 An Indictment against Senit Mussett. Theft of a Beef Steer
2089 An Indictment against Hal. Bindett for Theft
2090 An Indictment against Charley Moore for Theft.
2091 An Indictment against Wm R Baker for an aggravated Assault
2092 An Indictment against Moses McIvee, for Swindling
2093 An Indictment against J. C. McGrudy. Obtaining money under false pretences
2094 An Indictment against J. C. McGrudy. for Theft of a Mare.

✓ 2629 Henry Swift & Bro v. J. L. Buaas and Helen Buaas.
And now on this day came the parties by their attys
X and by consent and agreement It is ordered by the Court that this cause
be and is hereby dismissed from the docket, and that the Defendants
pay all the cost hereof to be taxed, for which execution may issue

✓ 2653 E M Smith v. Royston, Treasurer.
This cause continued by consent of parties

2658 The State v. J. J. McGinnis.
Ordered that this cause be continued for service.

2659 The State v. C. J. Glover.
Ordered that this cause be continued for service

2671 The State v. James Wright
Ordered that this cause be continued for service.

U 2672 The State v. J. W. Darlington
And now comes the District Attorney and con-
X sents that the cause may be dismissed and the judgment nisi
revoked upon payment of cost by Defendant. And because it ap-
pears that the Defendant hath answered, and the District Attorney,
on behalf of the State, consenting thereto, It is ordered that the cause
be dismissed, and that the Defendant pay the cost of this pro-
ceeding to be taxed, for which the Defendant may be committed
& execution may issue.

✓ 2716 J. A. & Geo W. Paschal v. D. L. Crofs. On motion and by consent of parties
X It is ordered that this cause be dismissed from the docket, and
that the Defendant Cross pay all the cost of this suit to be
taxed, for which execution may issue.

October Term. Oct. 7th 1870.

2071 The State vs John Watson.

On this day appeared the parties and upon motion It is ordered that an attachment ifsue on behalf of the Defendant to Washington county for J W. Boyd, and to Harris county for W. H. Parsons, C. C. Gillespie, J G. Tracy and P. B. Walson, as witnesses returnable on the 18th inst., and that a venire ifsue for sixty jurors in this case returnable on the 18th inst. at 9 o'clock A M.

2734 M. W. Townsend v. N. C. Raymond.

On this day appears the parties by their attorneys, and thereupon on motion, and by consent of parties It is ordered that this cause be dismissed from the docket, and that the plaintiff pay all the cost herein to be taxed for which execution may ifsue.

2739 Lucy Ann Johnson v. J. H. Waeker.

Ordered that this cause be continued.

2741 John D. Pitts v. Ed. Burleson.

Ordered, upon motion, that this case be healed

2743 Thomas Freeman v. Geo. Quinan et als.

Ordered that this cause be continued for service

2749 Geo. Lee, et als. v. Aaron Burleson et als

Ordered that this cause be continued as upon consent of parties.

2750 J. Davis Jr. v. A. H. Cook et. als.

Ordered that this cause be continued.

2760 M. Olmsted v. McKinney et al

Ordered, upon motion, that this cause be continued in order to make Jacob Waelda, who has intermarried with the Defendant Ada Maverick, a party to this suit, and that procefs ifsue for that purpose.

2772 N. Townsend's Exrs v. Wade Henry.

Ordered that this cause be continued pending settlement of the case

2777 N. Townsend's Exrs v. John J. Miller.

Ordered that this cause be continued as at the instance of the Plaintiff

2779 N. Townsend's Exrs v. B. A. Risher.

Ordered that this cause be continued

2780 F. W. Chandler, Admr v. Fred. Jordan.

Ordered that this cause be healed.

2781 Geo Hancock v. Enoch Otley. On this day appeared by the parties, and upon motion and by consent of parties It is ordered that this cause be dismissed from the Docket, and that the Plaintiff, Geo Hancock

October Term, Oct. 7th 1870.

pay all the cost hereof to be taxed, for which execution may issue

2845 Merrell et al v. Thomas William Ward

On this day appeared the parties to this cause by their attorneys, and upon motion and by consent It is ordered that this cause be dismissed from the Docket; that the parties go hence, and that the Defendant; Thomas William Ward, pay all the cost hereof to be taxed, for which execution may issue.

2946 D L. Cross v. Lewis Elgin

On this day came the parties, and upon motion It is ordered by the Court that this cause be dismissed from the Docket, that the parties go hence, and that the Plaintiff do have and recover of and from the Defendant Lewis Elgin, all the cost hereof to be taxed, for which execution may issue.

2949 The State of Texas v. Allen et al

On this day appeared the parties by their counsel, and by consent It is ordered that the judgment nisi in this cause be set aside and held for naught, that the cause be dismissed from the Docket, and that the Defendant Allen and his surety, George Harris, pay all the cost hereof to be taxed, and that execution issue therefor.

2951. James B. Morris v. Ragsdale and Morris

And now comes the Defendant Nancy Ragsdale and files an answer to Plff's petition

2953 Wm S Johnson v. Harriet Johnson

Ordered that this cause be continued to perfect service.

2954 R. S. Rust v. Chandler, Admr

Comes the Defendant and files an answer.

2957 Abley Thompson Admr et al v. R. A Rutherford

Comes the Defendant and files an answer and by consent of parties the cause is continued.

2960 Abley Thompson Admr et al v. H. L. Ravan

Comes the Defendant and files an answer.

2963 A B Palm v. C. B. Turney.

Comes the Defendant and files an answer.

2964 Eliza Bell v. Caesar Bell.

Comes the Defendant and files an answer

2966 W. A. Morris v. R. Shelley et al

Ordered that this cause be continued

2967 Frances Baker v. Geo. Haynes et. als

Ordered that this cause be continued for service.

2969 Geo. W. White v. Risher & Hall.

Come the Defendants and file an answer.

2970 A. H. Lowery v. Henry Shearer et al

Come the Defendants and file an answer.

October Term, Oct. 7th 1870.

2983. A. Sembrans v. E. C. Dewey.

On this day appeared the parties by their attorneys, and upon motion and by consent of parties It is ordered by the Court that this cause be dismissed from the docket; that the parties go hence, and that the Defendant E C Dewey, pay all the cost of this suit to be taxed, for which execution may issue

2986. Taylor & Churchill v. W. & B. Clements.

Come the Defendants and file an answer.

2987 C. & M. Moore v. Frank Meeks.

Comes the Defendant and files an answer.

2988 J. T. Chandler v. Mabry et. al.

Comes the Defendant Mabry and files an answer.

2990 J. T. Chandler v. W. D. Carothers et al

Ordered that this cause be continued as by agreement of parties.

2991 A. O. Horne Jr. v. W. H. Cundiff.

On this day appears the plaintiff by his counsel, and upon motion the said plaintiff is allowed to amend his petition. And the said plaintiff claims a judgment final by default. And because it appears to the Court that the Defendant has been duly cited by personal service, and has failed to answer within the time required by law; and this suit being founded upon a note of hand, which is produced in evidence, and the action being liquidated, It is therefore adjudged by the Court that the plaintiff, A. O. Horne, Jr. do have and recover of and from the Defendant W. H. Cundiff, the sum of One hundred, Ninety-three and 25/100 Dollars, being the amount of principal and interest due on the note sued on up to this date, with legal interest thereon from this date till paid, and all the cost in this behalf expended, for which execution may issue.

2992 Seth L. Randall v. Risher & Hall

Come the Defendants and file an answer.

2993 Roger Blunt v. M. Blunt.

Comes the Defendant and files an answer.

2994 E. Nance v. R. B. Johns. On this day came the plaintiff by his attorney and claims a Judgment final by default. And because it appears to the Court that the Defendant has been duly cited by personal service, and has failed to answer within the time required by law, but wholly made default. And the suit being founded upon a note of hand, which is produced in evidence, and the action being liquidated, It is ordered by the Court that the plaintiff E Nance, do have and recover of and from the said R. B. Johns, the sum of two hundred dollars and fifty cents, principal debt and interest due on the note sued on to this date, with legal interest thereon from date till paid, together with all the cost of this suit, for which execution may issue.

October Term, Oct. 7th 1870.

2996 J. W. Beakly vs J. McMinn Jones.
Comes the Defendant and files an answer.

2997 W. M. Walton v. W. W. McLaughlin.
On this day appears the plaintiff by his attorney and claims a Judgment by default: And because it appears that the Defendant has been cited by personal service and has wholly failed to answer within the time required by law, and made default, It is therefore ordered by the Court that the said plaintiff do have and recover of and from the Defendant W. W. McLaughlin, according to the prayer of his petition, and that a Jury be empannelled to assess the damages.

2998 M. C. Hamilton, et. als v. Thos H. Duval et als.
Come the Defendants and file an answer.

2999 J. L. Nichols v. Susan Page.
Comes the Defendant and files an answer.

3000 John Foch v. L. E. Edwards.
Comes the Defendant and files an answer.

3002 Sutor + Hausfeld v. W. H. Sharp.
Comes the Defendant and files an answer.

3004 D. M. Wilson v. W. R. Baker
Comes the Plaintiff by his attorney and claims a judgment final by default. And because it appears to the Court that the Defendant has been duly cited by personal service and has failed to answer within the time prescribed by law, and wholly made default. And the suit being founded upon a note of hand, which is produced in evidence, and the action being liquidated, It is ordered by the Court that the plaintiff D. M. Wilson, do have and recover of and from the Defendant W. R. Baker, the sum of five hundred, sixty-six and 78/100 Dollars, principal debt and interest due upon the note sued upon to this date, together with ten per centum per annum interest thereon from date until paid, and all the cost of this suit, for which execution may issue.

3005 E. G. Banks vs Thos P. Burditt
Ordered that this cause be continued.

3006 J. L. Nichols v. Matthew Brown, et.als.
Come the Defendants and file an answer.

3008 P. Burchard v. J. H. Zwicky.
Comes the Defendant and files an answer.

3009 E. Thompson v. H. Thompson.
Comes the Defendant and files an answer.

3011 W. F. Wells v. Thos H. Bacon.
Ordered that this cause be cont? for service.

3012 N. B. Bates v. Risher + Hall.
Come the Defendants and file an answer.

October Term, Oct. 7th 1870

2699. W. A. Morris v. B. A. Wooldridge, Admr of Ann J. Wooldridge

And now on this day came on to be heard this cause; and the parties appeared by their attorneys and waived a Jury and submitted the matter in controversy, as well of fact as of law, to the Court, without argument. And the evidence having been heard and understood by the Court, It is therefore considered by the Court that the said plaintiff, W. A. Morris, do have and recover of and from the Defendant B. A. Wooldridge, Administrator as aforesaid, the sum of Four Hundred and Sixteen Dollars and eight cents, with interest thereon at 8 per cent. per annum, to be paid out of the assets of the Estate of the said Ann J. Wooldridge, deceased, in due course of administration, together with all the costs of this suit. It is further considered that this Judgment be established as a claim of class No. 6 against said estate.

2891 A. Sockett v. Richard Warren.

On motion It is ordered that the Defendant herein have leave to amend his answer.

2782. Heirs of Jane McFarland v. L D Cross.

And now on this day came the parties by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of W. M. Gilleland and eleven others, who being duly tried, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel, and being charged by the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff the sum of Seventy One Dollars. W. M. Gilleland, foreman." And thereupon It is ordered, adjudged and decreed by the Court, that the plaintiffs in this cause do have and recover of and from the defendant D. L. Cross, and the securities on his Certiorari bond, to wit: A. G. Badington and W. S. Barnes, the sum of Seventy One Dollars, so found to be due by the Jury aforesaid, together with all the cost herein laid out and expended, for all which execution may issue.

2935 Geo. B. Zyles vs Bethel Coopwood & B. A. Risher & B. K. Hall.

In this case appears the plaintiff by his attorneys. And it appearing to the satisfaction of the Court that the Defendant Bethel Coopwood has been legally served with process by publication in the Austin Republican, a weekly newspaper published in the City of Austin, Travis county, Texas, for four successive weeks before the return day at the March term, 1870, of this Court, and proof of service as aforesaid having been made according to law, And it further appearing to the satisfaction of the Court that the defendant Bethel Coopwood has failed to appear, either in person or by

October Term, Oct. 7th 1870.

attorney, and demur, plead or answer within this cause in the time prescribed by law, but wholly made default, It is therefore ordered, adjudged and decreed by the Court, that the Defendant Bethel Coopwood be and he is hereby estopped, barred and precluded from filing any answer, plea or demurrer in the cause or making any defence to the plaintiff's cause of action. And it further appearing to the Court that this suit was brought upon liquidated demands, to wit: the four accepted Drafts set out in the Plaintiffs petition, It is therefore adered, adjudged and decreed by the Court that the plaintiff Geo B. Eyles do have and recover of and from the Defendant Bethel Coopwood, the sum of twenty-two hundred and Sixty + 30/100 Dollars, for his principal debt and interest up to this date, with eight per cent. interest from this date until paid, together with all the costs of this suit, for which execution may issue.

Upon the trial of the above and foregoing stated cause, no. 2935, Geo. B. Eyles vs. Bethel Coopwood, B. A. Risher and C. K. Hall, the following facts were proven: to wit: the plaintiff read in evidence four accepted drafts set out in the plaintiffs petition and are in the words and figures as follows to wit:

" Birchville, Texas, August 31st 1866. $1188 9/100. Thirty days after
" sight please pay to the order of George B. Eyles the sum of Eleven hundred
" and eighty-eight 9/100 Dollars in Specie, and charge same to a/c of
" (Signed) B. Coopwood per J. D. Holliday
" To Bethel Coopwood, San Antonio, Texas Supt. S. A. & E. P. Mail Line.
" $451 67/100 Birchville, Texas, December 23d 1866. At sight pay to Geo B.
" Eyles, or order, the sum of four hundred and fifty-one 67/100 Dollars specie,
" and charge to a/c of B. Coopwood. W. L. Smith, Agt.
" To B. Coopwood, San Antonio, Texas.
" $6 66. Birchville, Texas, December 24th 1866. At sight pay to Geo. B.
" Eyles or order the sum of Six 66/100 Dollars specie and charge to a/c of B.
" Coopwood. (Signed) W. L. Smith, Agt.
" To B. Coopwood San Antonio, Texas
" Birchville, Texas. August 31st 1866. Due John G. Rhea the sum of
" Seventy Dollars in full for wages from June 6th to August 31st 1866
" Signed, B. Coopwood, per J. D. Holliday Supt S.A. & E.P. Mail Line

Which said facts are hereby ordered by the Court to be incorporated in the Judgment and made part of the record in this case and that the cause stand over, on trial as to Risher & Hall

2785 Elizabeth Pace v. James R. Pace.

And now on this day came these parties by their attorneys, and announced themselves ready for trial upon the cross action set up by the defendant James R. Pace, the said plaintiff Elizabeth abandoning the allegations set out in her petition and not joining issue on the same at this trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of W. G. Maynard and eleven others, who being duly tried, elected, empaneled

October Term, October 7th 1870

and sworn according to law, heard the evidence, the pleadings, the argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find that the allegations in Defendants cross petition are true. W. G. Maynard, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said Elizabeth Pace and James R. Pace be and the same are hereby dissolved; that the parties go hence without day, and that the Defendant pay all the cost of this suit, for which execution may issue

2757 W. L. Smith v. Bethel Coopwood Deft., and
B. A Risher & C. K. Hall, Garnishees

And now on this day comes the Plaintiff by attorney and the said Garnishees B. A. Risher and C. K Hall, by their attorneys, the parties waiving a jury and submitting the matters of law and of fact to the Court. And the Court having again heard the garnishees exceptions to plaintiffs petition, the same are overruled. And it being admitted by the garnishees aforesaid that according to their answer last filed in this case, that said Garnishees at the time the garnishment was served on them they were indebted to the Defendant Bethel Coopwood a sufficient amount to cover the debt interest and costs due the Plaintiff according to the Judgment rendered against the said Defendant Coopwood at a former term of this Court, to wit: on the 14th day of September, 1869, It is therefore considered by the Court, and it is hereby ordered, adjudged and decreed that the Plaintiff have and recover of and from the said garnishees B. A. Risher and C. K Hall the amount due on said Judgment, with interest thereon from the date thereof, to wit: the sum of four hundred and sixty two 60/100 Dollars, together with all costs in this behalf expended, and that execution issue therefor. It is further ordered, adjudged and decreed that when said Judgment, interest and costs shall be paid off and discharged by said Garnishees the same shall operate as satisfaction of so much of the debt due from the Garnishees to the said Defendant Coopwood and in bar of any future recovery by said Coopwood of the amount condemned in their hands as aforesaid. And thereupon the said Risher & Hall give notice in open Court of an appeal to the Supreme Court.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Saturday, October 8th 1870

Court met at 9 o'clock a. m. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial Dist. presiding. And thereupon the following proceedings were had by said Court, to wit:

October Term, Saturday, Oct. 8th 1870.

Philip Bickler

And now on this day appeared in open Court Philip Bickler, a native of Prussia, whence he emigrated in the year 1865 to the United States, and has selected Texas as the place of his intended settlement, petitioning for a certificate of Naturalization, and declaring under oath his intention to become such citizen and of renouncing forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty and particularly to the King of Prussia, of whom he was late a subject; that more than two years have elapsed since the making of his Declaration; that he has never borne any hereditary title or been of any of the order of Nobility; and if any such should by any means belong to him he doth hereby also abjure and entirely renounce the same. And the said Philip Bickley having been duly sworn in open Court that the will support of the Constitution of the United States and of the said State of Texas, and having made proof by two competent witnesses according to the terms of the law, It is hereby therefore ordered by the Court that the said Philip Bickler be and he is hereby admitted a citizen of the United States, and that the Clerk of this Court do issue to him a certificate accordingly.

Neill McCashin

And now on this day appeared in open Court Neill McCashin and presented his petition, in due oath, stating that he is an alien of the age of twenty four years, who heretofore entered into, and was honorably discharged from, the service in the Armies of the United States, and prays to be admitted to citizenship. He having also stated, under oath, that he has resided in the United States for six years last past, that he will support the Constitution of the United States and of the State of Texas, and that he doth absolutely and entirely renounce and abjure forever all allegiance and fidelity to every foreign prince, Potentate, State or Sovereignty whatever, and more particularly to the Queen of Great Britain, of whom he was late a subject; and having made proof that he is a man of good moral character, and the Court being satisfied from the evidence that petitioners prayer ought to be granted, It is therefore ordered by the Court that the said Neill McCashin be and he is hereby admitted a citizen of the United States, and that the Clerk of this Court do issue to him a certificate accordingly.

2815 H. Thompson vs D. A. Wray.

Ordered that this cause be continued for service

2848 Elliott & Deats vs Smith & Mayfield.

Upon motion It is ordered by the Court that the Defendants have leave to amend their answer.

2935 Geo. B. Eyles vs Coopwood & Hall & Risher

Comes the Plaintiff, and upon motion, It is ordered that the Plaintiff herein have leave to amend his petition as to Risher and Hall.

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2995 W. E. Goodrich et als v. M. A. Goodrich et als.

Comes the Plffs. by their attorneys and move the Court that a Guardian ad litem be appointed to represent the minor Dfendants in this suit, to wit: Bettie Goodrich and T. E. Goodrich Whereupon It is ordered that T. D. Mosley, Esq. be appointed to represent the interests of the said minor Defendants, and that he be required to execute a bond, in terms of the statute, in the sum of five hundred Dollars.

2782 Heirs of Jane McFarland v. D & C Cross.

And now on this day came the counsel for the Defendant and suggests to the Court that there is error in the Judgment rendered in this cause at a former day of this term, in this, that the cost of the Court below ought to be taxed against the plaintiffs herein, the Judgment being for a less amount than was rendered in the Magistrate's Court. And the Court being well advised in the premises, Doth order that said Judgment be amended according to the law of the case, And that the said plaintiffs in this case do pay all the cost of the Court below, and that the Defendant pay the cost of this Court, and that execution may issue against the parties respectively for the same.

1958 Susan L. Ward v. Thos. Wm Ward. And now comes the Clerk, and on his motion, duly entered, It is ordered that the plaintiff in this cause be required to enter into bond and security for the cost of this suit on or before the first day of the next term hereof, the atty for the plaintiff being present and notified

2841 J. J. Sharp v. C. D. West, Exr. Comes the Clerk, and on his motion, duly entered, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, the Plff's atty being present and notified

2856 Spencer Hardwell v. Harriet Hardwell. Comes the Clerk, and on his motion It is ordered by the Court that this plaintiff be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiff's attorney being present and notified.

2862 E. Huling v. Glasscocks Exrs Comes the Clerk, and on his motion It is ordered by the Court that the plaintiff be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

2865. M. Cockerel v. W. R. & J. W. Baker. Comes the Clerk and on his motion It is ordered by the Court that the Plaintiff be required to enter into bond and security for the cost of this suit on or before the next term

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of this Court, plaintiffs attorney being present and notified.

V 2896 C. Carroll v. John C. Carroll. Comes the clerk and on his motion duly entered, It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

V 2964 E. Bell v. C. Bell. Comes the clerk, and on his motion duly entered, It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court plaintiffs attorney being present and notified

V 2593 Frank M. Smith v. Wm Hornsby Comes the clerk and on his motion duly entered, It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

V 2970 A H. Lowery v. Henry Shearer, et. al. Comes the Clerk and on his motion duly entered, It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

V 2989 Rachel Norris v. B. Norris. Comes the clerk, and on his motion duly entered It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

V 2169 O. Hedgcoxe v. Simmons et als Comes the clerk, and on his motion duly entered It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified

V 2263 Aaron Bailey v. Mark Grigsby Comes the clerk, and on his motion duly entered It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

V 2347 James H. Murray v. John Hollander. Comes the clerk, and on his motion duly entered It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

V 2366 H. W. Summis v. W. W. Bridges et al Comes the clerk and on his motion It is ordered by the Court that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, pff's attorney being present and notified.

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↓V 2532 W. Burdon v. J. C. Glafscock. Comes the clerk, and upon his motion it is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiff's attorney being present and notified.

↓V 3009 E. Thompson v. H. Thompson. Comes the clerk, and upon his motion It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney being present and notified.

↓V 3012. A. B. Bates v. Risher & Hall. Comes the Clerk, and upon his motion It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiff's attorney being present and notified.

↓V 2939 Scott v. Malone Comes the Defendant herein, and upon his motion It is ordered that the plaintiff be required to enter into bond and security for the cost of this suit, on or before the next term of this Court, plaintiff's attorney being present and notified.

And Court adjourned till 9 o'clock Monday morning.

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Court met at 9 o'clock A. M. pursuant to adjournment Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said court, to wit:

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↓2995 State of Texas. District Court — County of Travis —

W. E. Goodrich & others
vs.
Mrs. M. A. Goodrich & others } This case coming on to be heard on this the 10th day of October 1870. Before His Honor, J. P. Richardson, Judge &c. holding said Courts: and it appearing to the satisfaction of the Court, that process has been duly served on defendants, Bettie Goodrich and J. E. Goodrich are minors under the age of twenty one years, with no general guardian, and they having filed their answer by J. D. Morely, special guardian, duly appointed and qualified: and the said M. A. Goodrich having filed her answer: and it further appearing to the Court from the statements and admissions in the petition for partition, and also in the answers, that the late S. W. Goodrich, father of the petitioners, & the said Bettie & J. E. Goodrich, and was the husband of the said M. A. Goodrich, and that said S. W. Goodrich, departed this life intestate

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in said County, & that there is belonging to his estate a large & valuable tract of land near the City of Austin, described in the petition, and that there are no debts against said estate, and that the parties surviving widow and distributees, are entitled to a partition & distribution of said estate: It is, therefore ordered adjudged, and decreed by the Court, that the Commissioners hereinafter named, allot & set apart to the said Mrs M. A. Goodrich, surviving wife, as aforesaid, one third of the real estate, belonging to said estate, and proceed by her & her deceased husband as her dower, and that the balance of said real estate be partitioned and distributed as herein provided. It is further ordered and decreed by the Court, that said Commissioners allot, and set apart, to each of the following named distributees, to wit. S. E. Goodrich Bettie Goodrich & J. E. Goodrich one share of said real estate. And it further appearing to the Court that W. E. Goodrich son of the said S. W. Goodrich, was ~~advanced~~ advanced by his father in amount twenty two hundred and fifty dollars (2250) It is therefore ordered by the Court, That said sum be included and taken into account - and that said W. E. Goodrich have allotted & set apart to him one share of said real estate left in value said sum of 2250. And it further appearing to the Court that B. G. Goodrich, son of said S W Goodrich was advanced by his father, to the amount of 2250 dollars: It is therefore ordered, and decreed by the Court that one share of said real estate be set apart to said B. G. Goodrich, left in value the said advancement, 2250 dollars: And it further appearing to the Court that Mrs M. C. Thornton daughter of S W Goodrich, has been advanced by her father to the amount of $2153.50. It is therefore ordered and decreed by the Court, that one share of said real estate, be set apart to said M. C. Thornton, left in value the advancement of 2153 50/100. And it appearing further, to the Court that Mrs J. A Adams & her husband H. E. Adams (the said J. A. Adams being the daughter of S W Goodrich) were advanced by the said S W Goodrich, to the amount of 2250 dollars It is therefore ordered and decreed that one share of said real estate be set apart to said Mrs J. A. Adams left in value the advancement of 2250/. And it further appearing to the Court, that Mrs Lucy Davis, daughter of said S. W. Goodrich, & her husband J. V. Davis, have

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been advanced to the amount of $225.00 by the father of said Lucy: It is therefore ordered and decreed by the Court, that one share of said real estate be set apart for said Lucy Davis, lef in value 225.00 $ the amount of the advancement. And it further appearing to the Court that Mrs. Jamie E. Boardman daughter of said S. M. Goodrich & her husband G. J. Boardman have been advanced to the amount of $1500.00 dollars: It is therefore ordered and decreed by the Court that one share of said real estate be set apart to said Mrs Jamie E. Boardman lef in value the sum of 1500.00 dollars the advancements ~~made~~ and it further appearing to the court by the statements in the petition & amended petition and admissions in the answers & that several of the distributees to wit - Mrs M. C. Thornton, S. E. Goodrich Mrs Lucy Davis & her husband J. V. Davis, Mrs. J. E. Boardman, and her husband G. J. Boardman, have made valuable improvements on portions of said real estate It is therefore ordered and decreed by the Court, that in case a portion of said real estate, that has been improved as aforesaid be set apart to the party or distributee making the improvement, the value of such improvements will not be taken into account and where a portion of said land improved, as aforesaid be set apart to a distributee other than the one who made the improvements then the Commissioners will value the improvements, and credit the value thereof to the party making it. If the parties making the ~~improvements~~ has been advanced, then the advancement will be lessened the amount of the improvements, and the share increased in value to that extent. It is further ordered and decreed by the Court, that W. C. Walsh S. J. Redd, J. E. Campbell John Wilson & M. C. Tuckol, Sr five good & disinterested persons, be and they are hereby appointed Commissioners to make partition & distribution of said real estate among said distributees after first setting apart the dower interest of one third in accordance with the foregoing decree, or any three of them that may act, in the premises. It is further ordered & decreed by the Court, that a writ of partition issue to said Commissioners Commanding them to proceed forthwith to make such partition & distribution in accordance with this decree, a certified Copy of which to accompany said writ, and also Commanding said Commissioners or any three of them, to make due returns of said writ with all the proceedings under it, as soon as the nature of the case and permit, & returns made to this Court. If it can be

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done - & not then to the next Term of the Court.

2789 M. A. Holbrook et als v Nat. H. Watrous et als. Ordered that this cause be heeled.

2792 Thomas Freeman vs C. A. & D. Trimble, Admrs
Ordered that this cause be heeled.

2795 Appleton Noyes & Co v Peoples & Bro. Ordered that this cause be continued.

2802 Wm Drake v R. McLaren et al. On this day came the parties by their attorneys. And upon motion It is ordered that the Plaintiffs herein have leave to amend their petition. Upon motion it is ordered that the Defendants herein have leave to amend their answer. And the motion to suppress the deposition of Miss Melissa D. McLaren, in this cause, coming on to be heard, the same was overruled by the Court, because of the agreement of the parties on file. And the cause is continued on account of the Plaintiffs.

2803 Townsends Executors v McKinney & Bayles. Ordered that this cause stand continued.

2805 C. Bain v Sawyer, Rishert & Hall. And now on this day came the said Defendants and move the Court that the plaintiff herein be required to enter into bond and security for the cost of this suit. And It is ordered that the said motion be granted, of which the plaintiff, has notice in open Court, through his attorney, Messrs. Chandler & Carleton. And it is ordered that the cause be continued under the said rule.

2807 The State of Texas v Cook & Castard. Ordered that this cause be continued

2818 The State of Texas v. J. G. Logan. Ordered that this cause be continued for service

2819 The State of Texas v. Fred. Williamson. Continued for service.

2825 The State of Texas v. Lewis Elgin, et. als ordered that this cause be continued for service

2717 Mary A. Fields v. Albert Brown, Deft., Sterling Smith, Garnishee.
Comes the Plaintiff by attorney and asks Judgment against the Garnishee for the amount shown due the Defendant in the answer of the Garnishee on file herein, and the Plaintiff Showing by satisfactory evidence that the said garnishee Sterling Smith is indebted to the Defendant in the sum of One hundred, four and 60/100 Dollars, It is therefore considered by the Court that the Plaintiff do have and recover of the said Sterling Smith the sum of One hundred, four and 60/100 Dollars, out of which sum the costs of Garnishment will be paid: the remainder, when paid, to be a credit upon the Judgment of the plaintiff against the said Defendant, for which execution may issue.

2841 J. J. Smith v. C. S. West, Exr. &c Ordered by the Court that the cause be continued.

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2847 James E. Bouedin vs D. C. Freeman, Jr. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And the parties agreed to waive a Jury, and submit the case to the Court. And the Court having heard the evidence, the argument of the counsel, and the pleadings, and being well advised in the premises, And it appearing that the plaintiffs cause of action is liquidated, as evidenced by the note of hand. It is therefore ordered, adjudged and decreed by the Court that the said James E. Bouedin do have and recover of and from the Defendant, D. C. Freeman, Jr, the sum of Two Thousand, Six Hundred & Ninety-Two Dollars, principal debt and interest due upon the note sued on up to this date, together with twelve per centum per annum interest thereon from this date until paid, together with the cost of this suit, for all which execution may issue.

2848 Elliott & Deats v. Smith & Mayfield. And now on this day came the parties by their attorneys, and the Defendant deck enters a rule for security for cost. Whereupon It is ordered by the Court that the plaintiffs herein be required to enter into bond and security for the cost of this suit on or before the next term hereof, the plaintiffs attorney being present and notified. And it is ordered that the cause be continued under the rule.

2856 Spencer Hardwell v. Harriet Hardwell. Ordered that cause be continued

2928 F. M. Meeks v. Charles Britton. Ordered that this cause be continued as by consent of parties

2962 L. A. Crutcher v. J. H. Crutcher. Ordered that this cause be continued to perfect Service.

2967 Frances Baker v. Geo. Harris, et. als. And now on this Day came the plaintiff by her attorney, and upon motion It is ordered that the continuance entered herein at a former day of this term be set aside and held for naught. And upon motion of the said Plaintiff It is ordered that the cause be dismissed from the docket, that the Defendants go hence without day and have and recover of and from the plaintiff Frances Baker, all the costs of this suit for which execution may issue.

2799. J. T. Alexander v. W. B. Knox, et. als, v. W. B. Knox & Hancock & West. In this case appeared the parties plaintiff and the Defendants by their attorneys, and the Defendants presented to the Court his demurrer to the plaintiffs petition, after hearing the argument of counsel, and having fully considered the same It is ordered, adjudged and decreed by the Court that the demurrer be and the same is hereby overruled. And the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: R. R. Jones and eleven others, who being duly tried, empannelled and sworn according to law, after hearing the evidence, introduced by the Plaintiff and charge of the Court, retired to consider of their verdict, and

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returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff in the sum of Nine Hundred & Sixteen 66/100 Dollars R. R. Jones, foreman." It is therefore ordered, adjudged and decreed by the Court that the Plaintiff, John T. Alexander, do have and recover of and from the Defendant W. B. Knox as principal, and John Hancock and C. J. West, as endorsers, the sum of Nine Hundred and Sixteen and 66/100 Dollars, for his principal debt and interest up to this date, together with all the costs of this suit, for which execution may issue

2089 The State of Texas v. Hal. Burditt. On this day came Hal. Burditt And the said Hal. Burditt, as principal and Nat. Moore, Radcliff Platt, and William E. Richey, as his securities, acknowledged themselves jointly and severally, justly to owe and be indebted unto the State of Texas in the sum of Five Hundred Dollars, to be levied upon their goods and Chattels, Lands, Tenements and Estate, But to be void nevertheless upon condition that the said Hal. Burditt make his personal appearance before the Honorable District Court of Travis County, now in session, and there remain from day to day, and from term to term thereafter, to answer the Indictment prefered against him by the Grand Jurors of Travis county, at the October term thereof, 1870, for the Theft of a Mare, and that he do not depart the Court without leave.

2791 J. M. Steiner & his wife Laura Steiner vs. J. B. Banks, R. M. Johnson, Radcliff Platt as Sheriff of Travis County Defts, and J. W. Brown Intervenor. In this case appeared the parties plaintiff and Defendants Banks and the Intervenor John W. Brown by their attorneys, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: John C. Raymond and eleven others, who being duly tried, empannelled and sworn, according to law, after hearing the evidence, introduced in the cause, and charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find for the Intervenor against the Defendant Johnson in the sum of Eight Hundred and Sixty One 27/100 Dollars & in favor of Peff. against all the Defts. J. C. Raymond, foreman." It is therefore ordered, adjudged and decreed by the Court that the Injunction heretofore granted the Plaintiffs J. M. Steiner and Laura Steiner his wife, be and the same is hereby made perpetual, that each and all the Defendants to this suit and all others claiming under them, be and they are hereby enjoined from attempting to collect the aforesaid Judgment in favor of the said C. F. Millett vs. W. S. Oldham and J. M. Steiner, or any part thereof, as gainst the said Steiner. It is further ordered, adjudged and decreed by the Court that the Intervenor, John W. Brown, do have and recover of and from the Defendant R. M. Johnson Eight Hundred and Sixty One 27/100 Dollars for his principal debt and interest up to this date, with eight per cent interest thereon from this date until paid.

It is further ordered, adjudged and decreed by

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the Court that the Plaintiffs and the Intervenor do have and recover of and from the Defendant R. M. Johnson, all the costs of this suit, for which execution may issue.

2801 George Hancock vs. John Burleson & R. J. Moore, Defendants, and D. M. Wilson, Claimant.

And now on this day came the claimant D. M. Wilson, by his attorneys, and also came Geo. Hancock Defendant in this proceeding, by his attorney, and the parties having waived a Jury, the case came on to be heard by the Court on the issues joined between the parties in the pleadings filed, and the claimant D. M. Wilson, having declined to introduce any testimony, took a non-suit, failing to prosecute the case further. And it appearing to the Court that the property levied on was appraised by the Sheriff, as of the value of four hundred and fifty dollars in specie. And it further appearing to the Court that B. M. Odom, B. Melasky and Ben H. Thompson, became sureties on the claim bond of the said D. M. Wilson, and it further appearing to the Court, ~~by admission of the claimant~~ that said four hundred and fifty Dollars was at the time of the said levy, worth five hundred and eighty five dollars, in the currency of the United States,

It is therefore ordered, adjudged and decreed by the Court that the said Geo. Hancock, Plaintiff in execution, do have and recover of the claimant, D. M. Wilson, and his sureties on claim bond, B. M. Odom, B. Melasky and Ben H. Thompson, the sum of six hundred and twenty dollars principal, interest and damages, with eight per centum per annum thereon until paid, together with all the cost in this behalf expended, for all which execution may issue.

W. J. Davis Ordered that the Juror, W. J. Davis, be fined ten dollars for failing to be in attendance on the Court when his name was called, and that he be committed to jail until the same is paid.

2825 The State of Texas v. Lewis Elgin, et. als. And now comes the District Atty and upon his motion, the continuance entered in this cause at a former day of this term is set aside and vacated. And the suit is, upon motion, dismissed as to the Defendant G. G. Elgin, who has not been served with process. And the District Attorney moves that judgment final by default be entered against the other Defendants herein for want of an answer. And because the parties Defendant have been properly cited, to wit: the surety J. C. Armstrong and the principal Lewis Elgin, and they have failed to answer within the time required by law, It is ordered, adjudged and decreed by the Court that the judgment nisi ei entered in this cause on the 14th Sept. 1868 for the sum of Five Hundred Dollars on a forfeited appearance bond, be

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and the same is hereby made final, and that the State of Texas do have and recover of and from the said Lewis Elgin, as principal, and J. C. Armstrong, as his security, the sum of Five Hundred Dollars, together with all the cost of this proceeding for which execution may issue

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

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Court met at 9 o'clock a m pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

2860 W. L. Chalmers v. Bowers & Walker, Garnishees Come the parties and by agreement and upon motion, It is ordered that this cause be dismissed from the Docket, and that the parties go hence; and that the plaintiff, W. L. Chalmers, pay all the cost of this proceeding, for which execution may issue.

2867 D. Corwin, Admr. v. Tuck and Campbell. On this day appeared the parties, by their attorneys, and by agreement and upon motion, It is ordered that this cause be dismissed from the Docket, that the parties go hence, and that the Defendants John H. Tuck and John E. Campbell pay all the cost here of to be taxed, for which execution may issue.

2868 D. Corwin, Admr. v. Nolen & Renick. And now on this day came the Plaintiff by attorney, and claims a Judgment final by default. And because it appears that the Defendants have been cited by personal service, and have failed to answer within the time required by law, and wholly made default; and the plaintiff's demand being evidenced by an instrument in writing produced at the trial, It is therefore ordered, adjudged and decreed by the Court that the Plaintiff Dennis Corwin, Administrator of the Estate of M. A. Marston, Deceased, do have and recover of and from the Defendants J. W. Nolen and A. R. Renick, the sum of One Hundred, thirty-eight & 90/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon from date until paid, and all the cost of this suit, for which execution may issue

2869 The State of Texas v. Blount, et. als. On this day appeared the parties by their attorneys, and they consent that the cause be dismissed and the Judgment ni si set aside, at the cost of the Defendants. And thereupon It is ordered that the judgment ni si be set aside, and that the cause be dismissed from the docket, and that the Defendants Thomas W. Blount, W. H. Crouch and D. B. Bewley pay all the cost of this proceeding to be taxed, for which execution may issue

2870 The State of Texas v. G. R. Reeves, et. al. Ordered that this cause be continued for service.

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2875. The State of Texas v. Wm Perkins, et. als. And now on this day came the District Attorney on behalf of the State, the cause being regularly reached and called for trial. And the cause being heard by the Court; and it appearing that on the 14th April, 1869, judgment nisi was rendered against Wm Perkins, principal, and R. J. Hocker and Henry Harris as securities, for the sum of Five Hundred Dollars, on a forfeited Bail Bond; and the parties having been cited by writ of Scire facias, and saying nothing sufficient in law by way of defence thereto, It is ordered, adjudged and decreed by the Court that the said judgment nisi be and the same is hereby made final, and that the State of Texas do have and recover of and from the said William Perkins, R. J. Hocker and Henry Harris the said sums of Five Hundred Dollars and all the cost of this proceeding, for all which execution may issue

2718 Charles & Sarah Word v. Thos. H. Jones. Admr, &c. Ordered, upon motion, that the Plaintiffs herein have leave to amend.

2876 The State of Texas v. Wm Perkins, et. als. And now on this day came the District Attorney on behalf of the State, the cause being regularly reached on the docket and called for trial. And the cause being heard by the Court, and it appearing that on the 14th April, 1869, judgment nisi was rendered against William Perkins, principal, and R. J. Hocker and Henry Harris as securities, for the sum of five hundred Dollars, on a forfeited Bail Bond; and the parties having been cited by writ of Scire facias, and saying nothing sufficient in Law by way of defence thereto, It is ordered, adjudged and decreed by the Court that the said judgment nisi be and the same is hereby made final, and that the State of Texas do have and recover of and from the said William Perkins, R. J. Hocker and Henry Harris the said sum of Five Hundred Dollars, and all the cost of this proceeding, for which execution may issue

2880 The State of Texas v. R. M. Burrier, et. als. And now comes the District Attorney and moves the Court to fine the Sheriff of Bastrop county for failing to execute the procss in this case. Whereupon It is ordered by the Court that Joseph Young, Sheriff of Bastrop county, be fined twenty five Dollars for failing to execute the writs of Scire facias issued against the Defendants herein, and that Citation issue requiring him to answer at the next term of this Court, why this Judgment should not be made final, and that the cause be continued for service.

2881 The State of Texas v. R. M. Burrier, et. als. And now comes the District Attorney and moves the Court to fine the Sheriff of Bastrop county, for failing to execute the procss in this case. Whereupon It is ordered by the Court that Joseph Young, Sheriff of Bastrop County, be fined twenty five Dollars for failing to execute the writs of Scire facias issued against the Defendants herein, and that citation issue requiring him to answer at the next term of this Court, why this

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Judgment should not be made final, and that the cause be continued for service

2882 The State of Texas v. R. M. Barrier, et. als. And now comes the District attorney, and moves the Court to fine the Sheriff of Bastrop county for failing to execute the procefs in this case. Whereupon It is ordered by the Court that Joseph Young, Sheriff of Bastrop county, be fined twenty five Dollars for failing to execute the writs of Scire facias ifsued against the Defendants herein, and that citation ifsue requiring him to answer at the next term of this Court why this Judgment should not be made final, and that the cause be continued for service.

2884. Geo. W. Paschal v. Chamber, et. al. Ordered by the Court that this cause be continued for service

2889 Thomas K. Moore v. R. C. McLaren. And now on this day came the plaintiff by his attorney and claims a Judgment final by default. And because it appears to the Court that the Defendant has been cited by personal service and failed to answer within the time prescribed by law, and wholly made Default: and plaintiffs cause of action being liquidated as evidenced by the note of hand sued on produced in evidence, It is adged, adjudged and decreed by the Court that the plaintiff, Thomas K. Moore, do have and recover of and from the Defendant R. C. McLaren, the sum of One hundred, eighty-three and 1/100 Dollars, principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from this date till paid, and all the costs of this suit, for all which execution may ifsue

2891 A. Sockett v. Richard Warren. Ordered that this cause lie continued on application of the Plaintiff

2892 A. F. Sackett v. F. W. Suter. Comes the Defendant and moves that this cause be dismifsed for want of compliance with the rule for security for cost. And it appearing that at a former term a rule was entered requiring the Plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, It is ordered by the Court that the suit be dismifsed for non-compliance with said rule, and that the Defendant go hence and recover of and from the plaintiff, A. F. Sackett, pay all the cost of this suit, for which execution may ifsue.

2894 Eliza Hannig v. John Hannig. And now on this day came the parties by their attorneys, and upon motion and by consent It is ordered that this cause be dismifsed from the Docket, that the Defendant go hence and recover of the Plaintiff all the cost here of to be taxed, for which execution may ifsue.

2902 James D. McGarey v. S. B. Reed. Ordered, by the Court, that this cause be continued, as on application of the Plaintiff

2905 H. H. Arlett v. S. B. Bush. Ordered, by the Court, that this cause be continued, as on application of the Plaintiff.

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2912 The State of Texas v. A. B. Baker, et. al. ordered that this cause be continued

2913 The State of Texas v. Ace Gardner, et. al. ordered that this cause be continued.

2914 The State of Texas v. J. A. Littlepage. Ordered, upon motion, that the judgment ni si in this cause be set aside, vacated and held for naught, and that the Defendant go hence discharged.

2915 The State of Texas v. Wm Pfluger. Ordered, upon motion, that the judgment ni si in this cause be set aside, vacated and held for naught, and that the Defendant Wm Pfluger pay the cost of this proceeding and that a commitment issue for that purpose

2916 The State of Texas v. Simon Mack. Ordered that this cause stand continued for service.

2917 The State of Texas v. J. L. Buaas. On this day came the parties by attorneys, and the parties agree that the judgment ni si may be set aside at the cost of the Defendant. And it is ordered by the Court that this cause be dismissed from the Docket, that the Defendant J. L. Buaas pay the cost of this proceeding, and that a Commitment may issue for that purpose.

2918 The State of Texas v. Denmark Walton. Ordered by the Court that this cause be dismissed from the Docket, that the Defendant go hence discharged without cost.

2919 The State of Texas v. Jasper Romries On motion of the District Atty. It is ordered that this cause be dismissed from the Docket, and that the Defendant be discharged.

2920 The State of Texas v. James Nichols comes the District Attorney and asks a judgment final by default for want of an answer. And it appearing to the Court that the Defendant has been duly served by writ of Scire facias, and has wholly failed to answer within the time required by law, It is ordered that the judgment ni si rendered against the Defendant James Nichols at the Fall Term 1869 for the Sum of One Hundred Dollars be and the same is hereby made final, and that the State of Texas do have and recover of and from the said James Nichols the said sum of One hundred Dollars, and all the cost of this proceeding, and that the Defendant stand committed to the county jail until the same are paid in full.

2921 The State of Texas v. Wm Brown. Come the parties by their attys. and upon motion and by agreement It is ordered that the judgment ni si in this cause be set aside and vacated, and that the Defendant William Brown, pay all the cost of this proceeding, for which he may be committed to jail

2922 The State of Texas v. Geo. Golden. Come the parties by their attorneys, and upon motion and by agreement It is ordered that the judgment ni si in this cause be set aside and vacated, and that the Defendant George Golden, pay all the cost of this proceeding, for which he may be committed to jail.

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2923 The State of Texas v. Anderson Scroggin. Comes the District attorney and asks a judgment final by default. And because the Defendant has been cited by personal service, and wholly failed to answer within the time required by law, It is ordered that the judgment ni si in this cause be and the same is hereby made final, and that the State of Texas do have and recover of and from the said Anderson Scroggin the sum of twenty five Dollars, and all the cost of this proceeding, and that he be committed to the county jail until the same are paid.

2924 The State of Texas v. Elijah Morris. Comes the District attorney and asks a judgment final by default. And because it appears the Defendant has been cited by personal service, and wholly failed to answer within the time required by law It is ordered that the Judgment ni si in this cause be and the same is hereby made final, and that the State of Texas do have and recover of and from the said Defendant Elijah Morris the sum of twenty five Dollars and all the cost of this proceeding, and that he be committed to the county jail until the same are paid.

2929 R. D. Harris, Executor v. Decherd & Burditt. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of J. C. Raymond and eleven others, who being duly tried, elected, empaneled and sworn according to law, heard the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in the sum of three hundred & forty three 68/100 Dollars ($343.68/100) principal & interest. J. C. Raymond, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the said Robert D. Harris, Executor of the Estate of John P. Key, Dec'd. do have and recover of and from the Defendants A. H. Decherd and G. G. Burdett, the said sum of three hundred, forty-three and 68/100 Dollars, so found due by the Jury aforesaid, together with all the cost of this suit, for which execution may issue

2930 John T. Miller v. Longley & Hamilton. And now on this day this cause being regularly reached on the docket, and called for trial, came the plaintiff by his attorney, and announced ready. And thereupon came a Jury of twelve good and lawful men of Travis county, consisting of R. R. Jones and eleven others, who having heard the pleadings read, the evidence, argument, and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff in the sum of three hundred and forty-eight 37/100, Dollars. R. R. Jones, foreman. Whereupon It is ordered, adjudged and decreed by

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the Court that the plaintiff, John T. Miller, do have and recover of and from the Defendants A. H. Longley and A. J. Hamieton the said sum of three hundred, forty eight + 37/100 Dollars, ^coin, & found due by the jury, together with all the cost in this behalf laid out and expended, for all which execution may issue.

2931 Thos. F. McKinney v. A. M Cox. ordered that this cause be continued.

2933 F. T. Duffau v. J. M. Steiner. ordered that this cause be continued for service.

2935 Geo. B Syles v. Bethel Coopwood, B. A. Risher & C. K. Hall.

In this case appears the plaintiff and the Defendants Risher and Hall, and waived a jury and submitted the matters in controversy to the Court. and the Defendant B. A. Risher admitted, as a witness for Plaintiff that the said firm of Risher & Hall were, at the date of the institution of this suit, and that they are now indebted to the Defendant Bethel Coopwood in a sum equal to the amount of the plaintiff's Syles Judgment rendered in this cause on the 7th day of October, 1870 and costs of suit, It is therefore ordered, adjudged and decreed by the Court that the Plaintiff Geo. B. Syles, do have and recover of and from the said B. A. Risher and C. K. Hall the sum of twenty two hundred and sixty 30/100 Dollars, with interest at eight per centum from the 7th day of October, 1870 until paid, together with all the costs of this suit, for which execution may issue.

It is further ordered, adjudged and decreed by the Court that when the Defendants Risher and Hall shall have paid this Judgment, interest and costs of suit, that the same shall be a liquidation of the indebtedness of the said Risher and Hall to that extent. It is hereby agreed that the Defts. ^to pay one-half of said amount Risher and Hall shall have a stay of execution, of six, and twelve months for the other half.

2947 W. A. Morris v. A. H. Cook. Come the parties to this cause by their attorneys, and upon motion and by consent of parties It is ordered by the Court that this cause be dismissed from the docket; and that the Defendant A. H. Cook, pay all the cost of this suit to be taxed, for which execution may issue.

2977 Palm & Bros. vs. J. W. Moore. Ordered that this cause be continued.

3008 Phineas Burchard vs. John H. Zivley. And now on this day appeared the parties to the above entitled cause by attorneys, and the motion of said Plaintiff for an order of survey of the land in controversy coming on to be heard, and having been duly considered by the Court, It is ordered by the Court that the District Surveyor of Travis Said District, James R. Pace, be and he is hereby required to make a survey of the several lines claimed by said plaintiff and defendant respectively from the original field notes or copies thereof; of the Decker League, under which Plaintiff claims and the Trammell one-third

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of a league, under which the Defendant claims. It is further ordered that said Surveyor give notice in writing to said plaintiff and Defendant, or their attorneys, of the time and place he will begin said Survey, at least one day before commencing the Survey: and that said Surveyor report to the present term of this Court, under oath, his action under this order.

✓ 3012 N. B. Bates v. Risher & Hall come the Defendants and on motion they are allowed to file an amended answer

✓ 2071 The State of Texas v. John Watson. Ordered, upon motion, that an attachment issue to Fayette county, on behalf of the plaintiff, for the witness Mitchell and Son.

✓ 2084 State of Texas v. Abe Williams. Ordered, upon motion, that an attachment issue, on behalf of the State, for the witness S. M. Beadle.

✓ 2088 The State of Texas v. S. Mofsett. Ordered, upon motion, that an attachment issue for John S. Mussett, witness for Defts., to Sampasas county.

✓ 2091 The State of Texas v. W. R. Baker. Ordered, upon motion, that an attachment issue for the witness E J Jones to McLennan county on behalf of the plaintiff

Grand Jury. And now on this day appears in open Court the Grand Jury of Travis county duly elected tried empaneled, sworn and charged for and during the October Term 1870 of the District Court of Travis county, and presented to the Court

2095 The State of Texas v. George Cravens. an Indictment for Murder.

2096 An Indictment against Jack Conner for an Assault with intent to kill and murder.

2097 An Indictment against William Donovan for Murder.

2098 An Indictment against Julian Grafs for Theft from a House.

2099 An Indictment against Lew Jeans & McHanis for Theft of Oxen.

2100 An Indictment against Ed. Smith for an Assault with intent to kill and murder.

2101 An Indictment against Jack Conner for Murder.

2102 An Indictment against Charles Waef for Selling Liquor without license

2103 An Indictment against Richard Meeks for taking up and using an estray

2104 An Indictment against David Lane for Theft of a Beef Steer.

2105 An Indictment against Prefecto Papso for Malicious Mischief.

2106 An Indictment against Moses McCleree for Swindling.

2107 An Indictment against Lewis Taylor for Theft from a house.

2108 An Indictment against Henry Scott for Burglary.

2109 An Indictment against Thomas Gates for theft from a house.

2110 An Indictment against J. W. Oliver for An Assault with intent to kill and murder.

2111 An Indictment against Margaret Garet for theft from a house.

2112 An Indictment against Mack Fowler for Murder.

2113 An Indictment against Silas Rawls, Alexander Campbell and Andrew Campbell for theft of three Saddles.

2114 An Indictment against Matthew Pace for Theft of a Mare.

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2115 An Indictment against Matthew Pace for theft of a Mare
2116 An Indictment against Matthew Pace for Theft of a Gelding.
2117 An Indictment against Silas Rawls, Alexander Campbell and Andrew Campbell for Theft of a Saddle

And the Grand Jury retired upon a farther consideration of their Duties.

And Court adjourned till to-morrow morning at 9 o'clock.

Wednesday October 12th 1870

Court met at 9 o'clock A M pursuant to adjournment. Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. And thereupon the following proceedings were had by said Court, to wit:

2183 Ellen Duval v. W. T. Dyer & D. M. Swenson. On this day appeared the parties and upon motion, and by consent, It is ordered that the continuance entered in this cause at a former day of this term be set aside. And upon further consent of parties, It is ordered that this cause be dismissed from the Docket, and that the Defendants herein pay all the cost of this suit to be taxed, for which execution may issue.

2938 R. P. White v. W. M. Clements. And now on this day appeared the parties by their attorneys. And thereupon the plaintiff dismissed his suit as to the Defendant Herndon. And the demurrer of the Defendant Clements to plaintiff's petition coming on to be heard, and the same being duly heard and considered, It is ordered that the same be overruled. And thereupon the cause is continued upon affidavit of said Defendant Clements

2745 Headley Pack v. Thos F. McKinney et als. Ordered upon motion, that the Plaintiff herein have leave to amend his petition

2942 A Hurtel, et. al. v. Geo W. Brakenridge. This cause being called comes the plaintiff and upon motion, It is ordered that this cause be dismissed from the Docket, that the Defendant go hence and recover of and from the plaintiffs Augusta Hurtel and Henry Hurtel, all the cost of this suit, for which execution may issue.

2944 W. D. Price, County Judge v. P. H. Coe, et. als Comes the County Atty and upon his motion It is ordered that this cause be dismissed from the docket; that the Defendants herein go hence; and that the cost of this suit be adjudged against the County of Travis, for and the same may be certified for allowance.

2951 James B. Morris v. N. H. Ragsdale, et al. Ordered, upon motion, that the Plaintiff herein have leave to amend

2955 Abby Thompson v. Barnes & Mervell. Comes the Plaintiff, by attorney, and upon motion It is ordered that the Sheriff herein have leave to amend his return upon the citations served and returned, and further ordered that the cause be continued.

2960 Abby Thompson Admx et al. v. N. L. Raven. Ordered that this cause be continued.

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2979 Joseph Harrell v. D. L. Crofs. Ordered, upon motion, that the plaintiff herein have leave to amend

2961 Susan Page v. J. L. Nichols and Martha Nichols. And now on this day coming on to be heard the motion of the plaintiff to dismiss the writ of certiorari issued in this cause for the removal of said cause to this Court from the Court below, and said motion being duly considered and fully understood by the Court, It is therefore ordered by the Court that said motion be sustained, and that said writ of certiorari be dismissed, and that a writ of Procedendo do issue to the Justice of the Peace, before whom said cause was tried, requiring him to issue execution on the judgment from which said writ of certiorari was prosecuted. And it is further ordered that the plaintiff, Susan Page, recover from the Defendants J. L. Nichols and Martha Nichols, and their sureties on certiorari bond, John Jones and B. Melasky, all the costs in this cause in this Court, for which execution may issue.

2097 The State of Texas v. Wm Donovan. Upon motion It is ordered that a Venire issue in this case for forty-five jurors, returnable on the 26th October, 1870.

2101 The State of Texas v. Jack Conner. Upon motion It is ordered that a Venire issue in this cause for forty-five jurors returnable Oct. 19th, 1870.

2112 The State of Texas v Aleck Fowler. Upon motion It is ordered that a Venire issue in this case for forty-five jurors returnable October 27th, 1870.

3008 Phineas Burchard v. John H. Zuley. By agreement of the parties It is ordered that the Order of Survey entered in this cause be amended so as to read as follows: And that said Surveyor also make a survey of the tracts of land claimed by said Plaintiff and Defendant according to the field notes of their respective deeds — which said deeds are to be furnished to said Surveyor by the parties within one day after the notice herein ~~before~~ mentioned

2928 Horace Brown, Guardian of Jehial Rowe v. W. W. Turner, Administrator de bonis non of Isaac Weldon.

This cause coming on to be heard on the transcript from the County Court of Travis county, pertaining to decedents estate, being brought to this Court by appeal, the parties announced themselves ready for trial: And the Court after hearing the evidence and suggestions of counsel, being satisfied that the minor Jehiel Rowe, for whom Plaintiff sues, is entitled to only one-thirteenth of the Estate of the Decedent Isaac Walden, now subject to distribution, It is therefore ordered by the Court that the Judgment and decree of the said County Court of Travis county, from which this appeal has been taken wherein said Turner was adjudged to pay to said Horace Brown, as Guardian of said Jehiel Rowe One thousand dollars on the basis that said Rowe was entitled to one-sixth of said Estate, be annulled and set aside. And it appearing further to the Court that the advancement of $1722.35 paid by the former Administrator E. J. H. Mitchell to Drucilla Mitchell has not been reduced to possession by the said Turner, he is not here chargeable therewith, and that of the

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money on hand as shown by the Exhibits of said Turner said Rowe should receive the sum of five hundred dollars, It is therefore ordered that said Turner, as such Administrator, pay to said Brown Guardian of said Rowe, or to his Agent or Attorney, said sum of five hundred dollars, as a part of said estate, to which he is entitled. It is further ordered that said Turner pay the costs of this appeal in due course of administration, and that the amount so paid shall be charged against said Rowe in any further distribution which may be had herein

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, October 13th 1870

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2939 Jesse Scott vs. G. W. Malone. Upon motion It is ordered that the Defendant herein have leave to amend his answer.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Friday October 14th 1870

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

James Horn fined $10 — And it is ordered that James Horn be fined ten dollars for failing to be in his place on the jury when Court was called to-day and that a Commitment issue to enforce the same

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Saturday, October 15th 1870

Court met at 9 o'clock A. M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

Grand Jury. And now on this day appeared in open Court the Grand Jury of Travis County, duly tried, elected, empannelled, sworn and charged for and during the present term of the District Court of Travis County, and through their foreman, Alfred Swick, presented to the Court the following Bills of Indictment, to wit.

2118 An Indictment against Edmund Bouldin for taking up and using an estray without complying with the law.

2119 An Indictment against B. C. Giles, William Haynes and Thomas Ross for malicious mischief

2120 An Indictment against William Lofton for Theft of a Beef Steer.

2121 An Indictment against Marcka Elgin for unlawfully marrying Rufus Howard.

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2122 An Indictment against Nathan Irwin for Theft of a Mare.
2123 An Indictment against James McGuire for False Imprisonment.
2124 An Indictment against James McGuire and Hendricks for Aggravated Assault.
2125 An Indictment against James McGuire for False Imprisonment.
2126 An Indictment against Geoge W. Allen
2127 An Indictment against Eugene Harris. for theft of two red oxen.
2128 An Indictment against James McGuire for False Imprisonment
2129 An Indictment against Richmond Anderson for threats to murder H. T. Lowry.
2130 An Indictment against James McGuire for False Imprisonment
2131 An Indictment against James McGuire for False Imprisonment.
2132 An Indictment against John Immeles for Theft of a Colt.
2133 An Indictment against Tidwell Gatlin for Theft of a Watch
2134 An Indictment against Frank Soles for malicious mischief
2135 An Indictment against J. S. Lacy, J. P. Newcomb and — Seimering, for Swindling.

And thereupon the Grand Jury suggesting there was no further business before them, ~~stood upon~~ they were finally discharged.

2744. Headley Polk vs Charles W. Whitis.

And now on this day came the parties to this cause by their respective attorneys, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: R. R. Jones and eleven others, who being duly tried, elected, empannelled and sworn according to law, heard the evidence, the pleadings, the argument of counsel, and the charge of the Court; and they thereupon retired to consider of their verdict. And after deliberation said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff in the sum of Twelve Thousand Three Hundred and Eighty-Five 47/100 ($12.385.47) Specie Dollars. R. R. Jones, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the plaintiff, Headley Polk, do have and recover of and from the Defendant, C. W. Whitis, the sum of Twelve Thousand, Three Hundred, Eighty-Five and 47/100 Dollars, of the gold and silver coin of the United States, so found to be due by the Jury aforesaid, together with all the cost in this behalf laid out and expended, for which execution may issue.

And thereupon Court adjourned till Monday morning at 9 o'clock.

Monday, October 17th 1870.

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

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1235 The State of Texas vs. W. C Leggett. Ordered that this cause be dismissed.
1317 The State of Texas vs. J. M. Emmons. His cause continued for Service
1352 The State of Texas vs. Jesse Graham et als. Continued for Service
1382 The State of Texas vs. A. Chamberlain. Continued for Service.
1468 The State of Texas vs. John Martin. Continued for Service.
1489 The State of Texas vs. J. Hurley. His cause Dismissed
1569 The State of Texas vs. J. K. Malone. This cause dismissed
1570 The State of Texas vs. J. K. Malone. This cause dismissed.
1579 The State of Texas vs. Antone Nespin. This cause dismissed
1584 The State of Texas vs. W. Dibrell. This cause dismissed.
1586 The State of Texas vs. B. H. H. Baltz. This cause dismissed
1587 The State of Texas vs. W Dibrell. This cause dismissed
1588 The State of Texas vs. Milam Daty. This cause dismissed
1595 The State of Texas vs. T. D. Clifton. This cause dismissed
1596 The State of Texas vs. I. Jackson. This cause dismissed
1605 The State of Texas vs. John Henry Brown Continued for Servic
1621 The State of Texas vs. Jenkins This cause dismissed
1623 The State of Texas vs. Thos. Moran. This cause dismissed
1624 The State of Texas vs. Augustine a Mexican. This cause dismissed.
1632 The State of Texas vs. John Tanner. This cause dismissed
1636 The State of Texas vs. Lewis Elgin. This cause dismissed
1637 The State of Texas vs. Celia Staveley. This cause dismissed.
1644 The State of Texas vs. Oscar, Friedman. This cause dismissed
1660 The State of Texas vs. Henry Alexander. Continued for Servic
1666 The State of Texas vs. Wheelock & Bellamy. This cause dismissed
1690 The State of Texas vs. Thomas Swisher. Continued for Service.
1691 The State of Texas vs. Aurora Alexander. Continued for Servic
1699 The State of Texas v. S. Murray. Continued for Service.
1700 The State of Texas v. S. Murray. Continued to await Servic in Penitentiary
1711 The State of Texas v. Frank, Friedman. This cause dismissed
1712 The State of Texas v. Frank, Friedman. This cause dismissed
1713 The State of Texas v. C. Kimbro. Continued to await Service in Penitentiary
1714 The State of Texas v. C. Kimbro. Continued to await Service in Penitentiary
1715 The State of Texas v. Bellamy et als This cause dismissed
1755 The State of Texas v. Dan Morris. This cause dismissed
1759 The State of Texas v. O. W. McFarland. This cause dismissed
1800 The State of Texas v. C. L. Rias. This cause dismissed
1801 The State of Texas v. Albert, Freedman. This cause dismissed
1805 The State of Texas v. Geo. Saul. This cause dismissed
1809 The State of Texas v. Chester Williams Continued for Servic.
1813 The State of Texas v. John Green. Cont'd for Servic and capias to Travis Co.
1817 The State of Texas v. John Jackson. This cause dismissed
1821 The State of Texas v. P. and C. Carter. Cont'd for Servic and capias to Travis Co
1831 The State of Texas v. Hancock. This cause dismissed
1832 The State of Texas v. Alfred Morris. Continued for Servic.
1837 The State of Texas v. John Lynch. Continued for Servic.

Monday, October 17th 1870.

1838 The State of Texas vs. John Lynch. This cause dismissed.
1839 The State of Texas vs. John Lynch. This cause dismissed.
1847 The State of Texas vs. Robert Brown. This cause continued.
1851 The State of Texas vs. I. W. Morris. Continued for service
1852 The State of Texas vs. J. Seidel. Cont. for service and capias to McLennan Co.
1853 The State of Texas v. Anderson Hill. This cause dismissed Cost for service
1857 The State of Texas v. Johnson Davis. This cause dismissed.
1858 The State of Texas v. Johnson Davis. This cause dismissed.
1878 The State of Texas v. Green Smith. Continued for service.
1881 The State of Texas v. J. Seidel. Continued for service.
1883 The State of Texas v. J. P. Major. This cause dismissed.
1884 The State of Texas vs. Chas. Woldridge. This cause dismissed.
1892 The State of Texas vs. Jabe, a Freedman. This cause dismissed
1893 The State of Texas vs. Jobe, a Freedman. This cause dismissed
1894 The State of Texas vs. Jabe, a Freedman. This cause dismissed
1896 The State of Texas vs. A. Puckett. Continued for service.
1898 The State of Texas vs. Fanny Johns. Continued for Service
1905 The State of Texas vs. John Rogers. Continued for Service.
1906 The State of Texas vs. Chas. High. This cause dismissed
1908 The State of Texas vs. J. Ogle. Continued for service
1909 The State of Texas vs. J. Ogle. Continued for Service.
1912 The State of Texas vs. Bancum. Continued for service.
1917 The State of Texas vs. This cause dismissed as to John Cook.
1917 The State of Texas vs. James Jeddens et.als. On this day appeared John Cook and acknowledged himself justly to owe and be indebted unto The State of Texas in the Sum of One Hundred Dollars to be levied upon his Goods, Chattels Lands, Tenements and Estate, But to be void nevertheless upon condition that the said John Cook make his personal appearance before the District Court of Travis at the Courthouse thereof in Austin County now in Session, and thereafter from day to day, and from term to term thereafter, to give evidence on behalf of the Plaintiff in the above entitled cause of The State of Texas vs. James Jeddens, et. als. Charged with Burglary, and that he do not depart the Court without leave.
1919 The State of Texas vs. Thomas Swisher. Continued for service
1920 The State of Texas vs. James Jeddens, et.als. This cause dismissed as to John Cook, and cause continued as to the other Defendants
1921 The State of Texas vs. James Jeddens, et.als. This cause dismissed as to the Defendant John Cook, and cause continued as to other Defendants.
1922 The State of Texas vs. A. Mouse. This cause dismissed.
1925 The State of Texas vs. C.C. Clark, et.als. This cause continued
1926 The State of Texas vs. C.C. Clark, et.als. This cause continued
1927 The State of Texas vs. C. C. Clark, et.als. This cause continued
1928 The State of Texas vs. C. C. Clark, et.als. Continued for service.
1929 The State of Texas vs. Green, et.als. This cause dismissed as to the Defendants the two Gibsons, John Short and McKinney
1931 The State of Texas v. Ann Carpenter, et.als. Continued for service

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1938 The State of Texas v. Charles Sublett. This cause continued
1939 The State of Texas v. Charles Sublett. This cause continued
1940 The State of Texas v. F. D. Walker. Continued for Service.
1941 The State of Texas v. C. W. Bryant. Continued for Service.
1942 The State of Texas v. Gathin & Gathin. Continued for Service
1944 The State of Texas v. Jim Hamilton. Continued for Service.
1947 The State of Texas v. Burrier & Bell. Continued for Service.
1948 The State of Texas v. Burrier & Bell. Continued for Service.
1949 The State of Texas v. Burrier & Bell. Continued for Service.
1950 The State of Texas v. Burrier & Bell. Continued for Service
1951 The State of Texas v. Burrier & Bell. Continued for Service
1952 The State of Texas v. Burrier & Bell. Continued for Service.
1954 The State of Texas v. A. J. Green. Continued for Service
1957 The State of Texas v. Jesse Bowman et. als. Cont'd for Service and alias Capias to Caldwell Co.
1958 The State of Texas v. Moses Gathin. Continued for Service
1962 The State of Texas v. Jesse Bowman et. als. Capias to Caldwell County.
1969 The State of Texas v. Mitchell. This cause dismissed
1970 The State of Texas v. John T. Toomes. Continued for Service
1974 The State of Texas v. Thomas C. Irving. Continued for Service
1977. The State of Texas v. Mitchell. This cause continued
1979 The State of Texas v. Allen. This cause dismissed.
1980 The State of Texas v. Fanny Weekly. Continued for Service
1984 The State of Texas v. Addison Smith. This cause dismissed
1989 The State of Texas v. Chas. Gregg. Continued for Service
1990 The State of Texas v. Wm. Wilder. Continued for Service
1995 The State of Texas v. Clay Simmons. Continued for Service
2008 The State of Texas v. J. M. Neal. Continued for Service

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Tuesday, October 18th 1870.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, October 19th 1870.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

1651 The State of Texas v. Jno. Martin. It is ordered that the judgment nisi entered in this cause be set aside, that the appearance bond filed herein be quashed, and that a Capias issue to Bexar County for the Defendant.

1710 The State of Texas v. Jesse Martin. Ordered that the judgment nisi entered in this cause be set aside; that the appearance bond filed herein be quashed, and that a Capias issue to Bexar County for the Defendant.

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2071 The State of Texas v. John Watson.

And now on this day came the District Attorney, who prosecutes for the State in this behalf, and also came the Defendant John Watson in person and by attorney, and the parties thereupon announced themselves ready for trial. And the Defendant being arraigned enters the plea of not guilty to the charge in the indictment. And thereupon came a jury of twelve good and lawful men of Travis County, to wit: James Dietrich, John C. Stringer, O. H. Millican, D. F. Brown, A. R. Jones, Madison Potter, Henry Wells, William Paschal, F. T. Burdett, J. J. Atkinson, B. F. Stokes, and A. Tampson, who were tried, elected, empanneled and sworn in the manner prescribed by law. And the jury having heard the indictment read, the evidence introduced by the parties the argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant John Watson guilty of murder in the second degree, and open the punishment at confinement in the Penitentiary for the term of ten (10) years. O. H. Millican, Foreman." Whereupon It is ordered by the Court that the Defendant be remanded to jail to await judgment and sentence.

And thereupon Court adjourned till 9 o'clock to-morrow morning at 9 o'clock.

Thursday, October 20th 1870

Court convened at 9 o'clock, A. M. pursuant to adjournment, Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2135 The State of Texas v. Tracy, Scrimgeour & Co.

And now on this day came the District Attorney, who prosecutes for the State in this behalf and came also the Defendant J. J. Tracy. And the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, who being duly tried, elected, empannelled and sworn according to law, heard the evidence, the plea of not guilty, and the charge of the Court, and the jury Returned the following verdict, to wit: "We the Jury find the Defendants in the case not guilty. Alf. M. Robinson, Foreman." Whereupon It is ordered, that the said Defendant Tracy go hence discharged.

2118 The State of Texas v. Henry Scott. And now on this day came the District Attorney, who prosecutes for the State in this behalf, and also came the Defendant in person and also by attorney, and the parties announced themselves ready for trial. And then came a Jury of twelve good and lawful men of Travis County, who being tried, elected, empannelled and sworn according to law heard the plea of not guilty, the evidence, the argument of counsel and the charge of the Court and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant Henry Scott, not guilty, as charged in the indictment. Jno. Buchanan, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

Friday, October 21st 1870

And thereupon Court adjourned till to morrow morning 9 o'clock.

Friday October 21st 1870

Court Commenced at 9 Oclock A M pursuant to adjournment present the Hon J P Richardson Presiding. and thereupon the following proceedings were had to wit.

J

No 2101 The State of Texas Vs Jack Conner. This Cause Coming on to be heard. and the Hon J P Richardson the Judge of this Court. being disqualified from presiding upon the trial thereof. W M Walton Esqr one of the attorneys of this Court. was by the District attorney and the Counsel of the defendant selected to preside upon said trial. in the place of the Judge of the Court. and the exceptions of the District attorney to the Special plea filed by the defendant having been sustained, Leave was, on Motion of Defts Counsel. granted to defendant to file an amended Special plea. and upon the Motion of Defendant. and the filing of his affidavit and the affidavit of three credible persons Citizens of Travis County that the Defendant could not have an impartial trial in Travis County. It is ordered by the Court that this Cause be removed to the County of Williamson for trial. and that the Clerk of this Court do instanter send a transcript of the records of this Court. and all the Original papers filed in this case. to the Clerk of the District Court of said County of Williamson. It is further Ordered an attachment issue for the following Indicted Witnesses for the Defence to wit for Julia Morton to Galveston, Brazos & Robertson Counties. for Chas Smith Jr to Bexar County. for John Hill to Grimes Co + for A Musgrove to Brown County returnable to said District Court on the first Monday of November next.

J

No 2101 The State of Texas Vs Jack Conner.

And now on this day came into open Court Emma Hill. Mary Riggs Kate Humphreys. Lathe Thompson. Sarah Robinson. Kate Thompson and N Hanson. and severally acknowledged themselves to owe and be indebted to the State of Texas in the sum of one hundred dollars each. To be levied of their several goods and chattels lands and tenements if default be made in the condition following, which is that they the said Emma Hill. Mary Riggs. Kate Humphreys. Lathe Thompson. Sarah Robinson. Kate Thompson and N Hanson. severally make their personal appearance before the District Court of the County of Williamson on the first Monday in November A D 1870 Then and there to testify and speak the truth on behalf of the Defendant in a certain Cause depending in said Court wherein The State of Texas is plaintiff and Jack Conner is defendant. upon a charge of Murder. and remain in said Court from day to day, and from term to term until discharged.

V

No 2101. The State of Texas vs Jack Conner.

And now on this day came into open Court Emma Hill. Mary R

Friday October 21st 1870

James Lensing. Eliza Crozier. Lucy Walker. Columbus Platt. Lucius Holladay. and Kate Seabrook. and Severally acknowledged themselves to owe and be indebted to the State of Texas in the sum of one hundred dollars each, to be levied of their Several goods and Chattels, lands and tenements if default be made in the Condition following, which is, that they the said James Lensing. Eliza Crozier. Lucy Walker. Columbus Platt. Lucius Holladay. and Kate Seabrook, Make Severally their personal appearance before the District Court of the County of Williamson on the first Monday in November next then at the Court house in Georgetown in said County of Williamson, then and there to testify and Speak the truth on behalf of the State in a certain Cause depending in said District Court Wherein the State of Texas is plaintiff and Jack Conner is defendant upon a charge of Murder. and remain in said Court from day to day and from term to term until discharged by the Court.

Read Corrected and Signed in open Court this 21st day of October A.D 1870.

W M Walton
Sp. Judge.

No 2077. The State of Texas vs Allen (alias Ferdinand) Sheppard.

And now on this day comes the District Attorney who prosecutes for the State in this behalf and also come the defendant Allen (alias Ferdinand) Sheppard in person and by Attorney, and the parties thereupon announced themselves ready for trial. and the defendant being arraigned enters the plea of not guilty. and thereupon Come a Jury of twelve good and lawful Men of Travis County To wit Ed Christian. Peter Bratton. Joseph Petmecky. Cal Metz H Metz. C Wahrman. A Wilhelm. H Madison. R P Wright. J D Shepherd. Eli Green & William Walton. who were elected tried, empannelled and Sworn in the Manner prescribed by law. and the Jury having heard the indictment read, the evidence introduced by the parties, and the Charge of the Court, retired to Consider of their Verdict, and after a Short absence returned into Court the following Verdict to wit. "We the Jury find the defendant guilty. and asses the punishment in the penetentiary for the term of five years. H Metz Foreman" Whereupon it is ordered by the Court that the defendant be remanded to Jail to await Judgment and Sentence

And Thereupon Court adjourned to to-morrow Morning at 9 Oclock.

Saturday October 22d 1870

Court Met at 9 Oclock A M pursuant to adjournment Present The Hon J P Richardson Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by the Court, to wit.

No 2965 J L Nichols & Martha Nichols vs Susan Page.

And now on this day, the motion of the defendant to dismiss the writ of certiorari in this cause, by which this Cause was brought to this Court from the Court below. Coming on to be heard, and said Motion being duly considered and fully Understood by the Court. It is Ordered by the Court that said Motion be Sustained, and that said writ of certiorari be dismissed, and that a writ of procedendo be issued directing the Justice of the peace from whose Judgment said writ of Certiorari was prosecuted to proceed to enforce his judgment in this Cause by execution, and it is further Ordered and adjudged by the Court that the defendant Susan Page do have and recover from the plaintiffs J L Nichols and Martha Nichols, and their Sureties on the certiorari bond, to wit A. B Palm and C. G. Palm all the Costs in this Cause incurred in this Court for which execution may issue.

No 2929. Robert D Harris vs A H Deckerd and G G Burdett.

And now on this day came on to be heard the motion of the Defendants in this Cause, for a new trial therein, and the said Motion having been heard by the Court and duly Considered It is ordered and adjudged that the same be overruled.

No 2071 The State of Texas vs John Watson. And now on this day came on to be heard the motion of the defendant for a new trial in this cause. And the said motion having been heard and duly consid=ered by the Court. it is ordered and adjudged by the Court that the said motion be, and the same is hereby Overruled. and thereupon the defendant in Open Court gave notice of appeal to the Supreme Court.

No 2119 The State of Texas vs B C Giles Et als. And now on this day Came B C Giles one of the defendants as principal and George B Zim=melman as his Surety and Severally acknowledged themselves to owe and be indebted to the State of Texas the Sum of One hundred dollars to be levied of their several goods and Chattels lands and tenements if default be made in the Condition following which is That the said defendant B C Giles shall make his personal appear=ance in this Court. then and there to answer to an Indictment pending against him therein for Malicious Mischief. and remain in said Court from day to day and from term to term and not depart the Court. until discharged.

And thereupon Court adjourned Till Monday morning at 9 oclock.

Monday, October 24th 1870.

Monday, October 24th 1870.

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

1598 The State of Texas v. Cyrus Tackett. Comes the District Attorney and enters a Nolle Prosequi in this case. And thereupon It is ordered by the Court that the cause be dismissed from the Docket, and that the Defendant go hence discharged.

1609 The State of Texas v. Randall Lightfoot. Ordered that this cause be continued

1983. The State of Texas v. Thomas Ford. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant and the parties announced themselves ready for trial. And the Jury having been duly tried, elected, empannelled and sworn duly to try the issue, heard the plea of guilty to a simple Assault to the Indictment in this case, and the charge of the Court, returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty of simple Assault, and assess the fine at five Dollars. Tom Bowles, Foreman." It is therefore ordered adjudged and decreed by the Court, that the State of Texas do have and recover of and from the Defendant Thomas Ford the said sum of Five Dollars, together with all the cost of this prosecution, and that the Defendant stand committed to the County Jail until the same are paid.

2073 The State of Texas v. William Martin. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney. And thereupon the parties announced themselves ready for trial. And then came a Jury of twelve good and lawful men of Travis County, consisting of F. Jourdan and eleven others, who being tried elected, empannelled and sworn according to law, heard the Indictment, the plea of guilty to the same by the Defendant, the argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, in this cause, find the Defendant guilty and assess his punishment at two years in the State Penitentiary. F. Jourdan, Foreman." Whereupon It is ordered that the Defendant stand Committed to await judgment and sentence.

2135. The State of Texas v. J. P. Newcomb and Semmering. Comes the District Attorney and enters a Nolle Prosequi in this case. And it is ordered that the cause be dismissed, and that the Defendants go hence discharged.

2075 The State of Texas v. J. W. Simmons. And now on this day came the District Attorney who prosecutes for the State in this behalf, and also came the Defendant in person and also by attorney, and the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County consisting of Thomas Bowles and eleven others. And the Jury having been tried, elected, empannelled and sworn according to law, heard the Defendants plea of not guilty, the evidence, the argument of counsel, and the charge of the Court retired to consider of their verdict. And thereupon the Jury having considered the same, brought into Court the following verdict, to wit:

" We, the Jury, find the Deft. John W. Simmons guilty as charged in the Indict-
" ment, and assess his punishment by confinement in the State Peniten-
" tiary for a term of five years. Thomas Bowles, Foreman." And

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Thereupon It is ordered by the Court that the Defendant be committed to jail to await Judgment and Sentence.

2129 The State of Texas vs. Richmond Anderson. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the District Attorney Defendant in person and by attorney And the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, Consisting of J. H. Walker and eleven others, who being duly tried, elected, empannelled and Sworn, heard the evidence, and being Charged by the Court, retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty as charged. J. H. Walker, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

And thereupon Court adjourned till to morrow morning at 9 o'clock.

Tuesday, October 25th 1870

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

2094 The State of Texas vs. J. C. McGindy. And now on this day came the District Attorney, who prosecutes for the State in this behalf, and also came the Defendant in person and also by attorney; and the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: Tom. Bowles and Eleven others, who being tried, elected, empannelled and sworn according to law, heard the Defendant's plea of not guilty to the charges contained in the Indictment, the evidence introduced by the parties, the argument of Counsel and the charge of the Court, retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty, and assess his punishment by confinement in State Penitentiary for Seven years. Tom Bowles, Foreman." Whereupon It is ordered that the Defendant be committed to jail, to await Judgment and Sentence.

2948 J. W. Chandler and Fred. Carleton vs. C. A. Sothman & M. M. Powers. In this case appeared the Plaintiff by attorneys and suggests to the Court a diminution of the record in this case in this that the Justice of the Court below, W. D. Scott, before whom said cause was tried, has failed to make out a transcript of the entries on his docket in this cause, and file the same with the papers in this case in the Court. It is therefore ordered that a certiorari issue to J. W. Smith, the successor in office of the said W. D. Scott, to make out and send up a more perfect transcript from the Docket in this cause. And it further appearing to the Court that the said J. W. Smith, the successor in office of the said W. D. Scott, has already filed in this cause the transcript ordered, and the same is now perfect and the cause ready for trial in accordance with the law in such cases.

Tuesday, October 25th 1870

2085 The State of Texas v. Toney Edwards. And now on this day came the District Attorney, and came also the Defendant by his attorney N. G. Shelley, Esq. and the parties announced themselves ready for trial. And then came a Jury of 12 good and lawful men of Travis county, who being tried, elected, empannelled and sworn according to law, heard the Defendants plea of guilty to as to a simple assault to the charges contained in the Indictment, the argument of Counsel and the charge of the Court and returned the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess his punishment at Seven & 50/100 Dollars fine J. H. Walker, foreman." Whereupon It is ordered, adjudged and decreed that the State of Texas do have and recover of and from the Defendant Toney Edwards the said sum of Seven and fifty-one hundredth dollars and all the cost of this proceeding, and that a Commitment issue to enforce the collection of the same.

2078. The State of Texas v. Sanders Stone. And now on this day came the District Attorney who prosecutes for the State and also came the Defendant in person and by attorney, and the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of John Buchanan and eleven others, who being tried, elected, empannelled and sworn according to law, heard the Defendants plea of not guilty to the charges contained in the Indictment, the evidence introduced by the parties, the argument of counsel, and the charge of the Court, retired to consider of their verdict, And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant Sandy Stone guilty as charged in the Indictment, and assess his punishment at confinement in the State Penitentiary for a term of three years. John Buchanan foreman" Whereupon It is ordered that the Defendant stand committed to await Judgment and Sentence.

2074. The State of Texas vs. Gus. Garcia. And now on this day came the District Attorney who prosecutes for the State in this behalf, and also came the Defendant in person and by attorney, and the parties announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of Tom Bowles and eleven others who being tried, elected, empannelled and sworn according to law, heard the Defendants plea of not guilty to the charges contained in the Indictment, the evidence introduced by the parties, the argument of Counsel, and the charge of the Court retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury find the Defendant guilty and assess his punishment at five years in the State Penitentiary. Tom Bowles, foreman." Whereupon It is ordered that the Defendant stand committed to await judgment and sentence.

2115 The State of Texas v. Matt. Pace. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant in person and also by attorney, and the parties announced themselves ready for trial. Thereupon came a Jury of twelve good and lawful men of Travis county, consisting of Tom Bowles and eleven others who being tried, elected, empannelled and sworn according to law, heard the Defendants plea of not guilty,

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the evidence introduced by the parties, the argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. Jos Bowles, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, October 26th, 1870

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

V
2097 The State of Texas vs. William Donovan. This being the day set for the trial of the above intitled and numbered cause, the Hon. James P. Richardson Judge of this Court, caused himself, being disqualified from trying the cause on account of having been of counsel for the Defendant on the trial before the committing Court. And thereupon the parties to this cause having agreed that David Sheeks, Esq., a member of the bar, practicing at this Court, should sit as Special Judge to try this cause, the fact is here entered of record. And the said Sheeks as Special Judge, took the bench, and called the case for trial. And thereupon the parties announced themselves ready for trial. And the prisoner at the bar being arraigned, plead not guilty to the charges contained in the Indictment. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: William Walton, Clark Miller, W. G. Maynard, A. H. Robinson, J. H. Robinson, Henry Madison, Wm J. Oliphant, Essex Carrington, M. D. L. McFarland, I. F. Mitchell, John H. Washington and Jo Nagle, who were tried, elected, empannelled, and sworn according to law. And the Jury having heard the evidence introduced by the parties, the argument of counsel, the Indictment, and the charge of the Court, retired to consider of their verdict. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. J. H. Robinson, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged. David Sheeks Judge pro. tem.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, October 27th 1870

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

V
2096 The State of Texas v. Jack Conner. Comes the District Attorney who prosecutes for the State in this behalf, and comes also the Defendant in person and by attorney. And the Defendant enters the plea of not guilty to the Indictment. And upon the motion of the Defendant and the filing of his affidavit and the affidavit of three credible persons, citizens of Travis county, that the Defendant could not have an impartial trial in this county. It is ordered by the Court, upon a consideration of all the facts arising, that the Venue of this cause be changed to the County of Williamson,

Friday, October 28th 1870

the County seat whereof is nearest to the County of Travis. And it is ordered that the Clerk of this Court do forward to the Clerk of the District Court of Williamson County, all the Original papers in this cause, together with a certified copy of all the Original entries of record herein, on or before the next term of the District Court of said County.

2096 The State of Texas v. Jack Conner. And now on this day appeared in open Court John T. Alexander, W. W. Fletcher, E. H. Alexander, N. B. Metz, and Dan. Gallagher and each of them acknowledged himself justly to one and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon his Goods and Chattels Lands, Tenements and Estate, But to be void nevertheless upon condition that each of the said witnesses shall make his personal appearance before the Honorable District Court of Williamson County, to be held at the Courthouse thereof in the town of Georgetown, on the first Monday in November, 1870 then and there to testify on behalf of the plaintiff in the above cause of the State of Texas v. Jack Conner, charged with an Assault with intent to kill and murder, and that each of said witnesses does not depart the Court without leave.

2096 The State of Texas v. Jack Conner. And now on this day appeared in open Court Phil Coe, Wm. H. McClogan, and each of them acknowledged himself justly to one and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon his goods, Chattels, Lands, Tenements and Estate, But to be void nevertheless upon condition that each of the said witnesses above named shall make his personal appearance before the Honorable District Court of ~~Travis~~ Williamson County, to be held at the Courthouse thereof in the town of Georgetown on the first Monday in November, 1870, then and there to testify on behalf of the Defendant in the above cause of the State of Texas v. Jack Conner, charged with an Assault with intent to Kill and murder, and that each of said witnesses does not depart the Court without leave.

And thereupon Court adjourned till to-morrow morning go'clock

Friday, October 28th 1870

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2112 The State of Texas v. Aleck Fowler. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant in person and also by attorney, and the parties announced themselves ready for trial. And thereupon the Defendant being arraigned plead not guilty to the charges contained in the Indictment. And thereupon came a Jury of twelve good and lawful men of Travis County consisting of Jacob Ramey, Thomas Hancock, Stephen Davidson, John Jones, J. D. Shepherd, John Buchanan, Richard Hamilton, Ed. Millican, N. J. Alexander, John H. Robinson, J. Robert McFarland and Thomas Dieterich, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence, the argument of counsel and the charge of the Court, retired to consider of their verdict. And

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thereupon the Jury Returned into Court the following verdict, to wit: "We, the Jury, find the Defendant, Alex. Fowler, guilty of murder in the second degree, and assess his punishment at Confinement in the State Penitentiary for the term of twenty (20) years. Robert McFarland, Foreman." Whereupon It is ordered that the Defendant stand committed to await judgment and sentence.

2080 The State of Texas vs. Jas. Walker. And now at this day appeared in open Court Samuel Gates, Richard Dudley, and Sandy Cabin, And thereupon each of said witnesses acknowledged himself justly to owe and be indebted unto the State of Texas in the penal sum of One hundred Dollars to be levied upon his Goods and Chattels, Lands, Tenements and Estate, But to be void, nevertheless upon condition that the said witnesses, and each of them, make his personal appearance before the Hon. District Court of Travis County, to be held now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term thereafter to give evidence on behalf of the plaintiff in the above cause of the State of Texas against Jas. Walker, charged with Adultery, and that each of said witnesses does not depart the Court without leave.

2081 The State of Texas vs. Berry Davis. And now on this day appeared in open Court Johnson Gilbert, Samuel Gates, Richard Dudley and Sandy Cabin, And thereupon each of said witnesses acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of One Hundred Dollars each, to be levied upon his Goods and Chattels Lands, Tenements and Estate, But to be void, nevertheless upon condition that the said witnesses, and each of them, make his personal appearance before the District Court of Travis County now in session at the Courthouse thereof in the City of Austin, and there remain from day to day and from term to term thereafter, to give evidence on behalf of the Plaintiff in the above cause of the State of Texas against Berry Davis, charged with Adultery, and that he do not depart the Court without leave.

2083. The State of Texas v. Darkis Taylor. And now on this day appeared in open Court Johnson Gilbert, Samuel Gates, Richard Dudley and Sandy Cabin, and thereupon each of said witnesses acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon his goods and chattels, lands, tenements and estate. But to be void, nevertheless upon condition that the said witnesses, and each of them, make his personal appearance before the District Court of Travis County, now in session at the Courthouse thereof in the City of Austin, and there remain from day to day, and from term to term thereafter, to give evidence on behalf of the Plaintiff in the above cause of the State of Texas v. Darkis Taylor, charged with Adultery, and that he do not depart the Court without leave.

2083 The State of Texas v. Darkis Taylor. And now on this day appeared in open Court Darkis Taylor, who thereupon acknowledged herself justly to owe and be indebted unto The State of Texas in the sum of two hundred dollars, to be levied upon her goods and chattels, lands, tenements and estate, But to be void nevertheless upon condition that the said Darkis Taylor make her personal appearance before the Hon. District Court of Travis County, now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to

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term thereafter, to answer the Indictment preferred against her by the Grand Jury of Travis County, at the Fall Term thereof 1870 for Adultery, and that she do not depart the Court without leave.

2091 The State of Texas v. W. R. Baker. And now on this day appeared in open Court E. Z. Jones and acknowledged himself justly to owe and be indebted unto the State of Texas in the sum of one hundred dollars to be levied upon his goods and chattels, lands, tenements and estate, But to be void nevertheless upon condition that the said E. Z. Jones make his personal appearance before the Hon. District Court of Travis County now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to give evidence on behalf of the Plaintiff in the above entitled cause of the State of Texas against W. R. Baker, charged with An Aggravated Assault, and that she do not depart the Court without leave.

2114 The State of Texas v. Matthew Pace. Upon motion of the District Attorney It is ordered by the Court that the Sheriff of Travis ~~Bastrop~~ County, Joseph Young, be fined in the sum of twenty five dollars for failing to execute writs of attachment issued for witnesses on behalf of the Plaintiff in the above entitled cause, and that the State of Texas do have and recover of and from the said Joseph Young the said sum of twenty five dollars, and that Scire facias do issue to him, returnable to the next term of this Court, commanding him then and there to appear and shew cause, if any he can, why said judgment should not be made final.

2122 The State of Texas v. Nathan Sinnin And now on this day came into open Court the Defendant Nathan Sinnin. And thereupon the said Nathan Sinnin, as principal, and Al. Nichols, George Nichols and Henry Snead, as securities, acknowledged themselves jointly and severally justly to owe and be indebted unto the State of Texas in the sum of Five Hundred Dollars, to be levied upon their Goods and Chattels, Lands, Tenements and Estate, But to be void nevertheless upon condition that the said Nathan Sinnin make his personal appearance before the Hon. District Court of Travis County now in session, at the Courthouse thereof in Austin, and there remain from day to day, and from term to term thereafter, to give evidence on behalf of the answer to the Indictment preferred against him by the Grand Jury of Travis county, at the October term thereof, 1870, for the theft of a mare, and that he do not depart the Court without leave.

2055 The State of Texas v. Arthur Sheppard. Comes Arthur Sheppard as principal, and Eli Green and Edward Sheppard, as his securities, and they acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of One hundred Dollars to be levied upon their goods and chattels, Lands, Tenements and Estate, But to be void nev-

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entheliff upon condition that the said Archie Sheppard, make his personal appearance before the Hon. the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin, on the first Monday in February, 1871, then and there to answer the Indictment prefered against him by the Grand Jury of Travis county, at the Spring Term 1870, for Theft from a House, and that he do not defart the Court without leave.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Saturday, October 29th 1870

Court met at 9 o'clock a.m. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

2058 The State of Texas v. S. Kirk. Comes the District Attorney and enters a Nolle Prosequi in this case. Whereupon It is ordered by the Court that the Defendant go hence discharged, and case dismissed.

2809 Quincy Davidson, Admr of Estate of Jesse O. Wheeler, vs. James W. Allen & Thos P. Hughes. The motion to confirm the sale made as thereon by the Report of Thos P. Hughes, Trustee, & filed herein on Jan. 7th 1870, coming on to be heard, the same being as follows, to wit: Quincy Davidson, Admr of Jesse O. Wheeler Decd. vs James W. Allen & Thos P. Hughes. No 2809. To the Hon. Judge of the Dis. Court of Travis Co. Tex. Sir: In obedience to your decree and order entered in the above entitled and numbered case, I did proceed to advertise and sell the tract of land specified therein, viz: 1293 acres, more or less, the property of Jas. W. Allen, & after having advertised the sale thereof for a space of time longer than twenty days, by notices, one of which was put at the Courthouse door of Williamson County & at two other public places in said county, did on the first Tuesday in December, 1869, being the 7th of said month, partition and divide said land into different parcels & offer to sell said lands at the Courthouse door of Williamson County, to the highest and best bidders, but finding said land so situated as not to be susceptible of division to be sold to advantage, & that the land as a whole could be sold to better advantage than the several parcels, I then on the 7th of December, within legal hours, at the door of the Courthouse aforesaid, offered & expose for sale the entire tract of land as aforesaid when Aaron Stiles bid therefor the sum of seventeen hundred and sixty five legal dollars, & that being the highest & best bid said land was knocked off to him - whereupon he paid me the sum of four hundred and forty-one 75/100 legal dollars & executed to me his note with security for the sum of thirteen hundred and twenty-three 75/100 legal Dollars, due 1st of October, 1870, to bear 10 per cent. after due, Whereupon I, as a Commissioner, under said decree, executed to said

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Stiles a deed for the whole of said land mentioned therein, & the said Stiles thereupon executed to me a trust deed empowering me or Jno. A. Green to sell said land at the courthouse door in Georgetown, after giving 20 days notice, in case said Stiles should fail to pay said note at maturity. The charges, commissions & expenses for selling said land &c amount to dollars. For a bill of particulars reference is made to Exhibit "A" hereto attached & made a part hereof. All of which is respectfully submitted & prayed to be confirmed. Thomas P. Hughes, Commissioner.

The State of Texas } Before me this day personally appeared
Williamson County } T. P. Hughes, who on oath states that the above is a correct statement of his acts & doings under said order of sale, & that they are in true. Sworn to & subscribed before me this the day of Dec. 1869. To certify to which I hereunto set my hand & seal of office Lyman Sheffer, Clk. D.C. W.C.

Exhibit A Charges, commission & expenses. Commission of 5 per cent. on $441.25 $22.02
Writing deed to A. Stiles, purchaser 5.00
Stamps on Deed 2.00
Writing trust deed 5.00
Plating, Land & showing corners & lines of land & the premises to those wishing to buy 15.00
Clk's Travis Co. fees in said case 15.30
Co. Clk. of Williamson Co. fees for acknowledging & recording trust deed 1.75
$66.11

Dis. Clk. of Travis Co. fees for filing this Report & entering order thereon

And the Court being advised thereon and it appearing to the Court that the sale was fairly made It is ordered & decreed by the Court that the said sales made by so Thos. P. Hughes on Dec. 7, 1869, to Aaron Stiles, of the land described in the decree herein be & the same is, in all things confirmed; that the charges & expenses so far & to the extent as reported by so Trustee, be allowed.

1528. J. S. Thompson vs. J. Dyches, et. als. And now comes the Clerk and moves the Court to require the plaintiff herein to furnish additional security for the cost of this suit, the present security being insufficient, It is ordered that the motion being allowed, Pff's attorney not resisting the same. And it is ordered that in failure to comply with said rule by the next term of this Court, that the same shall be dismissed, plaintiff's attorney being present and notified.

3005 E. G. Banks v. Thos. P. Burditt. Upon motion of the Clerk It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit by the next term of this Court, the attorney for the plaintiff being present and notified.

Monday, Octoter 31st 1870.

2381 Thomas F. McKinney vs W. H. Semmons, et. als.

On consideration of the motion in this case made by J. C. Petmecky, It is adred, adjudged and decreed that the judgment hereinbefore, at a previous day of this term of the Court, rendered against the said Petmecky be set aside upon payment of all costs incurred in consequence of the said Petmecky being made a party, and that the said Petmecky be allowed to plead ifqualey. Whereupon the said Judgment, as to said Petmecky, being set aside, the said Plaintiff by attorney dismissed the cause as to the said Defendant Petmecky, And it is therefore ordered that the said Petmecky go hence without day, and pay the cost so incurred by him, for which execution may ifsue.

2965 Nichols and wife v. Susan Page. Come the parties by their attorneys and the motion of the plaintiffs to reinstate this cause upon the docket, coming on to be heard, and the same being argued and duly considered, It is ordered that the said motion be overruled.

And thereupon Court adjourned till Monday morning at 9 o'clock.

Monday, October 31st 1870.

Court met at 9 o'clock, A. M. pursuant to adjournment. The Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2744. Headley Polk vs C. W. Whitis. And now on this day came the parties to the above entitled cause by their attorneys, And thereupon came on to be heard the motion for a new trial heretofore filed by the Defendants. And the points of law arising thereon being presented and argued by counsel, and being well understood by the Court, It is ordered that the same be overruled. And thereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

2079 The State of Texas v. Henry. Williams. And now on this day came the parties by attorney, the Defendant coming also in person And the parties announced themselves ready for trial. And waiving a Jury agree to submit the case to the Court. And thereupon the Defendant enters a plea of guilty to the charges of an aggravated assault contained in the Indictment And thereupon It is considered by the Court that the State of Texas do have and recover of and from the Defendant, Henry Williams, the sum of One Hundred Dollars fine for an Aggravated Assault and Battery, to which said Defendant pleads guilty, together with all the cost of this prosecution, and that he stand committed to the County Jail until the same are paid in full.

2111 The State of Texas v. Margaret Jarret. And now on this day came the District Attorney who prosecutes for the State in this behalf. And came also the Defendant in person and also by attorney. And

Monday, October 31st 1870.

the parties thereupon announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of J. H. Wacker and eleven others. And the Jury being tried, elected, empannelled and sworn according to law, heard the Defendants plea of not guilty, the evidence introduced by the parties, the argument of counsel and the charge of the Court, retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess his punishment at confinement in the Penitentiary for two years. J. H. Wacker, Foreman." Whereupon It is ordered that the Defendant stand committed to await judgment and sentence.

2121 The State of Texas v. Martha Donaldson. And now on this day came the District Attorney, who prosecutes for the State in this behalf, and came also the Defendant in person and also by attorney, and the parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of James R. Cummings and eleven others, who were tried, elected, empannelled and sworn according to law. And thereupon the Defendant enters the plea of ~~not~~ guilty to the charges contained in the Indictment. And the jury having heard the plea of guilty and the charge of the Court, returned the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess the punishment at 10 days in the State Penitentiary. James R. Cummings foreman." And thereupon It is ordered that the Defendant stand committed to await Judgment and sentence.

2074 The State of Texas v J. C. McCurdy. Come the parties by their attys and then came on to be heard Defendants motion for a new trial and to set aside the verdict in this cause. And the motion being considered by the Court, It is ordered that the same be overruled.

1945 The State of Texas v. Sanford Vance. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and also by attorney. And thereupon the parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of James R. Cummings and eleven others, who were tried, elected, empannelled and sworn according to law. And thereupon the Defendant being arraigned pleads not guilty to the Indictment. And the Jury having heard the plea, the Indictment, the evidence, argument of counsel and the charge the Court, retired to consider of their verdict. Whereupon said jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess the punishment two years in the State Penitentiary. James R. Cummings, foreman." Whereupon It is ordered by

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the Court that the Defendant stand committed to await judgment and sentence.

V 2127 The State of Texas v. Eugene Harris. Cause continued as on affidavit of Defendant

And thereupon Court adjourned until 9 o'clock to-morrow morning.

Tuesday, November 1st, 1870

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

V 2107 The State of Texas v. Lewis Taylor. Ordered that this cause be continued as by agreement, and that the bail be fixed at $100. And thereupon came the Defendant, Lewis Taylor, who, as principal, and Thomas Dietrich and T. T. Pendley, as his securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the just and full sum of One Hundred Dollars, to be levied upon their goods and chattels, lands, tenements and estate. But to be void, nevertheless, upon condition, that the said Lewis Taylor make his personal appearance before the Hon. District Court of Travis county, to be held at the Court-house thereof at the City of Austin, on the first Monday in February, 1871, then and there to answer the Indictment preferred against him by the Grand Jury of Travis at Octobr Term county, 1871, for Theft from a House, and that he do not depart the Court without leave.

V 2119 The State of Texas v. B. C. Giles, et. als. And now come the parties and announce themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of J. H. Walker and eleven others, who being duly tried, elected, empanneled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendants not guilty as charged in the Indictment. J. H. Walker, foreman." Whereupon It is ordered that the Defendants B. C. Giles, William Haynes and Thomas Rass go hence fully acquitted and discharged.

V 2114 The State of Texas v. Matthew Pace. And now on this day came the District attorney, who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney, and the parties thereupon announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of J. J. Miller and eleven others, who being tried, elected, empanneled and sworn according to law, heard the defendant's plea of not guilty, the evidence, the argument of the

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counsel and the charge of the Court. And thereupon the Jury retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty & assess the punishment of five years in the State Penitentiary. J. J. Miller, foreman." Whereupon It is ordered that the Defendant stand committed to the County Jail to await judgment and sentence

And thereupon Court adjourns until to-morrow morning at 9 o'clock.

Wednesday, November 2d, 1870

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

John P. Fowler. And now on this day came David Sheeks, Esq., and presented to the Court the written application of John P. Fowler, Esq., praying to be admitted to practice in the District and Inferior Courts of this State. And it appearing to the Court that the said John P. Fowler has produced here a license from the Supreme Court of the District of Columbia that he has heretofore been duly admitted to practice as an attorney and counsellor at law in said Court, and producing satisfactory evidence that he is a man of good reputation for moral character and honorable deportment, It is ordered that the said application be granted, and that the said John Preston Fowler be admitted to practice as an attorney and counsellor at law in the several District and Inferior Courts of this State, upon taking the oath prescribed by law, and that a Certificate issue to him accordingly.

1649 The State of Texas v. Blount. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant by his attorney, Thomas E. Sneed, Esq. And thereupon the parties announced themselves ready for trial, and waiving a Jury submit the cause to the Court. And the Defendant to pleads guilty to the Indictment. Whereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Thomas W. Blount, (Legislator) the sum of ~~five~~ ten Dollars, fine, which the Court now here assesses, together with all the costs of this suit, for which a capias may issue to collect.

1985 The State of Texas v. Joseph Owens. comes the District Attorney and enters a nolle prosequi in this case. And it is ordered that the cause be dismissed and the Defendant discharged.

1986 The State of Texas v. Buck Solomon. comes the District Attorney and enters a nolle prosequi in this case, And it is ordered that the cause be dismissed and the Defendant discharged

2006 The State of Texas v. Riley Spence. Ordered that this cause be continued as upon affidavit of the District Attorney who represents the State.

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2033 The State of Texas v. Thomas Bowles.
2034 The State of Texas v. Thomas Bowles
2035 The State of Texas v. Thomas Bowles
2038 The State of Texas v. Charles Taylor Tenget
2039 The State of Texas v. Charles Tenget
2050 The State of Texas v. M. Woodlief
2051 The State of Texas v. John Bond
2052 The State of Texas v. Thomas Tucker

Ordered, upon motion of the District Attorney that the above and foregoing causes be dismissed from the Docket, and that the said Defendants go hence discharged.

2049 The State of Texas v. E. Bordin. Continued by agreement
2059 The State of Texas v. Matt. Good. Cause dismissed and Deft. discharged.
2065 The State of Texas v. O. H. Meroney. Cause dismissed and Deft. discharged.
2076 The State of Texas v. Thomas Gates. And now on this day came the Defendant Thomas Gates, who, as principal, with E. Higby as his securities, who acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of one hundred fifty dollars, to be levied upon their goods and chattels, lands, tenements and Estate, But to be void, nevertheless upon condition that the said Thomas Gates make his personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in the City of Austin on the first Monday in February, 1871, then and there to answer the indictment prefered against him by the Grand Jury of Travis county, at the October Term, 1870, for Theft of a Pistal, and that he do not depart the Court without leave.

2081 The State of Texas v. Berry Davis. Continued by agreement.
2084 The State of Texas v. Abe Williams. And now comes Abe Williams, who, with Wash. Spencer as his security, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of fifty Dollars, to be levied upon their goods and chattels, lands, tenements and Estate, But to be void nevertheless upon condition that the said Abe Williams make his personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in Austin on the first Monday in February, 1871, then and there to answer the Indictment prefered against him by the Grand Jury of Travis county, at the October Term, 1870 for the Theft of a Cow, and that he do not depart the Court without leave.

2087 The State of Texas v. Richard Meeks. Continued by agreement.
2103 The State of Texas v. Richard Meeks. Continued by agreement.
2110 The State of Texas v. J. W. Olivier Atty. Pros. entered & case dismissed.
2113 The State of Texas v. Silas Rawles et als. Continued by agreement.
2117 The State of Texas v. Silas Rawles, et. als. Continued by agreement.
2122 The State of Texas v Nathan Irwin Continued by agreement.

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2132 The State of Texas v. John Grumbles. And now on this day came the District Attorney who prosecutes for the State in this behalf, and the Defendant came in person and by attorney; and the parties announced themselves ready for trial. When came a Jury of twelve good and lawful men of Travis county, consisting of E. H Darter and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. And then the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty E. H Darter, Foreman." Whereupon It is ordered by the Court that the Defendant go hence fully acquitted and discharged.

2098 The State of Texas v. Julien Gros. This cause being called for trial the Defendant Julian Gros failing to appear and answer to the Indictment in this cause, he and his securities William Ogle, William Gates and Tilman Pendley being distinctly called at the door of the Courthouse of Travis county; and the Defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant, Julien Gros with the said William Ogle, William Gates and Tilman Pendley as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 19th day of May, 1870 payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said Defendant Julien Gros make his personal appearance at the District Court of said County of Travis on the 1st Monday in September, 1870 to answer the charge of Stealing certain Pants, the property of one Louis Genton, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Julien Gros the said sum of One hundred Dollars principal, and the said William Ogle, William Gates and Tilman Pendley as his securities, the said sum of One hundred Dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Julien Gros did not appear. And further ordered that citations do issue to the said securities.

2105 The State of Texas v. Prefecto Lopez. And now on this day came the District Attorney who prosecutes for the State in this behalf and the Defendant came by his attorney Thomas E. Sneed, Esq. And thereupon the Defendant pleads guilty to the Indictment. And the parties agree to waive a Jury and submit the case to the Court. And the Court here assessing the fine at three dollars, It is ordered that the State of Texas do have and

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recover of and from the Defendant Rufecto Lafio the said fine of three Dollars and all the cost of the prosecution, and that a capias ifsue to enforce the collection of the same

J V 2755 L D. Carrington & Co. v. W. O. Martin. And now at this day came the parties to this cause by their attorneys and announced themselves ready for trial. And the exceptions of the Defendant to the petition being heard and considered, It is ordered that the same be overruled. And the plaintiffs L. D. submitting the notes sued on, in evidence, And because the plaintiffs cause of action is liquidated as therein by the notes produced, It is ordered that the clerk here afsefs the damages, And the amount found due being three hundred and sixteen Dollars, It is ordered, adjudged and decreed that the Plaintiffs L. D. Carrington and David Clark, under their firm name of L. D. Carrington & Co. do have and recover of and from the Defendant, W. O. Martin, the sum of three hundred and sixteen Dollars being the amount due on the notes sued on up to this date, with ten per centum per annum interest thereon from this date until paid, together with all the cost heretofore taxed, for which execution may ifsue.

And Court adjourned till to-morrow morning at 9 o'clock.

Thursday, Nov. 3d. 1870

Court met at 9 o'clock A M pursuant to adjournment. Present the Hon. J. P. Richardson Judge 27th Judicial District presiding. And thereupon the following proceedings were had by said Court, to wit:

J S. Mufina And now comes S. Mufina, bringing a certificate representing that he is over the age of twenty-one years, has resided in Texas for more than 12 months, that he is a man of good reputation for moral character and honorable deportment, and praying for a license to practice as an attorney and counsellor at law in the several District and Inferior Courts of this State, and to this end that a Committee be appointed to examine him in open Court as to his qualifications. And thereupon It is ordered that Messrs Walker, Alexander and Doug be appointed a committee to examine the said applicant in open Court as to his qualifications.

J 2125 The State of Texas v. James McGuire. And now on this day came the District Attorney who prosecutes for the State in this behalf and came also the Defendant in person and also by attorney. And thereupon the parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of and eleven others, who were tried, elected, empanelled and sworn according to law. And the jury having heard the Defendants plea of not guilty, the evidence introduced by the parties, the argument of counsel, and the charge of the

Friday, November 4th 1870.

Court, retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, for the Defendant came into Court, after a very lengthy deliberation, and returned that they were unable to agree, and that there was no prospect of their making up a verdict. Whereupon It is ordered that the Jury be discharged, and a mistrial be awarded.

And Court adjourned till to-morrow 9 o'clk a.m.

Friday, November 4th 1870

Court convened at 9 o'clock, A.M. pursuant to adjournment, the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2934 R. S. Rust v. J W Chandler. Comes the clerk and requests the Court to require the Plaintiff to enter into bond and security for the cost of this suit. And It is ordered that the said Plaintiff comply with said rule on or before the next term of this Court, otherwise the suit will be dismissed, plaintiffs attorney being present and notified.

2938 John P. White v. Clements. Comes the clerk and moves the Court to require the Plaintiff in this cause to enter into bond and security for the cost of this suit. And it is ordered that said Plaintiff comply with said motion on or before the next term hereof, the attorney for the Plaintiff being present and notified.

1961 The State of Texas v. Jack Pruitt. Ordered, on motion, that the Indictment be quashed, cause dismissed, and Defendant go hence discharged.

1998 The State of Texas v. William Beard. This cause being called for trial the Defendant William Beard failing to appear and answer to the Indictment in this case, he and his securities Wm C. Beard and J. A. Denson being distinctly called at the door of the Courthouse of Travis county, and the Defendant after a reasonable length of time still failed to appear. And it appearing to the Court that the Defendant William Beard, as principal, and the said Wm C. Beard and J. A. Denson, as his securities, did execute the bail bond on file in this case substantially as follows: Dated 22d. day of October, 1869, payable unto The State of Texas in the sum of twelve hundred dollars, conditioned that the said Defendant William Beard make his personal appearance at the District Court of said County of Travis on the first Monday in March, 1870, to answer the Indictment preferred against the said Defendant William Beard, by the Grand Jurors of Travis County, at the Fall term 1869 for Theft of Horses, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And this considered by the Court that the State of Texas do have and recover of the said William Beard the said sum of Twelve Hundred Dollars; and of his said securities the sum of Twelve Hundred Dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant William Beard did not appear. And further ordered that citations do issue to the said securities.

Friday, Nov. 4th 1870.

2047 The State of Texas v. Charles Bean. This cause being called for
V trial the Defendant Charles Bean failing to appear and answer
to the Indictment in this case, he and his securities J. P. Allen and
B. M. Smart being distinctly called at the door of the Courthouse
of Davis county, and the Defendant, after a reasonable length of time
still failed to appear. And it appearing to the Court that the defendant
Charles Bean as principal, and the said J. P. Allen and B. M. Smart
as his securities, did execute the Bail Bond on file in this case,
substantially as follows: Dated 20th day of November 1869 payable
unto The State of Texas in the sum of One Thousand Dollars, condi-
tioned that the said Defendant Charles Bean make his personal
appearance at the District Court of said County of Davis on the
first Monday in March 1870, to answer the charge of robbing Wm.
Oliphant on the highway of one horse and buggy, and there remain
from day to day, and from term to term of said Court, and that he
do not depart thence without leave of said Court, which said bond is
forfeited. And it is considered by the Court that the State of Texas do
have and recover of the said Charles Bean the said sum of One
Thousand Dollars, and of his said securities the sum of One Thous-
and Dollars, and that this Judgment will be made final unless good
cause be shown at the next term of this Court why the said Defendant
Charles Bean did not appear. And further ordered that citations
do issue to the said securities

2086 The State of Texas v. Silas Rawles. Nol. Pros. and case dismissed.

2093 The State of Texas v. J. C. McGrudy. Nol. Pros. and case dismissed.

2116 The State of Texas v. Matthew Pace. Nol. Pros. and case dismissed.

2134 The State of Texas v. Frank Soles. Nol. Pros. and case dismissed.

2948 Fred. W. Chandler and Fred Carleton v. Charles A. Sottman and
V M. H. Bowers. In this case on this day appeared the plaintiffs
by attorney. And it appearing to the Court that the said Defendants
had been legally cites to appear and answer the suit of the
said plaintiffs. And it further appearing that on the call of the
appearance docket by the District Judge there was no appearance
entered on the Docket for the said Defendants in the said Original
suit, It is therefore ordered by the Court that a Judgment final
by default be entered against said Defendants And it appearing
further to the Court that this cause is founded on a liquidated
demand, to wit: a promisory note. And the Clerk of this Court
having assessed the Damages to the said Plaintiffs; and it ap-
pearing to the Court from said assessment that the said De-
fendants are indebted to and due the said plaintiffs principal
and interest the sum of thirty nine $\frac{97}{100}$ Dollars, It is therefore
ordered, adjudged and decreed by the Court that the Plaintiffs Fred.
W. Chandler and Fred. Carleton do have and recover of and from
the Defendants Charles A. Sottman and M. H. Bowers the sum
of thirty nine $\frac{57}{100}$ Dollars, together with interest thereon from this date

Friday, Nov. 4th 1870.

at the rate of ten per cent per annum. And it is further ordered, adjudged and decreed by the Court that the said plaintiffs recover of and from the said Defendants, for the use of the officers of this Court and the Justices Court all costs in this behalf expended, for all of which execution may issue.

2467 John P. White v. A. J. Hamilton, et als. On application in open Court by the Attorney General representing the State and after argument of counsel, It is ordered that the motion filed to set aside the Judgment of disinissal entered at this term be granted, and that said Judgment be set aside accordingly. And that thereupon It is ordered, adjudged and decreed that this case, so far as the Plaintiff is concerned, be dismissed at his costs. And the said Judgment set aside be reformed and re-entered as follows: to wit: It is ordered, and decreed, that this case, so far as the plaintiff only is concerned, be dismissed at his costs. And thereupon It is ordered that the said plaintiff, John P. White, and the securities on his cost bond, to wit. J W. Chandler and Geo. W. White, pay the cost ~~hereof~~ of this suit for which execution may issue. And it being suggested that Edmund J. Davis is now Governor of the State of Texas, It is ordered that he be substituted as Intervenor in behalf of the State in the place of E. M. Pease, the late Provisional Governor, and that he recover Judgment against the Defendant James H. Raymond for the amount in gold coin of the United States admitted by said Raymond by his sworn answer to be in his hands - that is to say for five thousand nine hundred and fifty nine Dollars and eighty four cents ($5.959.64) for which execution may issue

1887 L. Tellman v. C.R. Johns. And now on this day came the parties to this cause by their attorneys, and the Defendant submitted to the Court his motion for a new trial in this cause. And the same being argued and well understood by the Court It is ordered that the same be ~~overruled~~ granted.

2801 Geo. Hancock v. D. M. Wilson This day came on to be heard the motion filed herein for a new trial. And the case being heard and argued It is ordered that the same be granted on payment of the costs of this term of the Court, for which execution may issue against the said D. M. Wilson.

2381 Thos. F. McKinney v. W. H. Semmons, et als. On consideration of the motion in this case made by A. S. Roberts, It is ordered, adjudged and decreed that the judgment heretofore, at a previous day of this term of the Court, rendered against the said ~~Robertson~~ A. S. Roberts be set aside upon payment of all costs incurred in consequence of the said A.S. Roberts being made a party, and that the said ~~Robertson~~ Roberts be allowed to plead issuably. Whereupon the said judgment, as to said Roberts being set aside the said Plaintiff by attorney dismissed the cause as to the said Defendant Roberts. And it is therefore ordered that the said Roberts go hence without day, and pay the cost so incurred by him, for which execution may issue.

Friday, Nov. 4th 1870.

2886 Geo. Hancock v. Matthew Brown. Ordered that this cause be continued to await the judgment in the case No. 3996, of Beckley v. Jones.

2911 The State of Texas v. John Henry Brown, et. als. Defendant in this case, upon motion, has leave to amend further.

2071 The State of Texas v. John Watson. The prisoner was again placed at the bar, when he withdrew his appeal; and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner John Watson is, and he is hereby adjudged to be guilty of Felony, as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of ten years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the agent or Superintendant of said Penitentiary to be by him safely confined at hard labor for the space of ten years.

2073 The State of Texas v. Wm Martin. The prisoner was again placed at the bar in the County custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury, who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner William Martin is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendant of said Penitentiary, to be by him safely confined at hard labor for the space of two years.

2074 The State of Texas v. Gus. Garcia. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Gus. Garcia is, and he is hereby adjudged to be guilty of Felony, as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary

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of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of five years.

2077 The State of Texas v. Allen Sheppard alias Ferdinand Sheppard The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury, who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Allen Sheppard, is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the agent or Superintendant of said Penitentiary, to be by him safely confined at hard labor for the space of five years.

2078 The State of Texas v. Sanders Stone. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Sanders Stone is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of three years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the agent or Superintendant of said Penitentiary to be by him safely confined at hard labor for the space of three years

2094 The State of Texas v. J. C. McGrudy. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had any thing to say why Judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner J. C. McGrudy is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the

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Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of seven years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendant of said Penitentiary to be by him safely confined at hard labor for the space of seven years.

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2111 The State of Texas v. Margaret Garet. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if she had anything to say why judgment should not be entered and sentence pronounced against h~~er~~, according to the verdict of the Jury who tried h~~er~~ cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Margaret Garet is, and she is hereby adjudged to be guiety of Felony as in the Indictment against h~~er~~ in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the Jury as aforesaid, And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver h~~er~~ to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years.

V

2114 The State of Texas v. Matthew Pace. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why Judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Matthew Pace is, and he is hereby adjudged to be guiety of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years.

V

1945 State of Texas v. Sanford Vance. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Sanford Vance is, and he is hereby adjudged to be

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guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of ~~two~~ years.

1988 The State of Texas v. William Humphreys. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner William Humphreys is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years.

2968 F. W. Chandler v. Thomas J. Pitts. In this case appeared the parties Plaintiff and Defendant by their attorneys and waived a Jury and submitted the matters in controversy to the Court. After hearing the evidence introduced by the parties, It is ordered, adjudged and decreed by the Court that the plaintiff, F. W. Chandler, do have and recover of and from the Defendant Thomas J. Pitts the land sued on in this case and described in plaintiff's petition, Situated in the County of Travis and State of Texas upon the waters of Walnut creek and being a part of a Survey made for Henry Terocheron, by virtue of the headright certificate of John Applegate, said tract being described as follows Beginning at the East corner of the George W. Davis Survey a stake. Thence North 30° East 500 varas to a stake the West corner of a tract of One hundred and fifty acres of land sold by R. A. Rutherford to George Saunders. Thence South 60° East 820 varas to a stake, the South corner of the said Saunders tract. Thence South 27° West 1073 varas to a stake. Thence South 60° East 120 varas to a stake. Thence South 30° East 377 varas to a stake in the line of said Applegate Survey. Thence North 60° West 1090 varas to a stake in the line of the G. W. Davis Survey. Thence North 30° East with said Davis line to the place of beginning, containing about two hundred and ninety-two acres of land. It is further ordered, adjudged and decreed by the Court that the title of the foregoing tract or parcel of land be and the same

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is hereby divested out of the said Defendant Thomas J. Pitt and vested in the Plaintiff F. W. Chandler. And that a writ of Possession issue for the same. It is further ordered, adjudged and decreed by the Court that the Plaintiff do have and recover of and from the Defendant Thomas J. Pitt all the cost of this suit, for which execution may issue.

And Court adjourned till to-morrow 9 o'clock a.m.

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Court met at 9 o'clock, a.m. Pursuant to adjournment, the Hon James P Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

S. Mufina — The committee heretofore appointed to examine into the qualifications of S. Mufina to practice as an attorney and counsellor at law, having made their Report, and it appearing that the committee having in open Court examined the said applicant, and being satisfied of his legal qualifications, It is ordered that the clerk shall make out a license for the said applicant. And the said S. Mufina is hereby authorized and permitted to practice as an Attorney and Counsellor at Law in the Several District and Inferior Courts of this State

2750. J. Davis, Jr. vs. A. H. Cook et al. And now on this day came the parties by their attorneys, and by their consent It is ordered, adjudged and decreed by the Court that the Injunction in this case be, and the same is hereby dissolved. And by consent it is further ordered adjudged and decreed by the Court that this case be dismissed, and that the Defendant A H Cook pay all the cost in this behalf expended, for which execution may issue

2241. Wm S Carothers vs E Sampson, W. H Calvert, et al. In this case appeared the parties plaintiff and Defendants, and submitted to the Court an agreement entered into by the parties on the 25th day of February, 1868, and asked that Judgment may be rendered in conformity to said contract and agreement, which is in the words and figures as follows, to wit: This agreement made and entered into on this the 25th day of February, 1868. by and between William S Carothers and Gilbert A. Searight of the first part, both of the County of Burnett and State of Texas and H H. Calvert, R R. Kelly and John Davis, also of said County of Burnett, and D. C. Barmore of Brazos County in said State of Texas, of the second part, Witnesseth: That said parties of the second part being named as trustees of certain property set out and described in the last will and testament of Peter Kerr, Deceased, late of said County of Burnett, which portion of said will is contested as to the facts and clauses thereof appointing said parties trustees and placing said property therein specified, under their control and management, and both said parties being desirous of determining said

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contest, and said second party being desirous of being released from their said trusteeship, and all responsibility for or on account of said property and delivering up the possession of all the property bequeathed to them in trust in said will, and resigning their said trust. Have on the terms and conditions hereinafter set forth, and by these presents do hereby agree to confess error in the suit now pending in the Supreme Court of the State on appeal from Davis County District Court wherein W. S. Carothers is Plaintiff and E. Sampson et als are Defendants as trustees of the last will and testament, and when said suit is reversed and remanded, to withdraw their defence in said suit, and allow the said W. S. Carothers to take judgment and decree, annulling and setting aside the trust part of the will of Peter Kerr, but not to have any judgment for damages and costs against the Defendants. And the said parties of the second part hereby release and abandon all management and control over said property as the trustees of said estate or individually, and agree that the said Carothers and Searight may take possession of the same for themselves and the other heirs of Peter Kerr upon the condition that they are not to be held liable by the heirs of Peter Kerr for any loss or deficit in said property, or to pay any costs that have heretofore been incurred for or on account of the same. In consideration of which said first parties by bond bearing even date with these presents bind and obligate themselves and securities to said second party to protect and hold them harmless of any and all damages that may be recovered of said second party by reason of their renunciation of said trust, or for or on account of their delivering up and turning over to said first party all said property as aforesaid set out, described and enumerated in said will (as in any manner placed under or subject to their control and authority. It is further understood and agreed as between the said Carothers and the said Searight that all the act or acts, contract or contracts, made, done and performed or entered into by the said Carothers acting either as Administrator or executor or as heir of said estate of said Kerr deceased, and especially the contract and agreement made and entered into by him with John Hancock and George W. Paschal as attorneys and counsellors at law to contest the validity of said will, be and the same are by the said Searight by these presents, in consideration of the said Carothers joining herein, and for other good and sufficient considerations fully ratified and confirmed as binding and obligatory on him as if done by himself. In testimony of all which the parties hereto set their hands and seals (seals being used) the day and date first written.

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W. S Carothers
G.W. Scaright
John Davis
H. H. Calvert
R. R. Kelly
James P. Magill
D. C. Barmore

The foregoing contract is recorded in Book C Bunnett county records pages 20 and 21. It is therefore ordered, adjudged and decreed by the Court that the last will and testament of Peter Kerr, dated the 18th day of November, 1861, as attempted to vest apart of his estate in O Sampson, H. H. Calvert, John Rowland, John Davis, D C. Barmore, J M. Tomlinson and R R Kelley in trust as Commissioners for the purposes as therein expressed, be and the same is by virtue of this decree annulled, set aside and held for naught; and that the above named Commissioners, and all others claiming under, by or through them in their capacity assigned in said will, as Commissioners claiming to hold the Estate of the said Peter Kerr, in trust, be and the same is hereby divested out of them, and their authority as such Commissioners and trustees, is hereby annulled and held for naught. It is further ordered, adjudged and decreed by the Court that said Commissioners and trustees in said will be and they are hereby absolved and released from all liability for or on account of any part or parcel of the estate of the said Peter Kerr, that they may have had in their possession or disposed of for or on account of any loss that has or may hereafter be sustained by the parties interested in said estate for or on account of said Commissioners, and that they go hence without day. It is further ordered, adjudged and decreed by the Court that the Defendants do have and recover of and from the plaintiff William S. Carothers all the costs of this suit, for which execution may issue.

2923. The State of Texas v Anderson Deroin Come the parties And the Defendants sworn application for the setting aside of the judgment rendered in this cause being heard and considered, It is ordered that the judgment herein be set aside as to the principal be set aside, vacated and held for naught, But that said judgment remain in force as to the cost.

3020 Elizabeth Remond vs Thomas L McKinney. And now on this day appeared the parties to this cause by their attorneys and announced themselves ready for trial. And the Court parties waived a jury and submit the case to the Court. And the Court having heard the pleadings read, the evidence, and the admissions of the parties, and the case being well understood It is ordered, adjudged and decreed by the Court that the judgment rendered in this cause on or about the 21st Day of November, 1865,

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in favor of John Bremond against Thomas F. McKinney for the sum of $6190.38 Record the same is hereby revived, it having become dormant on account of failure to issue execution within the time required. And it appearing that Elizabeth Bremond is the surviving widow of said John Bremond, and has filed an Inventory, this judgment is revived in her name. And it is therefore ordered, adjudged and decreed by the Court that the said Elizabeth Bremond, surviving wife of John Bremond, do have and recover of and from the said Thomas F. McKinney the sum of Nine Thousand two hundred and fifty seven and 82/100 Dollars, being the amount of principal and interest due on the said judgment up to this date, together with interest thereon at the rate of ten per centum per annum from date till paid, together with all the cost of this suit, for which execution may issue.

2647 Wheeler v. McGehee, et al. Comes the Clerk and requests the Court to order the plaintiff to enter into bond and security for the cost of this suit. And thereupon It is ordered that the said plaintiff do comply with said rule on or before the next term hereof the attorney for the plaintiff in this case being present and notified.

2075 The State of Texas v. J. W. Simmons Come the parties by their attorneys and the Defendant submitted to the Court the motion for a new trial heretofore filed by him. And the Court hearing the same, the argument of counsel thereon and the same being well understood by the Court, It is ordered that the motion be overruled

2112 The State of Texas v. Aleck Fowler. And now at this day came the District Attorney who prosecutes for the State in this behalf and the Defendant appeared in person and also by attorney, when came on to be heard said defendants motion for a new trial And the same being duly considered, It is ordered that said motion be allowed, that a new trial be granted, and that the cause be continued for hearing at the next term hereof.

2057 The State of Texas v. Perry Baker. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury, who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Perry Baker is, and he is hereby adjudged to be guilty as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of five years, as found in the verdict of the Jury as aforesaid. And it is

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ordered that the Sheriff of Travis County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years.

2075 The State of Texas v. J. W. Simmons. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the said prisoner J. W. Simmons is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the Period of five years, as found in the verdict of the jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years. And thereupon the Defendant gives notice in open Court of an appeal to the Supreme Court, from the said sentence.

2112 The State of Texas v. Alex Fowler. Ordered that the Defendant in this cause be admitted to bail, and that his bond be fixed at one thousand Dollars

Order for clerk And thereupon It is ordered that the Clerk of this Court is authorized to charge for demand and receive fees at the following rates for services not mentioned in the fee bill:

For every Interlocutory Order or final decree rendered in any cause pending in this Court, twenty cents for every hundred words

For every order of sale or other process not in the nature of an ordinary execution or citation, twenty cents for every hundred words

For entering of record the filing of an answer, fifty cents

For preparing every Slip in any cause under act of the 12th Legislature, fifty cents

And it is further ordered that the Clerk of this Court be allowed the sum of One hundred and twenty dollars for extra services at this term of the Court, and that the County Treasurer of Travis county be authorized and required to pay the same upon presentation of a certified copy of this Order.

2195. W. E. Goodrich & others vs Mrs. M. A. Goodrich & others.

This Cause was again heard on this the 5th day of November 1870, before his honor J. P. Richardson Judge presiding the District Court for the County of Travis. On the report of the Commissioners heretofore appointed by a decretal Order of said Court in this Cause. Which report is in the words

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and figures following, to wit: "To the Hon. District Court for the County of Travis, Oct Term 1870. We the undersigned Commissioners appointed by said Court at said term in a certain cause therein pending wherein W E Goodrich & others are petitioners, for the partition and distribution of real estate, and Mrs M A Goodrich and others are defendants, Make the following report to the Court.

We have carefully examined, and valued the real estate belonging to the estate of the late S W Goodrich Dec. it being the upper portion of the Isaac Decker headright league on the west side of the Colorado river about a mile from the City of Austin. In alloting and setting apart to the respective distributees their shares; we have taken into consideration the advancements made, and improvements made, where the distributees did not get the portion improved.

This we have allotted and set apart to S E Goodrich.

No 1. 6 acres of land 62.50 per acre	375.00
46 acres. Part at $25.00 &c	2237.16
	2612.16

To Mrs J Boardman

No 2. 11 acres land at 62.50	687.50
19 acres at 25 ¢	475.00
	1162.50
Advancement	1500.00
	2662.50
Less. Cash to be paid to W E Goodrich	50.33
	2612.17

To Mrs Lucy Davis

No 3. 49 acres field & pasture	2387.16
Advancement	225.00
	2612.16

To Miss Bettie Goodrich

No. 4. 64½ acres land field & pasture	2048.16
20½ acres out land	246.00
26½ acres " "	318.00
	2612.16

To Miss J E Goodrich

No 6. 70 acres land field & pasture	1994.16
48 acres out land	576.00
To improvements in breaking land	42.00
	2612.16

No 5 is the dower land of Mrs M A Goodrich consisting of 336 acres, with the improvements &c.

To B G Goodrich

No 7. 19½ acres field and out land	362.16
Advancement	2250.00
	2612.16

To Mrs Alberta Adams

No 8. 30 acres out land	354.16
Advancement	2250.00
To improvement in breaking land	8.00
	2612.16

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To Mrs L Thornton

No 9. 42½ acres out land	508.66
Advancement	2153.50
	2662.16
Less in value for improvements in breaking land	50.00
	2612.16

To W E Goodrich

No 10. 26½ acres land	318.00
Advancement	2250.00
To be paid by Mr Boardman	50.33
	2618.33
Except of $6.17	6.17
	2612.16

This excep will be paid over to Mrs M A Goodrich, the dower is deficient that amount.

Mrs Thornton is to have the fence from her old cow pen to Capt Bowdin's fence, to be removed at her pleasure. Mr Boardman gets fifty dollars more that her share. W E Goodrich less. which accounts for her having to pay him that sum.

A plat of the land with the subdivision accompanies this report. also the field notes of the several lots, tracts or parcels of land as follows.

Plat and field notes of the subdivisions of S W Goodrich Dec'd tract of land being the upper portion of the Isaac Decker headright league.

No 1 (Consisting of 2 lots)

S W Goodrich

First. Beginning at the Mouth of Bartons Creek, Thence up said Creek S. 62 W 177 vs cor on Sycamore tree. Thence S 60 E 273 vs Stake in bottom field. Thence N 30 E 150 vs cor on S Bank of Colorado river. Thence up said river N 60 W 179 vs to beginning Containing 6 acres.

Second Beginning at lower Cor of first No 2. Thence South 30 W 865 vs to S E cor of No 3 Thence S 60 E 86 vs cor on W line of first No 6. Thence N 30 E 46 vs to N W cor of same. Thence S 60 E 281 vs to N E cor of same, Thence N 30 E 404 vs to S E cor of Jones & Zimpelman tract, Thence N 60 W 108 vs S W cor of same, Thence N 30 E 415 vs cor on S bank of River. Thence N 60 W up said river 259 vs to beginning Containing 46 acres

No 2 (Consisting of 2 lots.)

Mrs Fannie Boardman

First. Beginning at lower Cor, on River of first No 1. Thence S 30 W. 150 vs Stake in field. Thence N 60 W 273 vs to Sycamore tree on bank of Barton's Creek. thence up said Creek S 62 W 129 vs Cor. Thence S 60 E 443 vs to N E. Cor of No 3. Thence N 30 E 263 vs to River. Thence up the same N 60 W 102 vs to beginning. Containing 11 acres.

Second Beginning at S W Cor of No 3. Thence N 60 W vs cor on league line. Thence N 30 E 358 vs to league Cor. on Bartons Creek. Thence N 52 E 91 vs to large Pecan on bank of Bartons Creek Marked X. Thence S 41 E vs to Cor of No 3 Thence S 30 W vs to Beginning Containing 19 acres.

Mrs Lucy Davis

No 3.

Beginning at S W Cor. of Sec No 1. Thence N 60 W vs to S E Cor of Sec. No 2. Thence N 30 E vs to N E Cor. of same. Thence N 41 W vs to a large pecan tree marked X Thence down Barton's Creek N 62 E to upper corner of First No 2 Thence S 60 E 443 to S E Cor of same. Thence S 30 W 602 vs to beginning.

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Containing 49 acres

No 4 (Consisting of 3 lots)

First — Beginning at NW Cor of No 5. Thence N 60 W 242 vs Cor on W League line. Thence S 30 W 1504 vs to NW cor of No 7. Thence S 60 E 242 vs to NE cor of same. Thence N 30 E 1504 vs to beginning containing 64½ acres.

Sec'd — Beginning at NE Cor of No 9 Thence N 60 W 610 vs to NW Cor. of same. Thence N 30 E 190 vs to SW cor of Sec'd No 6. Thence S 60 E 610 vs to SE Corner of same. Thence S 30 W 190 vs to beginning containing 20½ acres.

Third — Beginning at SE Cor of No 10. Thence N 60 W 350 vs to SW cor of same. Thence S 30 W 428 vs cor. Thence S 60 E 350 vs cor on Capt Boulding's W line. Thence N 30 E 428 vs to beginning containing 26½ acres.

Mrs S Bettie Goodrich

(No 5.)

Beginning at NE Cor of First No 4. Thence S 30 W 1963 vs to SE Corner of No 7. Thence N 60 W 242 vs to SW Cor of same. Thence S 30 W 2681 vs to NW Corner of P Burchards 200 acre tract. Thence S 60 E 976 vs cor. from which a live oak 10 in dia brs N 73 W 2 vs 8 in dia brs S 67 E 2 vs. (old bearing trees) Thence N 30 E 465 vs to S E cor of Third No 4. Thence N 60 W 350 vs to SW Cor of same. Thence N 30 E 856 vs to NW Cor. of No 10. Thence N 60 W 260 vs SW Cor. No 9. Thence N 30 E 393 vs to SE Cor of No 8. Thence N 60 W 265 vs to SW cor of No 8. Thence N 30 E. 640 vs NW Cor of same. Thence S 60 E 265 vs to SW Cor of Glasscock 100 acre tract. Thence N 30 E 925 vs to NW cor of same. Thence S 60 E 329 vs SW Cor of First No 6. Thence N 30 E 1365 vs Cor. Thence N 60 W 450 vs Beg. Containing 336 acres.

Mrs Mary A Goodrich

No 6 (Consisting of 2 lots)

First — Beginning at NE Cor. of Glasscock 100 acre tract. Thence N 60 W 281 vs Stone Corner. Thence N 30 E 1411 vs Cor. Thence S 60 E. 281 vs to SE Cor of Sec'd No 1 Thence S 30 W 1411 vs to beginning Containing 70 acres.

Mrs Susanna Goodrich

Second — Beginning at SW Cor of Glasscock tract. Thence S 30 W 450 vs Cor. Thence S 60 E 610 vs cor. on Capt Boulding's W line. Thence N 30 E 450 vs SE Cor of Glasscock tract. Thence N 61 W 610 vs to beginning Containing 48 acres.

No 7.

Beginning at SW. cor of First No 4. Thence S 30 W 459 vs cor Thence S 60 E 242 vs Stone Mound Thence N 30 E 459 vs to SE. Cor. of First No 4 Thence N 60 W 242 vs to beginning Containing 19½ acres.

B G Goodrich

No 8

Beginning at SW Cor. of Glasscock tract. Thence N 60 W 265 vs Cor Thence S 30 W 640 vs Cor, from which an elm 8 in dia brs N 30 E 1 vs Thence S 60 E 265 vs to NW cor. of No 9. Thence N 30 E 640 vs to beginning Containing 30 acres.

Mrs E Thurston

No 9.

Beginning at SE cor of No 8. Thence S 30 W 393 vs Cor from Which a black jack 8 in dia brs N 6 W 2 vs. Thence S 60 E 610 vs to NE cor of No 10. Thence N 30 E 393 vs to SE cor. of Sec'd No 4. Thence N 60 W 610 vs to beginning Containing 42½ acres.

W E Goodrich

No 10

Beginning at SE cor of No 9. Thence N 60 W 356 vs to cor on S line of same. Thence S 30 W 428 vs to NW Cor of Third No 4. Thence S 60 E 350 vs to SE Cor of same. Thence N 30 E 428 vs to beginning. Containing 26½ acres.

Surveyors fee $40 Co's Com Chain Carriers $10.50 Co's.

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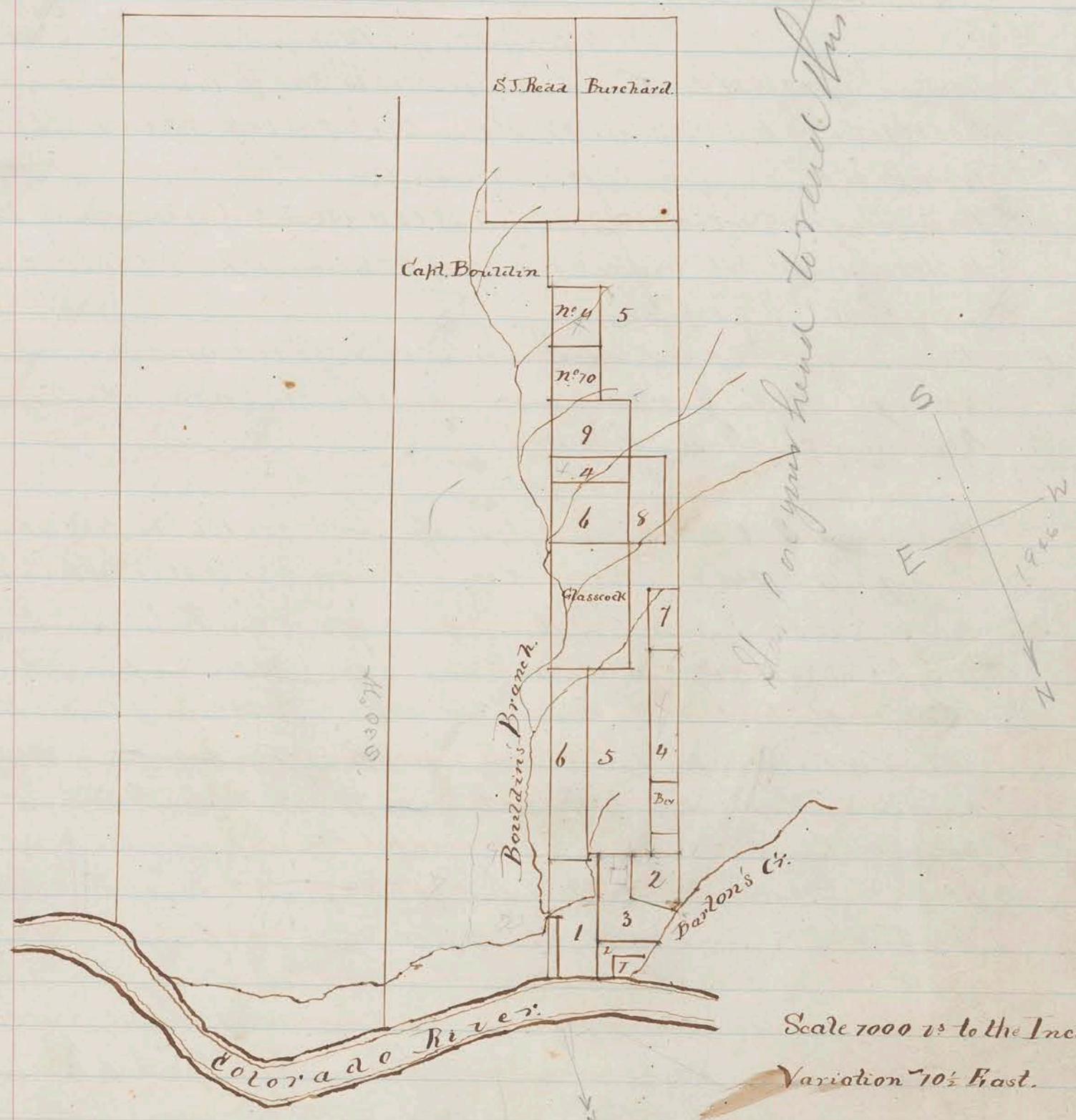

And the Court being advised as to the report, and it appearing therefrom that an equal partition and distribution of the real estate Specified in the petition has been made taking into consideration the advancements, improvements &c. And said report not being excepted to, is in all things approved, It is therefore ordered adjudged and decreed by the Court

1 That all the right title and interest which the estate of the late S W Goodrich or his heirs and distributees (Except S E Goodrich) had in and to fifty two acres of land designated in said report as No 1 consisting of 2 lots with the field notes, be and the same is divested out of them, and vested in S E Goodrich and his heirs forever.

2 It is further ordered adjudged and decreed by the Court that all the right title and interest which the estate of the late S W Goodrich dec. or his heirs and distributees (Except Jannie Boardman) had in and to thirty acres of land, designated in said report as No 2. consisting of 2 lots, with the field notes, be and the same is hereby divested out of them and vested in said Jannie Boardman and her heirs forever.

3 It is further ordered, adjudged and decreed by the Court that all the right title and interest which the estate of the late S W Goodrich dec. or his heirs and distributees (Except Lucy Davis) had in and to forty nine acres of land designated in said report as No 3 with the field notes, be

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and the same is divested out of them, and vested in said Lucy Davis and her heirs forever.

4 It is further ordered adjudged and decreed by the Court, that all the right title and interest which the estate of the late S W Goodrich Dec'd, or his heirs and distributees (except Bettie Goodrich) had in and to one hundred and eleven and a half acres of land designated in said report as No 4, Consisting of three lots with the field notes, be and the same is divested out of them, and vested in said Bettie Goodrich her and her heirs forever.

5 It is further ordered, adjudged and decreed by the Court that all the right, title and interest which the Estate of the late S. W. Goodrich Deceased, or his heirs and distributees (except Mrs. M. A. Goodrich, surviving wife) had in and to three hundred and thirty six acres of land designated in said Report as No 5, with the field notes be and the same is divested out of them during the natural life of the said Mrs. M. A. Goodrich, and vested in her during her natural life

6. It is further ordered, adjudged and decreed by the Court that all the right, title and interest which the Estate of the late S. W. Goodrich, Dec. or his heirs and distributees, (except Texana Goodrich) had in and to one hundred and eighteen acres of land designated in said Report as No. 6, consisting of 2 lots with the field notes be and the same is divested out of them and vested in Texana Goodrich and her heirs forever.

7. It is further ordered, adjudged and decreed by the Court that all the right, title and interest which the Estate of the late S. W. Goodrich, Dec. or his heirs and distributees (except B. G. Goodrich) had in and to Nineteen and a half acres of land designated in said report as No. 7, with the field notes, be and the same is divested out of them and vested in said B. G. Goodrich and his heirs forever.

8. It is further ordered, adjudged and decreed by the Court that all the right, title and interest which the Estate of the late S. W. Goodrich, Dec. or his heirs and distributees (except Alberta A. Adams) had in and to thirty acres of land, designated in said Report as No 8, with the field notes, be and the same is divested out of them and vested in the said Alberta Adams and her heirs forever.

9. It is further ordered, adjudged and decreed that by the Court that all the right, title and interest which the Estate of the late S. W. Goodrich, Dec. or his heirs and distributees (except Mrs C. Thornton) had in and to forty-two and a half acres of Land, designated in said report as No. Nine, with the field notes, be and the same is divested out of them and vested in said Mrs. C. Thornton and her heirs forever.

Saturday Nov. 5th 1870

10. It is further ordered, adjudged and decreed by the Court that ace the right, title and interest which the estate of the late S. W. Goodrich, Dec. & his heirs and distributees (except W. E. Goodrich) had in and to twenty six acres and one-half acre of land, designated in said Repat as No. 10, with the field notes, be and the same is divested out of them and vested in said W. E. Goodrich, and his heirs forever, and that Hannie Boardman pay to said W. E. Goodrich the sum of fifty 33/100 Dollars, and that said Goodrich pay to Mrs. M.A. Goodrich the sum of six Dollars and seventeen cents, that being the deficiency of the Dower Interest.

It is further ordered that the parties to this proceeding pay the cost of this proceeding, for which execution may issue.*

Report of Jury Service at the October Term 1870

Grand Jury.

1	Rhodes, Thomas	12 days	11	Bottom C a	5 days
2	Eppright David	12 "	12	Brush He	5 "
3	Moss, James	12 "	13	Buchanan John	7 "
4	Watson John	12 "	14	Ratton Peter	3 "
5	Stewart Jasper	12 "	15	Bowles J S	2 "
6	Smith Alfred	12 "	16	Barnes Jno	5 "
7	Price, John	12 "	17	Bowles Tom	5 "
8	Timmin Wm	12 "	18	Clark Houson	4 "
9	Klein, Arnold	12 "	19	Carter Thomas	5 "
10	Wilkerson Ed	12 "	20	Carrington Esen	3 "
11	Blumentritt L.	12 "	21	Caldwell Wm	5 "
12	Scholz Augost	12 "	22	Carley Lewis	5 "
13	Barnes P	12 "	23	Croft J S	5 "
14	Sterzing Fritz	12 "	24	Croft Ras	6 "
15	McEuiston John	12 "	25	Clard Wm	5 "
16	Durst M H	12 "	26	Christian Ed	3 "
17	Pennington alonzo	12 "	27	Coe Phil	5 "
18	Bergener W C	12 "	28	Cook Jack	2 "
	Petit Jury.		29	Cunnings J R	4 "
1	Alexander A J	5 "	30	Drown D J	6 "
2	Adkisson James	5 "	31	Donaldson Jno	3 "
3	Anderson Dave	4 "	32	Davidson Stephen	5 "
4	Burditt	1 "	33	Darter E H	4 "
5	Brown Jerry	4 "	34	Davis W R	2 "
6	Bennett John	4 "	35	Dieterich James	1 "
7	Blount, Roger	5 "	36	Evans Andy	5 "
8	Bracken E R	6 "	37	Ebon, Thomas	14 "
9	Blomeke a	6 "	38	Eanes Thos	3 "
10	Benner D D	6 "	39	Gilleland Wm	5 "

Saturday Nov 5th 1870.

40	Gardner D.S.	6 days.	81	McArthur J	5 days
41	Gibson Wm	5 "	81½	McArthur James	4 "
42	Giles B.C.	4 "	82	Madison H.C.	3 "
43	Green Eli	5 "	83	Millican Ed	5 "
44	Grumbles John	1 "	84	Millican O.A.	1 "
45	Hill Thomas	4 "	85	Newman A	2 "
46	Hudson Wm	8 "	86	O'Reilley James	4 "
47	Hancock Tom	5 "	87	Pelham Alfred	5 "
48	Hall M P	4 "	88	Prefsler Frank	5 "
49	Hornberger J	5 "	89	Pitts Thomas	6 "
50	Ford, James	6 "	90	Petruchy Joe	2 "
51	Hathaway H	2 "	91	Paschal Wm.	3 "
52	Hornberger C	2 "	92	Porter, Madison	1 "
53	Hamilton Stewart	2 "	93	Rosenqreen Jno	5 "
54	Johnson Gilbert	5 "	94	Raymond J.C.	5 "
55	Johnson Lewis	5 "	95	Ross Geo	6 6 "
56	Jurgenson H N	5 "	96	Robinson J.H.	5 "
57	Jones J.M.	4 "	97	Robinson A.H.	2 "
58	Jones R.R.	7 "	98	Robinson James	2 "
59	Jones John	4 "	99	Ramey Jacob	5 "
60	Jourdan F	5 "	100	Schumann A	5 "
61	Johnson Jack	4 "	101	Samuels H.	4 "
62	Krohn E	5 "	102	Stanley B.O.	5 "
63	Lockwood S	2 "	103	Smith O.C.	5 "
64	Lumy, Wilson	5 "	104	Shaw Jack	5 "
65	Morris, Elijah	4 "	105	Stokes J.F.	1 "
66	Miller Jeff	2 "	106	Sampson H.	3 "
67	McLaurin Dick	1 "	107	Smith J.F.	5 "
68	Marble Peter	5 "	108	Shepherd J.D.	9 "
69	Mercer J.A.	5 "	109	Stringer Jno C	1 "
70	Melsid A.B.	2 "	110	Townsend M.W.	5 "
71	McFarland R	2 "	111	Todd alf	6 "
72	Metz Cal	7 "	112	Thompson Jasper	5 "
73	Metz H.	2 "	113	Vinc	4 "
74	Maynard G.W.	5 "	114	Warren Thos	5 "
75	Meeks Randolph	5 "	115	Wilson D.M.	2 "
76	Meeks Isaac	5 "	116	Wright R.	2 "
77	Meeks Frank	5 "	117	Walton Wm	2 "
78	McInnis, M.M.	6 "	118	Wichelm F	2 "
79	Moore, Nat	2 "	119	Watts John	5 "
80	Mitchell J.F.	6 "	120	Wacker J.H.	9 "
121	Walton Denmark	4 days			
122	Wack J.H.	4 "			
123	Wells Henry	4 "			
124	Wickins Jno S.	4 "			
125	Willis Henry	1 "			

Respectfully submitted
A.R. Morris Clk By
Frank Brown Dep Clk
Approved J.P. Richardson
Judge 27th Jud. Dist.

Saturday Nov. 5th 1870.

2112 The State of Texas v. Aleck Fowler. On this day appeared the Defendant Aleck Fowler, who, with J. P. Fowler and Jesse Earle acknowledges themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One thousand Dollars to be leired upon their goods and chattels, lands, tenements and estate But to be void nevertheless upon condition that the said Aleck Fowler make his personal appearance before the District Court of Travis county, to beheld at the Courthouse thereof in the City of Austin on the first Monday in February, 1871. then and there to answer the indictment preferred against him, the said Fowler, by the Grand Jury of Travis county at the October term thereof 1870, for Murder, and that he there remain from day to day and from term to term thereafter, until discharged, and that he do not depart the Court without leave.

Bailiffs And thereupon It is ordered by the Court that the following named persons be allowed the sums respectively set to their names, for services as Bailiffs at this term of the Court, and that the same be paid out of the County Treasury upon presentation of the Certificate of the Clerk of this Court to wit. J. L. Nichols 12 days, twenty four Dollars, Stephen Hemphill 2 days four Dollars, Newton Sneed ten days twenty Dollars, Jack Carmichell thirty days sixty Dollars. (issued)

Zimpelman And thereupon It is ordered that G. B. Zimpelman Sheriff of Travis county, be allowed the sum of One hundred dollars for extra services at this term of the Court, and that the same be paid out of the County Treasury upon a presentation of a certified Copy of this Order. (issued)

The foregoing Minutes Examined and Approved.
J. D. Richardson
Judge, 27th Judicial District
Texas.

Thursday, December 29th 1870

The State of Texas } Be it remembered, that on this the 29th December, 1870,
County of Travis } there was drawn according to law, by Frank Rivers, Deputy Clerk of the District Court of Travis county, in the presence of J. W. Nolen, Esq., a Justice of the Peace within and for said county, the following named persons to serve as petit jurors at the February Term, 1870, of the District Court of Travis county, to wit:

To serve on Monday, February 6, 1870

1	James Adkison	9 E. Eggleston	17 Shepherd Baker
2	Aaron Barleson	10 John H. Brons	18 Samuel Brown
3	William Boyce	11 Edmond Craft	19 Jesse Holman
4	Washington Binford	12 John Bailey	20 Daniel Earle
5	A. G. Baker	13 W. F. Bengener	21 Cato Eagle
6	Solomon Armsted	14 Emanuel Brown	22 Robert Cottingham
7	John C Clements	15 Hilliard Allen	23 R. Bertram
8	Samuel Allen	16 Samuel Bennett	24 James T. Brown

To serve on Monday, February 13, 1870

1	Hugh Eanes	9 Jack Hammett	17 Sam Wilson
2	Salem Hancock	10 John Norwood	18 Wm Sayers
3	Wm H. Davis	11 Tho. Puckett	19 Peter Smidt
4	R. a. a. Carleton	12 Tho. W. Moore	20 David Sauls
5	August Scholz	13 William Caldwell	21 Hiram Sneed
6	Isaac Napoleon	14 Jamerson David	22 W. Rowning
7	Henry Scott	15 Ben. Buck	23 M. Spencer
8	Henry Sauls	16 Carl Schafer John Lefore	24 Robert Smith

To serve Monday, February 20, 1870

1	E. Tillman	9 John Wallace	17 B. R. Townsend
2	Tho E Stanley	10 B. O. Staveley	18 Edmund Smith
3	H. Brueggerhoff	11 Lewis Pfluger	19 John Sherman
4	J. B. Thaxton	12 Jacob Spencer	20 John Buttery
5	Ben. H. Thompson	13 Theo. Sterging	21 Wm Warren
6	E. S. Stanley	14 Luke Sneed	22 Henry Boyce
7	E. L. Saunders	15 Jas L. Brown	23 J. W. Turner
8	F. Watson	16 John Raymond	24 Matthew Brown

To serve Monday, February 27, 1870

1	Elisha Buck	9 E. S Berry	17 Manny Shehan
2	J. B. Barron	10 John P. Banning	18 James Houghton
3	Edmond Bouldin	11 William Brown	19 Wm T. Taylor
4	B. F. Stanley	12 P. A Bott	20 Tho. E. Cater
5	Nat. Watkins	13 J L. Brands	21 J. H. Norwood
6	Wm M Sanders	14 James P. Cope	22 James Anthony
7	Geo. Washington	15 John Bonner	23 Eugene Cohen
8	Hardin Craft	16 Jacob Brown	24 E. C. Bartholomew

To Serve Monday February March 6, 1870

1	Nat Singleton	5 Wm Schmaltz	9 R. S Bacon
2	Simon Dieterich	6 J. W. Adams	10 John Alexander
3	John S. Spence	7 A. G Buddington	11 Dave Bonner
4	D. C. Shelf	8 Geo. Allen	12 A H. Castleman

13 L. Summentrill
14 H C Deugenes
15 Thos Banks
16 Granville Bailey
17 Geo Burns
18 L E Edwards
19 J M Berryman
20 Jas A. Johnson
21 Peter Klein
22 Jo. Pallard
23 August Dietrich
24. Washington Duke

A R Mozis Clk
By Frank Keown Deby

J W Baker
J P Precinct No 4

February Term, Monday, February 6th. 1871.

The State of Texas } Be it remembered, that on this the 6th day of
County of Travis. } February, A.D. 1871, the same being the first Monday
in February 1871, and the time fixed by law for the meeting of the District
Court of Travis county, there was begun and held a regular term of
the said District Court of Travis county at the Courthouse thereof in the
City of Austin. Present, the Hon. J.T. Richardson, Judge of the
27th Judicial District of the State of Texas, Judge of said Court pre-
siding; A.A. Morris Clerk of said Court, by Frank Brown Deputy,
and George B. Zimpelman, Sheriff of Travis County. Whereupon the
following proceedings were had by said Court, to wit:

And thereupon the Court orders that the names of
those persons which appear upon the regular Venire issued for the
Grand Jury to appear at this Term of the Court, be called. And
of the names of those persons duly drawn and summoned on said
regular Venire, and called by the Sheriff, the following answered to their
names, to wit: John T. Haynes, James R. Jones, A.P. Blocker, A.M.
Davidson, E.S. Matthews, A. Trautwein, Geo. Susmann, Geo. Swisher,
R.H. Peck, Isom McArthur, John King, Essex Carrington, M. McLaurin,
R.H. Smith. And a sufficient number of those persons so summoned
as aforesaid not appearing, the Court orders that the Sheriff summon
a sufficient number of bystanders to complete the panel. And thereupon
the Sheriff summoned James Atkinson and W.F. Bergener. And a
sufficient number of the persons, so summoned as aforesaid, being in
attendance to constitute the Grand Jury, the above named persons
were duly sworn, and examined in open Court as to their qualifi-
cations. And being found qualified in every particular required
by law, the said jurors were thereupon duly sworn according to law,
to act and sit as the Grand Jury for and during the present term
of the District Court of Travis county, their names being as
follows, to wit: A.P. Blocker, foreman; James R. Jones; John
T. Haynes; A.M. Davidson; E.S. Matthews; A. Trautwein; Geo
Susmann; George Swisher; R.H. Peck; Isom McArthur; John
King; Essex Carrington; Maddock McLaurin; R.H. Smith; James
Atkinson; and W.F. Bergener. And thereupon the Court appointed
A.P. Blocker foreman of the Grand Jury. And the Court having
charged said Grand Jury as to their duties under the law, they
were ordered to retire upon a discharge of the duties under charge
of the Sheriff.

And thereupon it is ordered that the Criminal Docket
be set for hearing and trial at the third Monday of this term.

2155 J.H. Browning v. Barthalf Manufacturing Co. Ordered that this
cause be continued.

2265 Caroline Thetwell v. J. Fisk. Come the parties to this cause. And
upon motion and by consent of parties, It is ordered that this cause
be dismissed from the Docket, the costs having been paid.

Monday, February 6th, 1871.

2593 F. M. Smith v. Wm Hornsby comes the Defendant, and upon his motion It is ordered by the Court that the above entitled cause be and the same is hereby dismissed for want of compliance with the rule for cost entered at the last term of this Court. And thereupon It is ordered by the Court that the Defendant go hence and recover of and from the plaintiff all the cost of this suit to be taxed, for which execution may issue

2641 S. M. Swenson v. Nicholson and Paschal. Ordered that this cause be continued for service on the Defendant Geo. W. Paschal

2741 John D. Pitts v. Ed. Burleson. Ordered that this cause be continued as upon consent of parties

2815 H. Thompson v. D. A. Wray. Ordered that this cause be continued for service.

2848 Elliott and Deats v. Smith & Mayfield. On this day came the parties to this cause by their attorneys, and upon motion it is ordered that the plaintiffs and the Defendants herein respectively have leave to amend their pleadings.

2862 E. Hubling v. Glascock & Chandler. Ordered that this cause be continued as on affidavit of Defendants

2899 James D. McGary v. W. B. Philips ordered, upon motion, that the plaintiff herein have leave to file an amended petition.

2908 B. G. Keenan v. A. D. Wacker. Ordered that this cause be continued.

2943 J. L. Coryell v. G. B. Adams, et. als. Comes the plaintiffs, and upon motion It is ordered that he have leave to amend.

2956 Abby Thompson v. Riley, et al Ordered that this cause be continued

2958 Abby Thompson et al v. George Saunders. Ordered that this cause be cont?

2959. Abby Thompson Adm et al v. Charles Barnes. Come the plaintiffs herein and suggest to the Court the death of the Defendant. And thereupon It is ordered that Scire facias ifsue to the representative of the Deceased, when known, and that the cause be continued.

2976 Geo. H. Gray v. M. J. Denman, et. als. Ordered that this cause be continued for service.

2978 W. B. Hamilton v. W. S. Chalmers. Comes the plaintiff, and suggesting to the Court that the matters in ifsue having been settled and the cost paid, It is ordered, upon motion that the cause be dismissed.

2985 W. A. Blackburn and D. B. Barmore v. Sheppard Baker. Comes now the plaintiffs by attorney and claim a judgment final by default. And because it appears to the Court that the Defendant herein was cited by personal service previous to the last term of this Court, and has wholly failed to answer within the time prescribed by law, and wholly made default. It is ordered, adjudged and decreed by the Court that the said plaintiffs W. A. Blackburn and D. B. Barmore do have and recover of

Monday, February 6th 1871

and from the Defendant Sheppard Baker, the sum of Seventy-Nine and 78/100 Dollars, principal debt and interest due on the note sued upon to this date, together with ten per centum per annum interest thereon from this date until paid, together with all the cost of this suit to be taxed, for which execution may issue

✓ V 2987 C. & M. Moore v. Frank Meeks. Ordered that the Defendant herein have leave to amend his answer.

✓ V 2993 Roger Blount v. Margaret Blount. Ordered that the Defendant herein have leave to file an amended answer.

✓ V 2998 M. C. Hamilton et als. v. Thos. H. Duval et als. Ordered that the plaintiffs and the Defendants herein respectively have leave to amend their pleadings.

✓ V 3031 Geo. Saunders v. John H. Chambers. Ordered that the plaintiff herein have leave to amend.

✓ V 3044 Dallas and R. M. Johnson v. Bobbie M. Wilcox. Come the plaintiffs to this cause, by their attorney, and suggest to the Court that the Defendant is a minor, under the age of fourteen years, and request that the Court will appoint a special guardian and guardian ad litem to represent the said minor defendant. And it appearing that Mr. Ferg Kyle is a suitable person, It is ordered that he be and is hereby appointed special guardian and guardian ad litem for the said Bobbie M. Wilcox, and that he be required to enter into bond and security in terms of the law, and take the oath prescribed, as such guardian. And further ordered that the bond be fixed at one thousand dollars

✓ V 3049 Golee and Robinson v. H. & M. A. Lacey et al. Come the plaintiffs to this cause by their attorney and suggest to the Court that the Defendants, Lucinda Long and Virginia Long minors, under the age of fourteen years, and request that the Court will appoint a special guardian and guardian ad litem to represent the said minor defendants, and it appearing that T. B. Wheeler, Esq. is a suitable person, It is ordered that he be and is hereby appointed special guardian and guardian ad litem for the said Defendants Lucinda Long and Virginia Long and that he be required to enter into bond and security for the sum of one thousand dollars and subscribe the oath prescribed by law as such guardian.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Tuesday, February 7th 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

Tuesday, February 7th 1871

98 A. Thompson et al v. E. S. & C. Robertson et al. Ordered that this cause be continued as by agreement.

187 Robert Mitchell v. M. C. & J. Burditt. This cause continued by agreement

1528 G. S. Thompson v. G. Dyches et al. Continued for service.

1844 A. Thompson v. W. D. Thomson et al This cause continued by agreement

2064 James Riley v. Webb & Holman. Comes the plaintiff by attorney and suggests the death of the Defendant Webb. And it is ordered that the cause be continued

2169 O. Hedgcoxe v. R. H. Simmons et als. On this day the above cause being called for trial, and it appearing that at the last term of this Court a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit. And said rule not being complied with, It is adered that said cause be dismissed for want of compliance with the rule for cost, and that the Defendants go hence without day and recover of and from the said plaintiff all the cost here of to be taxed, for which execution may issue

2218 W. Jarvis v. Johnson and Burleson Continued to make parties.

2263 Aaron Baley v. Mark Grigsby. On this day the above cause being called for trial, and it appearing that at the last term of this Court a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, And said rule not being complied with, It is adered that said cause be dismissed for want of prosecution compliance with the rule for cost, and that the Defendant go hence without day and recover of and from the plaintiff all the cost hereof to be taxed, for which execution may issue

2347 James K. Murray v. John Hollander. On this day the above cause being called for trial, and it appearing that at the last term of this Court a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, And said rule not being complied with It is ordered that said cause be dismissed from the Docket for want of compliance with the rule for cost, and that the Defendant go hence and recover of and from the plaintiff all the cost hereof to be taxed, for which execution may issue.

2366 Ann E. Summis, Ex^r of H. H. Summis v. W. W. Bridges. And now at this day comes Ann E. Summis, Executrix of the last will and testament of H. H. Summis, Deceased, whose death was suggested at a former term of this Court, and makes her self party plaintiff. And thereupon said plaintiff announces ready for trial. And the Defendant not appearing in person or by attorney It is ordered that a Jury be empannelled. And the jury having heard the pleadings read, the evidence, and the charge of the Court, retired for deliberation, and afterwards returned the following verdict: "We, the Jury, find for the plaintiff in the sum of One hundred and forty dollars and three cents $140.03. D. A. Todd, foreman." whereupon It is ordered adjudged and decreed by the Court

Tuesday, February 9th 1871.

that the plaintiff, Ann E. Summis, Executrix of H. H. Summis, dec'd do have and recover of and from the Defendant, W. W. Bridges, the sum of One hundred, forty + 3/100 Dollars so found due by the jury aforesaid, and all the cost here of to be taxed, for which execution may issue

2372 R. M. Johnson v. R. A. Rutherford. And now on this day came the parties to this cause by their attorneys, and agree that the arbitrators appointed in this cause be allowed to make their Report, without being sworn to, which report, and the agreement upon which it is based, are here recorded, as follows to wit:

" R. M. Johnson, Peff
no. 2372 v.
R. A. Rutherford Defdt } In District Court of Travis County, Texas.

It is hereby agreed between the said parties that the matters in controversy between said parties in said suit be submitted to arbitration, under act of 25" of April, 1846, except as to the Arbitrators being qualified jurors, which is waived by the parties respectively. It is further agreed that T. D. Moseley and John B. Costa act as Arbitrators in said case. And that the decision of said Arbitrators be a final determination of the cause, and may be made the judgment of the Court. Austin, April 13th 1869.

R. M. Johnson, Plaintiff
R. A. Rutherford, Defendant.

State of Texas, County of Travis. District Court. Johnson vs. Rutherford. This case having been referred to us, we have examined the pleadings and evidence with some care, trusting that we might be able to do justice between the parties. We do not see much difficulty in it. That Deft. was at some time indebted to Peff. as specified in the note + acpts we have no doubt. It is in substance and effect proven by the testimony of Hammond, and is admitted by Deft. But was he so indebted at the time this suit was instituted? we think most clearly not. for the following reasons: The evidence shows that $75.63/100 was paid to Peff. by Deft. in the summer of 1861 (say 1st July 1861) one hundred by Glover + 75.63 by Compton. It will be admitted that Deft. should have credit for this sum. It further appears that about the 1st of April, 1861, Deft. sold his girl Sarah to Hammond for 1100.00 - a draft was given for the amount; the payment however was delayed. The draft was transfered to Peff. And Hammond tells us in his evidence that the parties called on him in Matamoros. Deft. said to him he had transferes the draft to Peff., that he was owing him, and wished witness to make some arrangement to pay it. That it would pay perhaps all of his debt to Peff. Here was an express understanding by the parties, that this Hammond draft was to go in liquidation of the debt of Deft. to Peff; or that Deft. was to have credit for it. If this be not so, what con-

Tuesday, February 7th 1871

sideration we ask has Deft received for this draft- none what ever, that we can see. It is further shown by the evidence that Peff., in the winter of 1864 or Spring 1865, say 1st Jany 1865, collected his draft with interest. And surely, all will agree that Peff should account for it.

There is some evidence on the subject of Deft acting as Agent of Peff. in selling two slaves for him. We presume the object of this evidence was to show a balance of the proceeds in the hands of Deft. If this were the dject, the evidence has fallen short of its aim. The Deft sold the girl Rhoda for Peff. for 1000 or 1100 dollars; but we think it is shown by the evidence of John Johnson and others that the price went to the use of Peff. Deft. traded off the girl Susan for the boy Dick, receiving a hundred dollars to boot, or in exchange. Dick was delivered to Peff., who was not pleased- said he did not suit him. Whereupon Deft. purchased Dick of Peff giving him 6 or 700 for the boy; and also accounted to him for the hundred dollars received in exchange as aforesaid. From this showing, we cannot see any funds in the hands of Deft. on that score. Not only so, but we can not suppose that a man of peff's good sense and business habits, believing that there was a balance of the proceeds in the hands of Deft., would have failed to bring the matter specially to notice in his petition. He has not brought the matter forward in his petition; and surely it is not our province to bring forward a claim which is not supported by evidence, and which the Peff himself has not thought proper to set up.

From what has been said it will be seen that the acpts. between the parties will stand thus: Note of Deft to Peff 1st Jany 1861 for $556.23. Int. to 1st July 1861, $27.81, making 584.04. 1st July 1861 paid 175.63 leaving 408.41 Int. on this last sum from 1st July 1861 1st Jany 1865 142.94 making 551.35 Balance of acpt of 1861 is 639.14 Int. on this from 1st Jany 1862 to 1st Jany 1865 $153.39 making $792.53: this added to the note & int. makes

	$1343.88
Acpt of 1862	87.80
Int. from 1 Jany 1863 to 1st Jany 1865	14.04
making	$1445.72
Credit by Hammond's Draft	1100.00
By Int on Draft from 1st April	345.72
1861 to 1st Jany 1865	330.00
	$15.72

Which sum of $15.72 we adjudge and award to Peff. with interest from the 1st Jany 1865 till paid. All of which is respectfully submitted.

T. D. Moseley John B. Costa, Arbitrators

It is therefore ordered, adjudged and decreed by the Court that the said award be, and the same is hereby made

Tuesday, February 7th, 1871

the judgment of this Court in the cause stated, and that the Pff. R. M. Johnson do have and recover of and from the Defendant R. A Rutherford the sum of Fifteen and 72/100 Dollars, being the amount so found to be due by the arbitrators, with interest thereon from the 1st January, 1865 until paid, together with all the cost hereof to be taxed, for which execution may issue. And it is ordered that the Clerk tax in the bill of cost the sum of fifteen dollars for each of said arbitrators

2380 G. I. Ward v. M. W. Townsend Debt + N. B. Floyd, et al. Garnishees. Comes the Pff. by his attorney and upon his motion It is ordered that the proceeding in garnishment in the above entitled cause be and the same is hereby dismissed from the docket, and that said plaintiff pay all the cost of said proceeding in garnishment for which execution may issue.

2391 S. M. Swenson v. Charles McKinney. Comes the plaintiff by his attorney, and upon his motion It is ordered that the above cause be dismissed from the docket, and that the said plaintiff pay all the cost of this suit, for which execution may issue.

2459 E. Buck and wife v. J. J. Musgrove. And now on this day came the parties to this cause by their attorneys, and submit the cause to the Court, whereupon plaintiffs submitted to the Court their motion to dismiss the Certiorari, which being heard and argued by Counsel, is overruled. And thereupon the cause being heard and considered, it is ordered that the plaintiffs herein take nothing by their said suit, that the Defendant go hence, and recover of and from the plaintiff, E. Buck, all the cost of this suit to be taxed, for which execution may issue. And it is further ordered that the bill of cost may be certified as an established claim against the estate of the plaintiff Mrs Buck, deceased, to be paid in due course of administration.

2532 W. Burdon v. G. W. Glasscock. This cause being regularly called for trial; and it appearing to the Court that at the last term hereof a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, It is ordered that the cause be dismissed from the docket for want of compliance with the rule for cost, and that the Defendant go hence and recover of and from the plaintiff W. Burdon all the cost of this suit for which execution may issue.

2561 The State of Texas v. Duncan. Ordered that this cause be dismissed from the docket, and the proceeding dismissed

2581 Risher + Hall v. Boulds Baker, et. als Cause continued.

2635 Geo. W. Paschal v. Jenkins Davis et. al Cause continued.

2644 S. M. Swenson v. J. H. Herndon et. als Continued for service.

2647 Fred. Wacker v. W. B. McGehee Bros Continued for service.

2658 The State of Texas v. J. J. McGinnis. Cause dismissed from the Docket

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2659 The State of Texas v. C. J Glover. This cause is hereby dismissed
2671 The State of Texas v. James Wright. This cause is hereby dismissed
2700 Pheelps & Johnston v. S. A. & W B Nichols Continued by consent
2780 F W. Chandler, Adm. v. Thos. Jourdan. Ordered, upon motion, that the Defendant herein have leave to amend.
2516 And thereupon Court adjourned till to-morrow morning at 9 o'clock.

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Court met at 9 o'clock A M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2516 W. A. Morris v. Joseph Newsham. And now at this day came the parties by their attorneys. and upon motion It is ordered that both parties have leave to amend their pleadings. And the Defendant thereupon presented to the Court his plea in abatement, which being heard and argued by counsel, It is ordered that the plea be sustained. And thereupon It is ordered, upon motion, that the cause be continued to make the heirs of Joseph Newsham Deceased, parties Defendant.
2704 B. A. Rishes v. F. B. Sawyer. Ordered that this cause be continued
2744 Headley Pack v C. W. Whitis Ordered that this cause be continued
2745 Headley Pack v Thos. F. McKinney, et als. This cause continued.
2749 George Lee et. als. v. Aaron Burleson et. als. And now on this day came the parties to this cause by their attorneys, the cause being called regularly for trial. And thereupon the said plaintiffs announce to the Court that they take a non-suit, and will prosecute the suit no further. Whereupon It is ordered by the Court that the plaintiffs herein take nothing by their suit in this behalf, that the cause be and is hereby dismissed from the Docket; that the Defendants go hence and recover of and from the plaintiffs and the securities on their Cost bond to wit: W. S. Hotchkiss and Wm Palm all the cost of this suit to be taxed, for which execution may issue
2772 N. Townsend's Executors v. Wade Henry. Ordered that this cause be continued.
2795. Appleton, Noyes & Co. v. Peoples & Bros. Come the plaintiffs by their attorneys, and upon their motion It is ordered that this cause be dismissed from the docket at their cost. And it is further ordered that the Defendants recover of and from the said George D. Appleton, Nathan D. Noyes and John B. Maude all the cost of this suit, for which execution may issue
2802 Wm Drake v. R. McLaren, et al. Ordered that this cause be continued, upon the affidavit of the plaintiff.
2803 B. R. Townsend, Ex. et al. v. McKinney and Bayles. ordered that this cause be continued.

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2805. Charles Bain v. Sawyer, Risher & Hall. This cause being regularly reached on the docket, and it appearing that at the last term of this Court a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, it is ordered that the cause be dismissed for want of compliance with said rule, and that the plaintiff pay all the cost hereof to be taxed, for which execution may issue.

2818 The State of Texas v. G. T. Sogan. Case dismissed from the Docket.

2819 The State of Texas v. Thed. Williamson. Cause dismissed from the Docket.

2850 Joseph Harrell v. R. M. Johnson. Ordered that this cause be continued

2856 Spencer Hardwell v. Harriet Hardwell. This cause being regularly reached and called for trial, and it appearing that at the last term of this Court a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, It is ordered that the cause be dismissed for want of compliance with said rule, and that the plaintiff pay all the cost hereof to be taxed, for which execution may issue.

2865 M. Cockrell v. W. R. & J. W. Baker. And now on this day came the plaintiff and claims a judgment final by default. And it appearing to the Court that the Defendants herein have been duly cited by personal service previous to the last term hereof, and that they have wholly failed to answer within the time prescribed by law, and made default. And the plaintiffs cause of action being evidenced by a note of hand here produced, It is ordered that the plaintiff, M. Cockrell, do have and recover of and from the Defendants W. R. Baker and J. W. Baker, the sum of Two Hundred Fifty four & 17/100 Dollars ($254.17) principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from date till paid, and all the cost of this suit, for which execution may issue

2870 The State of Texas v. G. R. Reeves et als. Come the parties by their attorneys and upon motion and by consent It is ordered that the forfeiture entered in this cause be set aside vacated and held for naught, and that the Defendants pay the cost for which execution may issue.

2880 The State of Texas v. R. M. Burrier, et als. This cause is, upon motion of the District attorney, dismissed from the docket.

2881 The State of Texas v. R. M. Burrier, et als. This cause, upon motion of the District attorney, is dismissed from the Docket.

2884 Geo W. Paschal v. Chandler and Chandler. Cont. for service.

2886 Geo Haricock v. Matthew Brown et al. This cause having been consolidated with No. 2996 of Beakley v. Jones, and the parties appearing by their attorneys and consenting thereto, It is ordered that the above cause be dismissed from the docket, and

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that the said J W B. Beakley pay all the cost of this suit, for which execution may issue.

2913 The State of Texas v. Nace Gaitner, et. als. Ordered that this cause be dismissed from the Docket, and Defendants discharged.

2916 The State of Texas v. Simon Mack. Ordered that this cause be dismissed from the Docket.

2950 The State of Texas v. Addison Smith et. als. And now on this day came the parties by their attorneys. And by consent It is ordered by the Court that the forfeiture entered heretofore in this cause be and the same is hereby set aside, vacated and held for naught, and that the Defendants Addison Smith, J. M. Hamilton and D. N. Hamilton pay all the cost of this proceeding, for which execution may issue.

Grand Jury. And now on this day came into open Court the Grand Jury of Travis County, duly elected, tried, empannelled, sworn and charged for and during the present term of the District Court of Travis County, and through their foreman, Abner P. Blocker, Esq., presented to the Court the following Bills of Indictment, to wit:

2138 An Indictment against John McDonald for Theft.
2139 An Indictment against Anthony Swank and — Miller for Swindling
2140 An Indictment against T. H. Doran for an assault to kill and murder.
2141 An Indictment against Simeon Smith for Theft from a house.
2142 An Indictment against Peter Kerner for Theft.
2143 An Indictment against Charles Robinson for Theft of a Colt.
2144 An Indictment against Ezeriah Johnson for Burglary
2145 An Indictment against John Jackson for Theft from a house.
2146 An Indictment against Jace Wilson for an Assault with intent to kill and murder.
2147 An Indictment against Elick Thornton for theft from a house.
2148 An Indictment against John H. Chambers for Swindling.
2149 An Indictment against Henry Thomas for Theft from a house

And said Grand Jury suggesting to the Court that there was still further business pending before them, they were ordered to retire upon a further discharge of the same.

2801 George Hancock v. D. M. Wilson, Claimant. Trial of Right of Property. And now on this day came the parties to the above cause by their attorneys and announced themselves ready for trial. Whereupon the claimant withdraws the suggestion of bankruptcy heretofore made. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Aaron Burleson and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence introduced by the parties, the argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon, after deliberation, the jury returned into Court the following verdict, to wit: "We, the jury, find for the claimant. Aaron Burleson, foreman." Whereupon it is ordered, adjudged and decreed by the Court that the plaintiff take

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nothing by reason of the claim set up by him to the property in dispute. that the ~~Defendant~~ claimant Wilson go hence and recover of and from the said George Hancock all the cost in and about this suit laid out and expended, for which execution may issue.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Thursday, February 9th, 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present the Hon James P Richardson Judge of the 27th Judicial District presiding whereupon the following proceedings were had by said Court to wit:

✓ ✓ 2739 Lucy Ann Johnson v. J. N Wacker. Ordered that both parties herein respectively have leave to amend their pleadings.

✓ ✓ 2803 B R. Townsend et al Exrs v. M Kinney et al Bayles Ordered that this cause be cont'd.

✓ ✓ 2891 A. Lockett v. Richard Warren. Ordered that this cause be continued as by consent.

✓ ✓ 2943 J. L. Coryell v. Green B. Adams, et als Continued on affidavit of Plaintiff.

✓ ✓ 2739 Lucy Ann Johnson vs. John N Wacker and Judith Wacker, Defendants, and Ben. Wacker, Intervenor. And now on this day appeared these parties by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of D. A Todd, foreman and eleven others, who ~~were~~ tried, elected, empannelled and sworn according to law, and who having heard the pleadings read, the evidence, the argument of counsel and the charge of the Court, retired to consider of their verdict. And after deliberation said Jury returned into Court the following verdict, to wit: "We, the jury, find that the note given for said cattle is the property of the plaintiff D. A. Todd, foreman." "And also find for the plaintiff against the Defendant in the sum of $3280.73. three thousand two hundred eighty dollars and seventy three cents. D. A. Todd. foreman." Whereupon it is ordered, adjudged and decreed by the Court that the plaintiff, Lucy Ann Johnson, do have and recover of and from Defendants John N. Wacker and Judith Wacker the said sum of three thousand two hundred, and eighty dollars and seventy three cents, so found to be due by the jury aforesaid, together with all cost laid out and expended for and on account of the said John N and Judith Wacker. And it is further ordered by the Court that the Intervenor, Ben. Wacker, take nothing by reason of his intervention in this behalf, and that the plaintiff recover of the said Ben. Wacker all the cost of said intervention, for which execution may issue. And it ordered, adjudged and decreed by the Court that the note of hand for the sum of One thousand dollars, executed on the 5th May 1868, signed by Ben. Wacker, principal, and J. M. Zitten, Alfred Smith and James P. Hart as securities, is the property of the plaintiff Lucy Ann Johnson, and that the Sheriff of Travis County is directed to endorse without recourse and deliver to the said plaintiff the said note of hand.

And thereupon Court adjourned till to-morrow morning at 9 1/2 o'clock.

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Court met at 9 1/2 o'clock, A.M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, as follows, to wit.

2701 Phelps & Johnston v. W. B. Nichols. And now on this day came the plaintiffs by attorney and claim a judgment final by default. And because it appears that the administratrix of said W. B. Nichols dec'd to wit: Mrs. S. A. Nichols, has been duly cited by personal service, and failed to answer within the time prescribed by law. And the plaintiffs cause of action being evidenced by a note of hand produced here in Court, the same sued on, It is ordered that the plaintiffs, James L. T. Phelps and Wesley Johnston, under their firm name of Phelps and Johnston, do have and recover of and from the Estate of W. B. Nichols, Deceased, the sum of Four Hundred Eighty three & 88/100 Dollars, principal debt and interest due upon the note sued on to this date, and ten per centum per annum interest thereon from date until paid, and all the cost of this suit to be taxed, which amounts shall be certified, and are hereby declared to be, a valid and subsisting claim against the estate of said W. B. Nichols, Deceased, to be paid in due course of administration.

2896 Catherine Carroll v. John C. Carroll. This cause being regularly reached on the docket and called for trial, and it appearing that at the last term hereof a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, It is ordered that the same be dismissed for want of compliance with the rule for cost, and that the plaintiff pay all the cost hereof to be taxed, for which execution may issue.

2905 F. H. Arlett v. S. B. Brush. Ordered that this cause be continued

2928 F. M. Meeks v. Charles Britton. Come the parties by their attorneys and upon motion It is ordered that this cause be dismissed from the docket, and that the plaintiff F. M. Meeks, pay all the cost of this suit, for which execution may issue

2929 R. D. Harris v. Decker & Burditt Defendants, Jno. M. Costley Garnishee. On this day appeared the plaintiff by his attorney, and thereupon came on to be heard the answer of the garnishee Jno. M. Costley, by which it appears that the said garnishee is not indebted to the plaintiff in any sum, upon motion of the plaintiff the cause is dismissed from the docket, and the cost is adjudged against the plaintiff, for which execution may issue.

2931 Thos F. McKinney v. A. M. Cox. Ordered that this cause be continued

2933 F. T. Duffau v. J. M. Steiner. Comes the plaintiff and asks a judgment by default. And because the Defendant has been cited and failed to answer within the time prescribed by law, and wholly made default, It is ordered adjudged and decreed that the plaintiff recover of the Defendant J. M. Steiner according to the prayer of his petition And the subject matter being unliquidated, it is ordered that a

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jury be empannelled to assess the damages

2939 Jesse Scott v Geo. Malone. Continued on affidavit of plaintiff.

2955 Abby Chambers, Admx. v. Barnes & Merrell. Cause continued.

2957 Abby Thompson Admx et al v. R. A. Rutherford. Continued by agreement.

3016 Spencer Ford v N Johnson. And now on this day came the plaintiff by attorney and claims a judgment final by default. And it appearing to the Court that the defendant has been cited by personal service and wholly failed to answer within the time prescribed by law: and the plaintiffs cause of action being evidenced by a note of hand and liquidated, It is ordered, adjudged and decreed by the Court that the plaintiff, Spencer Ford, do have and recover of and from the Defendant, N. Johnson, the sum of One hundred, Eighty Nine 50/100 Dollars in specie, being principal and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from this date till paid, and all the cost of this suit, for which execution may issue.

3035 A S Roberts, et. als v. W. L. Chalmers et als. It is ordered, upon motion, that the heirs of John P. Key, Deceased, be made parties to this suit.

3048. Joseph Sauters v. Wm M. Spence. And now on this day came the plaintiff and claims a judgment final by default. And because it appears to the Court that the Defendant has acknowledged service of plaintiffs petition and waived process. And it further appearing that the Defendant has failed to answer within the time prescribed by law, and made default. And the plaintiffs cause of action being liquidated as evidenced by the notes of hand sued on, It is ordered, adjudged and decreed by the Court that the plaintiff, Joseph Sauters do have and recover of and from the Defendant Wm M. Spence, the sum of One Thousand, Thirty four and 70/100 Dollars, principal debt and interest due upon the notes sued on to this date, together with ten per centum per annum interest thereon from this date till paid, and all the cost of this suit, for which execution may issue.

2938. R. P. White v W. M. Clements. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And then came a jury of twelve good and lawful men of Isaac county, consisting of Wm C. Hill and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel and the Charge of the Court, and retired to consider of their verdict. Whereupon said jury returned into Court the following verdict, to wit: "We, the jury, find a verdict for pff & assess the damages at $600 Six hundred dollars specie. Wm C. Hill, foreman." Whereupon It is ordered, adjudged and decreed by the Court that the plaintiff R. P. White, do have and recover of and from the Defendant, W. M. Clements, the sum of Six hundred specie dollars as found to be due by the jury aforesaid, and all the cost of this suit, for which execution may issue

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Grand Jury. And now on this day appeared in open Court the Grand Jury of Travis County duly elected, tried, empannelled, sworn and charged to inquire in and for the body of the County aforesaid, for and during the present term of this Court, and through their foreman, Abner P. Blocker, Esq presented to the Court the following Bills of Indictment, to wit:

2151 John Barnhart for An Aggravated Asault

2152 An Indictment against Thomas Stephens for Arsenic.

2153 An Indictment against Ezekiel Minkerly for An Asault with intent to kill and murder

2154 An Indictment against Gonzales for Exhibiting a Gaming Bank called Monte

2155 An Indictment against James Reed for Betting at a Gaming Bank called Monte

2156 An Indictment against James Reed for Betting at a Gaming Bank called Monte

2157 An Indictment against William Reed for Betting at a Gaming Bank called Monte

2158 An Indictment against Bill Reed for Betting at a Gaming Bank called Monte

2159 An Indictment against Jo. Cardenas, Mexican, for Exhibiting a Gaming Bank called Monte

2160 An Indictment against Jesus Gonzales for Exhibiting a Gaming Bank called Monte.

And the Grand Jury suggesting to the Court that there was further business pending before them, they were ordered to retire upon a discharge of the same

2902 J D McGarey v. S. B Reed. On this day came the parties and they waive a Jury and submit the case to the Court. And it appearing to the Court that the Defendant is indebted to the Plaintiff in the sum of fifty dollars, It is therefor considered and adjudged by the Court that the plaintiff do have and recover of the Defendant the sum of fifty dollars and all costs of suit. And it further appearing that Eldridge Perry, M.C. Phillips and G.W. Davis are sureties on the appeal bond herein, It is further ordered that execution may issue against the said Defendant and his said sureties for said sum of fifty dollars and all costs herein. And by consent of all parties herein and the said sureties a stay of execution herein is had for three months.

2914 Eliza Bell v. Caesar Bell. It appearing that at the last term a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, the cause being called for trial, It is ordered that this cause be dismissed from the docket for want of compliance with the rule for cost and that the plaintiff pay the cost hereof for which execution may issue

2966. M A Morris v. Reuben Shelby et al. Comes the plaintiff by attorney and suggests the death of the Defendant Shelby. Whereupon It is ordered that his representatives be made parties when known and cause continued.

2953. William S. Johnson v. Harriet Johnson. This cause being called for trial and it appearing that the Defendant has been cited by publication, and has failed to appear in person or by attorney, and wholly made default, It is ordered that Ridge Paschal Esq. an attorney of this Court, be appointed to represent the Defendant And thereupon the parties having announced ready for trial came a jury of twelve good and lawful men of Travis county, consisting of D. A. Todd and seven others, who being duly tried, elected empannelled and sworn, to an

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the evidence, argument of counsel and the charge of the Court, and retires to consider of their verdict. Whereupon the jury returned into Court the following verdict to wit: "We, the jury, find the facts as set forth in plaintiffs petition to be true D. A. Todd, foreman." Whereupon It is ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said William S. Johnson and Harriet Johnson heard the same are hereby forever dissolved, and that the plaintiff pay all the cost hereof to be taxed for which execution may issue: And that Ridge Paschal Esq be allowed a fee of twenty Dollars to be taxed in the bill of cost.

2953 William S. Johnson v. Harriet Johnson. Be it remembered that on the trial of this Cause the following facts were proved to wit: The Plaintiff introduced a certified Copy of the marriage license under which the plaintiff and Defendant were married; and the return of G. W. Shoaf, a Justice of the Peace of Caldwell County, Texas, showing that he had maried the parties on the day and year they were alleged to be married in plaintiffs petition: said certified Copy authenticated by the certificate and official seal of Jas A Wiley, Clerk Dist. Court of Caldwell county. The Plaintiff proved by Dana, a witness, that he, (witness) had known the parties from for several years, was living at plaintiffs house on the 16th May 1868, that plaintiff caught one Sunderland in bed with Defendant on the night of the 16th May, 1868; that witness was present when Deft was caught in bed with said Sunderland by the plaintiff, and went into the room to see that no murder was done. Plaintiff was sick at the time this happened, and was sleeping in another room of the house. Defendant had a little girl sleeping with her at the time. Defendant left on the 18th May 1868, with said Sunderland, taking a portion of the stock and property of plaintiff with them. Witness went two days and a night with them. Defendant and Sunderland slept together in the wagon the night of 18th May 1868. They have never returned, had seen Sunderland and Defendant in bed together several times.

Ann Sparks, a witness stated that he lives two miles from plaintiff. On the night of the 16th May 1868, Sunderland came to his (witnesses) house bare footed, and nothing but his shirt and drawers on, and told witness that Plaintiff had caught him in bed with his wife. Witness had a little daughter at plaintiffs; went next day after her, took two notes from Sunderlands, one to plaintiff and one to Defendant, read the notes. the one to plaintiff told him he Sunderland was sorry the thing had happened; the one to Defendant told her he was sorry it had happened, but would go with her and stick to her and live with her always. Defendant left with said Sunderland and passed the house of witness with a wagon and some horses on the morning of the 18th May 1868, and had never returned to the neighborhood.

2938. R. P. White v. W. M. Clements It is ordered by the Court that the judgment entred in this cause be amended so as to read as follows: And it appearing to the Court that G. W. Davis, A. G. Buddington and W. H.

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Wells are the securities on the replevy bond of the said Defendant filed in this cause, It is therefore ordered, adjudged and decreed by the Court that the plaintiff R. R. White, do have and recover of and from the said Defendant William M Clements, and G. W. Davis, A. G. Buddington and N. F. Wells the other obligors in said bond the sum of Six hundred dollars in specie, with eight per cent interest thereon from this date until paid, for which execution may issue. And it is further ordered that the plaintiff, for the use of the officers of this Court, do recover of and from said Defendants all costs in this behalf expended, for which execution may issue.

And it is ordered that Court stand adjourned till to-morrow morning 9½ o'clock

Saturday, Febmary 11th 1871

Court met at 9/20 o'clock A.M pursuant to adjournment. Present the same as on yesterday Whereupon the following proceedings were had by said Court, to wit:

2316 H. W. Lummis v. N. W. Bridges, etals On this day came the parties to this cause by their attorneys, and by agreement It is ordered that the judgment entered in this cause at a former day of the term be vacated, set aside and held for naught, and that the cause be reinstated on the docket and continued

2911 The State of Texas v. John Henry Brown et als Come the parties, and Defendants submit to the Court their motion to set aside the judgment nisi in this case which being heard and duly considered, It is ordered that said motion be granted, and that the said forfeiture be and is hereby vacated and set aside, and that the cause be dismissed and Defendants discharged

And thereupon Court adjourned till Monday morning at 9/0 o'clock

Monday, February 13th 1871

Court met at 9½ o'clock A.M. pursuant to adjournment. Present Hon. James P. Richardson, Judge 27th Judicial Distrct presiding. Whereupon the following proceedings were had by said Court, to wit:

2951 James B. Morris v. Nancy H. Ragsdale and M. A. Morris

And now on this day came the plaintiff and announced ready for trial, the cause being regularly reached. And then came a jury of 12 good and lawful men of Travis county, consisting of N. Moore and eleven others, who having heard the pleadings read, the evidence, the argument of counsel, and the charge of the Court, retired to consider of their verdict. Whereupon the jury returned into Court the following verdict to wit: "We, the jury, find verdict in favor of the plaintiff for $445.95 four hundred and forty five dollars & ninety five cents N. Moore, foreman."

2962 Mrs. L. A. Crutcher v. J. H. Crutcher Comes the plaintiff And this being a suit for divorce, the Defendant being cited by publication, and no appearance being entered, It is ordered that R. A. Smith, Esq. be appointed to represent the Defendant, and that the Cause be continued

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2971 C. E Smith v. D. S Mayfield Ordered that this cause be continued

2972 T. M. Berryman v. M. M. Long. Continued by consent.

2973 S. Brush v. E Raven Ordered that this cause be continued

2951. James B. Morris v Nancy H. Ragsdale and W. A Morris It is ordered by the Court that the judgment in this cause, upon the verdict rendered and rendered herein, on this day, be now here entered as follows: And it is adjudged, adjudged and decreed by the Court that the plaintiff, James B. Morris, do have and recover of and from the Defendants Nancy H. Ragsdale and W. A. Morris the sum of Four Hundred, Forty five 95/100 Dollars, so found to be due by the jury aforesaid, together with all the cost in this behalf laid out and expended, for which execution may issue. And because it appears by the pleadings and proof, that the Defendant W. A. Morris is only endorser upon the note sued on, It is therefore, ordered by the Court that the execution which may be issued in this case shall first be levied upon the property of the principal Nancy H Ragsdale, liable to execution in Travis county, and if a sufficiency be not found, then upon the property of the said W. A. Morris. And in case said W. A Morris shall be compelled to pay this judgment, or any part thereof, the same shall not be thereby finally discharged, but shall remain in force against said Defendant Nancy H. Ragsdale for his use, and for so much as he may be compelled to pay may be prosecuted to execution for his use.

2974 B. M Odum v. Ryan and Ryan Garnishees. upon the answer of the garnishees, the same not being controverted, It is ordered by the Court that this proceeding against the said M. K Ryan and Ryan Garnishees, be and the same is hereby dismissed at cost of the plaintiff It is therefore ordered by the Court that the said Garnishees do recover their costs herein against the said plaintiff, B. M. Odum, for which execution may issue.

2975 James A Chandler v J. E. Chisum and J. M. Chandler. Ordered that this cause be continued to perfect service.

2979 Joseph Harrell v. D. L. Crofs. And now on this day appeared the plaintiff by attorney and announced himself ready for trial, the cause being regularly reached. And then came a jury of lawful men of Travis county, consisting of H. Clay Eanes and eleven others, who being duly tried, elected, empannelled and sworn according to law, heard the evidence, the pleadings and the charge of the Court, and retired to consider of their verdict. And thereupon the Court jury returned into Court the following verdict, to wit: "Joseph Harrell vs D. L. Crofs. No 93. We the jury find for the plaintiff One hundred and ninety one dollars & six cents ($191 06/100) amount of principal debt and interest, after deducting the credit of forty dollars & twenty seven cents ($40.27) H. Clay Eanes foreman." Whereupon It is ordered, adjudged and decreed by the Court that the plaintiff Joseph Harrell, do have and recover of and from the Defendant D. L. Crofs, the sum of One hundred, Ninety One 6/100 Dollars principal debt and

Mar. 8th Issued Writ of Fi. Fa. to Travis Co. Sheriff
Jan. 13 1871 Issued Writ of Fi. Fa. to Travis Co. Sheriff
Jan. 13 1871 Issued Writ of Fi. Fa. to Travis Co. Sheriff

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interest due upon the notes sued on, according to the verdict of the jury, together with ten per centum per annum interest thereon from this date until paid, and all the cost of this suit for which execution may issue.

2980 Joseph Harrell v. Croft & Dairter. And now on this day this cause being called for trial, the plaintiff appeared by his attorney. And then came a jury of twelve good and lawful men of Davis County, consisting of N. Moore, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence and the Charge of the Court, and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find verdict in favor of the plaintiff for the sum of $731.66 " seven hundred & thirty one dollars & sixty six cents. N. Moore, foreman." Whereupon It is ordered, adjudged and decreed by the Court that the plaintiff, Joseph Harrell, do have and recover of and from the Defendants David L. Croft and E. H. Dairter, the sum of Seven hundred, thirty one & 66/100 Dollars, principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from this date until paid, and all the cost of this proceeding, for which execution may issue

2981 M. C. Philips v. A. A. Scroggin et al Ordered that this cause be continued for service

2982 A. H. Cook v. James Allison and Joseph Harrell Continued for service

2984 M. Goldstein v. J. H. Tiveley. Comes the plaintiff by his attorney and upon his motion It is ordered by the Court that this cause be dismissed from the docket, and that the said plaintiff, M. Goldstein pay all the cost here of to be taxed, for which execution may issue.

2986 Taylor & Churchill v. W. & B. Clements. This cause being regularly reached on the docket and called for trial the plaintiffs appeared by attorney and announced ready for trial. Then came a jury of twelve good and lawful men of Davis County, consisting of N. Moore and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings read, the evidence and the charge of the Court, and retired to consider of their verdict. Thereupon the jury returned into Court the following verdict, to wit: " We, the jury, find a verdict in favor of the plaintiff the sum of $184.70/100 One hundred eighty four dollars and seventy cents N. Moore, foreman." Whereupon It is ordered adjudged and decreed by the Court that the plaintiffs, William Taylor and John Churchill, under their firm name of Taylor & Churchill, do have and recover of and from the Defendants W. Clements and B. Clements the sum of One Hundred Eighty four and 70/100 Dollars so found to be due by the jury aforesaid, and all the cost of this suit, for which execution may issue

2987 L. & M. Moore v. Frank Meeks. Ordered that this cause be continued on affidavit of the Defendant Plaintiff.

2988 J. T. Chandler v. J. H. Maby and T. W. Chandler. Come the parties to this cause by their attorneys and by consent It is ordered that the same be

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dismissed, and that the cost be adjudged against the plaintiff, for which execution may issue

2989 Rachel N Norris v Benj. Norris. It appearing that at the last term of this Court a rule was entred requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with, and the case being called, It is ordered that the suit be dismissed for want of compliance with the rule for cost, and that the plaintiff pay all the cost hereof to be taxed, for which execution may issue.

2997 W. Mc Waelon v. W. M. McLaughlin. Upon motion It is ordered that this cause be dismissed from the docket, and that the Defendant W. M. McLaughlin pay all the cost of this proceeding, for which execution may issue.

3000 John Poch v. L. E. Edwards. Ordered, upon motion, that this cause be dismissed from the docket, the cost having been paid.

3006 James L. Nichols v. M. Brown, et als Ordered, upon motion that the Defendants and plaintiffs herein, respectively, have leave to amend their pleadings

3015 Sarah Young v. David Young. Ordered that this cause be continued to perfect service.

3017 Caroline Mason v. Geo. Mason. Ordered, upon motion, that this cause be dismissed from the docket and that the plaintiff, Caroline Mason, and the securities on her injunction bond, to wit. W. M. Waelon and G. Walker pay all the cost of this suit, for which execution may issue.

And thereupon Court adjourned till to-morrow morning at 9 1/2 o'clock

Tuesday, February 14th 1871

Court met at 9 1/2 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

2992 Seth L. Randall v. Risher & Hall. And now on this day came the parties to this cause by their attorneys and announced ready for trial; and waiving a jury agree to submit the case to the Court. And upon hearing the pleadings and the evidence, and the Court being satisfied that the Defendants are indebted to the plaintiff in manner and form as alleged in their petition It is ordered adjudged and decreed that the plaintiff, Seth L. Randall, do have and recover of and from the Defendants B. A. Risher and C. K. Hall, under their firm name of Risher & Hall, the sum of Twelve Hundred Twenty Nine and 30/100 Specie Dollars principal debt and interest due upon the note sued on to this date, together with 8 per centum interest per annum thereon from this date until paid, and all the cost of this suit for which execution may issue.

2996 J. W. B. Beakley v. J. McKinn Jones. Come the parties by their attorneys and by agreement It is ordered that this cause be dismissed from the docket, and that the Defendant pay all the cost hereof for which execution may issue.

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2998. W. C. Hamilton etals v. Thos H Duval, etals Continued by consent.

2999 J. D Nichols v. Susan Page Ordered that the Defendant have leave to amend

3002 Suter & Hirshfeld v. W. H Sharp. On this day came the plaintiffs by their attorneys and announced ready for trial, the cause being regularly reached on the docket and came a jury of twelve good and lawful men of Travis county, consisting of N. Moore and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, and the charge of the Court, and after retirement brought into Court the following verdict, to wit: "We, the jury, find a verdict in favor of plaintiffs for the sum of $156 65/100 One hundred & fifty six dollars & sixty five cents in Gold. N. Moore, foreman." And thereupon It is ordered adjudged and decreed by the Court that the plaintiffs J. W. Suter and Henry Hirshfeld, under their firm name of Suter & Hirshfeld, do have and recover of and from the Defendant W. H. Sharp, the sum of One Hundred & Fifty Six 65/100 Dollars in Gold principal debt and interest so found to be due by the jury aforesaid, together with ten per centum per annum interest thereon from this date until paid, and all the cost of this suit, for which execution may issue

3005 E. J. Banks v. Thos P. Bardett. This cause being regularly reached on the docket, and called for trial; and it appearing that at the last term hereof a rule was entered requiring the plaintiff to enter into bond and security for the cost of this suit, which has not been complied with It is ordered that the case be dismissed for want of compliance with the rule for cost, and that the plaintiff pay all the cost heretofore taxed, for which execution may issue.

3013 Abby Thompson Admr etal v. L D Carrington etal. Cause Continued

And Court adjourned till to-morrow morning 9½ o'clock.

Wednesday, February 15th 1871

Court met at 9½ o'clock A.M. pursuant to adjournment. Present the same as on Yesterday. Whereupon the following proceedings were had by said Court, to wit.

3007 E. M. Peare v. H. H. Raven and E. Raven. And now on this day came the plaintiff in person and asks a judgment final by default. And it appearing to the Court that the Defendant H. H. Raven has been cited by personal service, and the Defendant E. Raven has acknowledged service of plaintiffs petition, and the said parties having failed to answer within the time prescribed by law, and saying nothing in bar or preclusion of plaintiffs demand, and wholly made default, and plaintiffs cause of action being evidenced by a note of hand the same sued on, It is therefore ordered, adjudged and decreed by the Court that the said plaintiff, E. M. Peare, do have and recover of and from the Defendants, H. H. Raven and E Raven, the sum of Four Hundred, Twenty and 75/100 Dollars, principal debt and interest due upon the note sued on, to this date, together with ten per centum per annum interest thereon from this date until paid, and all the costs of this suit, for which execution may issue.

3011. W. F. Wells v. Thos H. Bacon. Continued by consent.

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3031 Geo. Saunders v. Jno. H Chambers. Upon motion It is ordered that the Defendant herein have leave to amend

Grand Jury And now on this day appears in open Court the Grand Jury of Travis county, duly elected, tried, empannelled sworn and charged for and during the present term of the District Court of Travis county, and through their foreman, A. P. Blocker, Esq, presented to the Court the following Bills of Indictment, to wit:

2162 An Indictment against Jane Piper for Making an Assault with intent to kill
2163 An Indictment against Jane Munn and — Tarpin for the theft and murder of a hog.
2164 An Indictment against Jane Johnson for Theft from a house.
2165 An Indictment Henry Thomas for Theft from a house.
2166 An Indictment against Quintin Bouldin for an aggravated Assault.
2167 An Indictment against Jack Lyons, for maliciously killing an ox.
2168 An Indictment against Samuel Burditt, John McLane, James McLane, James Townsend for maliciously Disturbing Religious Worship.
2169 An Indictment against — Murray for playing cards in a public place
2170 An Indictment against — Murray for Betting at Monte
2171 An Indictment against — Murray for playing at a game with cards in a public place
2172 An Indictment against — Rider for playing at a game with cards in a public place
2173 An Indictment against — Maroney for playing at a game with cards in a public place
2174 An Indictment against N.B. Mitchell for Betting at Monte
2175 An Indictment against N. C. Ellis for Betting at Monte.
2176 An Indictment against N. C. Ellis for Betting at a gaming bank called Monte
2177 An Indictment against N. C. Ellis for Betting at a gaming bank called Monte
2178 An Indictment against — Boatman for playing at a game called Casino in a public place
2179 An Indictment against Bill Tongue for playing at a game called Casino in a public place
2180 An Indictment against Wm Tongue for Betting at a game called Monte
2181 An Indictment against Warnel for Betting at a gaming bank called Monte
2182 An Indictment against Warnel for Betting at a gaming bank called Monte
2183 An Indictment against Bill Smith for Betting at a gaming bank called Monte
2184 An Indictment against Jo. Foster for playing at a game with cards in a public place
2185 An Indictment against Jo Foster for playing at a game with cards in a public place.
2186 An Indictment against Charles Fagett for playing at a game called Casino in a public place
2187 An Indictment against Chas Fagett for playing at a game with cards in a public place
2188 An Indictment against Dave Wills for Betting at a gaming bank called Monte
2189 An Indictment against Jo. Wadsworth for playing at a game with cards called Casino in a public place
2190 An Indictment against Jo. Wadsworth for playing at a game with cards called Poeka in a public place.
2191 An Indictment against Miles Miller for Betting at a Gaming Bank called Monte
2192 An Indictment against Buck Waelon for Betting at a Gaming bank called Monte
2193 An Indictment against Bill Smith for Betting at a Gaming bank called Monte
2194 An Indictment against William Haynes for playing at a game with cards in a public place
2195 An Indictment against Wm Haynes for playing at a game with cards in a public place
2196 An Indictment against N. B. Mitchell for playing at a game with cards in a public place
2197 An Indictment against Dan Gallagher for playing at a game with cards in a public place
2198 An Indictment against Matt. Woodlief for playing at a game with cards in a public place
2199 An Indictment against Matt. Woodlief for playing at a game with cards in a public place
2200 An Indictment against Jace Wilson for playing at a game with cards in a public place

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2201 The State of Texas v Frank Cotton. Playing at a Game with Cards in a public place
2202 The State of Texas v Wm Thompson Betting at a Gaming Bank called Monte.
2203 The State of Texas v Wm Thompson Playing at a Game with Cards in a public place
2204 The State of Texas v. Wm Thompson Playing at a Game with Cards in a public place
2205 The State of Texas v — Allen. Playing at a Game with Cards called Casino in a public place
2206 The State of Texas v. — Allen Betting at a Gaming Bank called Monte
2207 The State of Texas v — Boatman. Betting at a Gaming Bank called Monte.

And thereupon the said Grand Jury suggesting that there was no further business depending before them, they were ordered to retire and were thereupon finally discharged from further attendance upon the Court.

And Court adjourned till 9 o'clock to-morrow morning at 9½ o'clock.

Thursday, February 16th 1871

Court met at 9½ o'clock A.M. pursuant to adjournment Present the same as on yesterday Whereupon the following proceedings were had by said Court, to wit:

2999 J. D. Nichols v. Susan Page. And now on this day came the parties to this cause by their attorneys, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: J. D. Shepherd, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "J. D. Nichols vs Susan Page. We the jury find for the Defendant. J. D. Shepherd, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the said plaintiff, J. D. Nichols, take nothing in this behalf; that the said Defendant go hence and recover of the said J. D. Nichols and the securities on his cost bond, to wit: A. P. Blocker and D. M. Wilson, all the cost herein to be taxed, for which execution may issue.

3044 Dallas Johnson and Richard M. Johnson vs Bobbie M. Wilcox, a minor. And now on this the 16th day of February 1871 came the plaintiffs by their attorneys and Fergus Kyle, special Guardian and Guardian ad litem for the minor Bobbie M. Wilcox, by his attorney. And it being shown to the Court that said Kyle had, on the 10th day of February, 1871, filed in this Court his bond as required by the order appointing him, which bond has been approved by the Clerk. And it being also shown that he had taken the oath as required by law. And the said parties having announced themselves ready for trial. Thereupon came a jury of twelve good and lawful men of Travis county, consisting of Nat. Moore and seven others, who having been duly tried, elected, empannelled and sworn, and having heard the pleadings, the evidence, and the charge of the Court, retired, and after deliberation returned the following verdict viz: "We, the jury, find for the plaintiffs. Nat. Moore, foreman." It is therefore considered by the Court, ordered, adjudged and decreed, that the Plaintiff, Dallas Johnson, is the owner of Five eighths of Out Lot Number Thirty two, a part of Out Lot Number Thirty Three, and Out Lot Number Thirty Four in Division C adjoining the City of Austin, containing about eighty acres, together with the

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buildings and improvements thereon, and Out Lot Number Twenty Eight in Division B adjoining said City, containing about thirty acres; and that the Defendant Bobbie M. Wilcox is the owner of three eighths of said Out Lots, buildings and improvements. It is further Considered, ordered, adjudged and decreed that the Plaintiff, Dallas Johnson, is the owner of an estate for her life in one third of all the other tracts and parcels of land described in Plaintiffs petition, viz: one tract of 640 acres in Burnett County. Two other tracts in Burnett county, one of 303 acres and the other of 385 acres, one tract of 300 acres in Travis county: one tract of 526½ acres in Johnson county; also, the undivided half of One hundred and three acres in Young county, located for Robert M. Wilcox, as assignee of the unlocated balance of a certificate originally issued to Philip Jordan, and that the said Dallas Johnson is also the owner of One fourth of all of said last named tracts of land, subject to said life estate. It is further ordered, adjudged and decreed that said Bobbie M. Wilcox is the owner of three fourths of all of said last named tracts of land, subject to the life estate of said Dallas Johnson. It is further considered by the Court, and ordered, adjudged and decreed that said Dallas Johnson shall have a partition of said lots, with the buildings and improvements, and of said tracts of land between herself and the said Bobbie M. Wilcox, according to their respective rights and interests in and to the same. And that Felix E. Smith, A. H. Cook and Alfred Smith be, and they are hereby appointed Commissioners to make an appraisement and just partition of all of said described property between the said Dallas Johnson and Bobbie M. Wilcox in accordance with this decree, that said Commissioners proceed, as early as convenient, to perform their duties and make a written report of their action sworn to before some officer authorized to administer oaths, to this Court for a final Decree in the premises.

3014 Louis Conley v. Hannah Conley. Ordered that this cause be continued.

3021 W. A. Morris v. C. A. Wooldridge et al & John Hancock. Upon motion of the plaintiff, by his attorney, It is ordered that this Cause be continued to make parties.

3034 J. T. Chandler v. C. G. Napier et al & F. W. Chandler. And now on this day came the parties to this cause by their attorneys, and announced ready for trial, the cause being regularly reached. And there came a jury of twelve good and lawful men of Travis county, consisting of N. Moore and seven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings and the evidence, and after retirement, returned into Court the following verdict, to wit: "We, the Jury, find verdict in favor of plaintiff for the sum of $692.13 Six hundred and Ninety two Dollars & thirteen Cents currency. N. Moore, Foreman." It is therefore ordered, adjudged and decreed by the Court that the plaintiff J. T. Chandler, do have and recover of and from the Defendants C. G. Napier and F. W. Chandler, the sum of Six hundred and ninety two 13/100 Dollars so found to be due by the Jury aforesaid, and all the cost here of to be taxed, for which execution may issue. And it appearing that F. W. Chandler is endorser on the instrument sued on, It is ordered that the execution to be issued on this judgment shall first be levied upon the property of the said Napier situated in Travis county. And if the said Chandler shall be compelled to pay any

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portion of said judgment, then the said judgment may be prosecuted to execution for the benefit of the said Chandler for the amount so paid.

3031 T. C. Flow v. A. A. Hughes Ordered that this cause be continued for Term.

2954 R. D. Rust v. D. W. Chandler, Admr of John Hemphill. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial, and waiving a jury, agree to submit the case to the Court. And the petition and answer and proof coming on to be heard and being duly considered, It is ordered that the said plaintiff recover of the Defendant according to the prayer of his petition. And the Clerk here assessing the damages, It is ordered, adjudged and decreed by the Court that the plaintiff R. D. Rust, do have and recover of and from the Defendant, D. W. Chandler, Admr. of the estate of John Hemphill, Decd the Sum of Five Hundred, Eighty four and 37/100 Dollars being the amount of the account sued on, with interest thereon at 8 percent. from the 1st day of January 1863 to this date, together with all the Cost of this suit, And it is further ordered that this Judgment may be certified as a just, valid and subsisting claim against the estate of John Hemphill, to be paid in due Course of administration.

1693 James B. Cassidy, Admr &c of the Estate of Thomas Cassidy, Deceased v. Robert A Smith, Admr of the Estate of John King, Deceased. This case coming on to be heard the respective parties thereto being represented by their Counsel, and the demurrers filed therein by James B. Cassidy Admr &c &c and by Sarah J. Cassidy, the widow of Thomas Cassidy, Deceased: the one being to the answer and to the amended answer thereto and the other to the amended answer therein making her a party- and the same having been argued, submitted and taken under advisement, It is ordered, adjudged and decreed by the Court that the demurrers aforesaid be sustained. And thereupon the Defendant Robert A Smith by his Counsel asked leave to amend,- which was granted.

2774 D. W. Chandler, Admr of John Hemphill, Decd v. Washington Hemphill. This cause coming on to be heard, the respective parties thereto being represented by their attorneys of record, It is ordered, adjudged and decreed, after a hearing in open Court, and in accordance with an agreement in writing and duly signed, on file, to that effect, that the original petition therein be dismissed at the costs of the Plaintiff, who is to file no further pleaddings, and to take no further proceedings therein. Thereupon the Cause as remaining on the cross-action of Defendant having been submitted to the Court, a Jury being waived, And it appearing to the Court that no answer has been filed to said cross action, It is further ordered, adjudged and decreed that the Defendant Washington Hemphill have judgment by default thereon against Plaintiff, and that he have and recover of Plaintiff one cent damages, of which due payment shall be made by plaintiff in due course of administration. It is further ordered, adjudged and decreed that said Defendant's title to and possession of lots numbered eight (8) Nine (9) and ten (10) in Block Numbered Forty four (44) in

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the City of Austin, and so known and described on the plat or map of said city, be freed from all clouds put upon the same by the Plaintiff or by any person or persons claiming, or to claim, the same, or any part thereof by, through, or under, plaintiff, or by through or under, John Hemphill, Deceased, and adversely to Defendant Washington Hemphill: and that said Washington Hemphill be quieted in his title to and in his possession of the lots aforesaid. It is further ordered that the costs of this suit be adjudged against the plaintiff to be paid as aforesaid, and that the parties go hence without day.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, Febuary 17th 1871.

Court met at 9½ o'clock, A.M. pursuant to adjournment. Hon. James P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

J V 2921 Thomas F. McKinney v A.M. Cox. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the first day of the next term hereof, otherwise the same will be dismissed. Plaintiff's attorney having notice hereof.

J V 2943 J.D. Coyle v. J.B. Adams, et al. Ordered, upon motion of the Clerk that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term hereof, otherwise the same will be dismissed. Plaintiffs attorney having notice.

J V 3006 James S. Nichols v W. Brown, et al. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term hereof, otherwise the same will be dismissed. Plaintiffs attorney having notice.

J V 3015 Sarah Young v David Young. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term hereof, otherwise the same will be dismissed, Plaintiffs attorney having notice.

J V 3019 Phillips by Cynthia Golden v James and Josphia Phillips. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of the suit, on or before the next term hereof otherwise the same will be dismissed, Plaintiffs attorney having notice.

J V 3033. McKie Hannum v. John Stringer. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term hereof, otherwise the same will be dismissed, Plaintiffs attorney being present and notified.

J V 3038 Lucretia R. Brown v J.T. Brown et al. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term hereof, otherwise the same will be dismissed, Plaintiffs attorney having notice.

J V 3039 E.H. Cunningham v E.G. Dewey. Ordered, upon motion of the Clerk, that the Plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term hereof, otherwise the same will be

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dismissed, Plaintiffs attorney having notice.

3046 C. A. Sprague v. Jno. M. Swisher. Ordered, upon motion, that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney having notice.

2760 M. Olmsted v. T. F. M. Kinney. Ordered upon motion, that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, plaintiffs attorney having notice.

And thereupon Court adjourned till to-morrow morning at 9½ o'clock.

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Court met at 9½ o'clock A. M. pursuant to adjournment. Present the Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3044 Dallas Johnson & Richard M. Johnson vs. Bobbie M. Wilcox, a minor. And now on this the 18th day of February, 1871, Alfred Smith, Abner H. Cook and Felix E. Smith presented in open Court the following Report of their action as Commissioners under a Decree rendered by this Court at a former day of this term, viz:

We, Alfred Smith, Abner H. Cook and Felix E. Smith, Commissioners appointed by the District Court of Travis County, State of Texas, to make an appraisement and partition of the community estate and separate estate of which Robert M. Wilcox, Deceased, late of said County, died seized and possessed, between Dallas Johnson and Bobbie M. Wilcox, in accordance with a decree of said Court in a suit pending therein in which the said Dallas Johnson is Plaintiff and the said Bobbie M. Wilcox is Defendant, met this day in the presence of the attorneys of said plaintiff and the attorney of Ferguson Kyle, the Special guardian and Guardian ad litem of the said Bobbie M. Wilcox: and we proceeded first to make an appraisement of said community estate as follows viz: We appraise Out Lot Number thirty two, apart of Out Lot No thirty three and Out Lot Number thirty four in Division C, adjoining the City of Austin in said County of Travis, containing about eighty acres together with the buildings and improvements thereon, at the sum of seven thousand five hundred dollars $7.500.00

We also appraise Out Lot Number twenty eight in Division B. adjoining said City of Austin, containing about thirty acres at the sum of One thousand dollars $1000.00

Which makes the value of said community estate amount to eight thousand five hundred dollars $8.500.00

We then proceeded to appraise said separate estate as follows viz:

We appraise the tract of six hundred and forty acres in Burnett county on the waters of the North San Gabriel beginning at the South East corner of the J B. Clayton's Survey Thence North 19° West 1789 varas with said Clayton's East line to a stone, from which a Live Oak bears South 5° West 323 varas. Thence North 71° East 1180 varas to a stone mound from which an Elm bears North 37° West 105 varas. Thence South 19° East 876 varas, passes the North West corner of J. L. Wyatt's Survey and with the

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said Wyatts West line 2218 varas passing said Wyatts South West corner and 2780 varas to a stake in the prairie for the South East corner of this Survey. Thence South 71° West 1505 varas to a stake, it being the South east corner of G. W. Ates survey. Thence North 19° West 1000 varas to a stone mound in the South line of J.B. Daytons Survey. Thence North 71° East 325 varas with said Daytons to the place of beginning, at the sum of twelve hundred and eighty dollars, subject to the said Dallas Johnsons life estate in one third thereof.

We appraise the two other tracts in Burnett county on the waters of Clear creek, a tributary of the North San Gabriel, known as Surveys numbered 4 and 5 containing 303 and 385 acres both together 688 acres. Survey No 4 beginning at the South West corner of Survey No. 2, a stone mound, from which a Jine Oak bears North 40° West 52 varas, a pecan bears North 48° West 157 varas. Thence North 71° East 1267 varas with the South line of Survey No. 2 to a stone, thence South 19° East at 50 varas a branch 1350 varas to a stone mound on the north line of N. H. Mix's survey. Thence South 71° West 1267 varas with Mix's line to a stone mound in prairie. Thence North 19° West 1350 varas to the place of beginning. The other Survey No. 5 begins at the South West corner of the above described survey No. 4 on the North line of a third of a league survey in the name of Miller, a stone mound in the prairie. Thence North 19° West with the West line of Survey at 1666 varas a stone mound on the West line of Survey No. 2, from which a Jine Oak bears South 84° East 43 varas, a pecan bears South 76° East 31 varas. Thence South 71° West 1300 varas to a stone mound on the East line of Survey No. 7. Thence South 19° East 1666 varas with the East line of said Survey to a stone mound on the North line of William Millers survey. Thence north 71° East 1300 varas with said line to the place of beginning, at the sum of thirteen hundred and seventy six dollars, subject to the said Dallas Johnsons Life Estate in one third thereof

We appraise the tract in Travis county, being 300 acres out of the Survey in the name of Theophilus Ellison on the waters of Wilbarger's creek beginning at the record or North East corner of said Survey. Thence South 60° East 1488 varas to the dividing line of said tract between R. M. Johnson & Co and W. P. de Normandie Thence South 30° West with said dividing line 1138 varas. Thence North 60° West 1488 varas. Thence north 30° East to place of beginning at the sum of fifteen hundred dollars, subject to the said Dallas Johnson's life estate in one third thereof.

We appraise the tract of 526½ acres in Johnson county being the North half of a tract of about one thousand and fifty three acres patented to Robert M. Wilcox Beginning at a stake in small prairie, the South East corner of H. Addison's survey, a Post Oak bears North 81° East 33 varas. Thence East 2134 varas to a stake a Post Oak bears South 49° West 6 varas. Thence South 560 varas to a stake a black jack bears north

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7 21/2° East 8 varas. Thence East 674 varas to a stake, a Post Oak bears North 46° West 9 varas. Thence North 560 varas to a stake a Post Oak bears South 15° East 2½ varas, another bears North 12° East 2½ varas. Thence West 146 varas to a stake, a black jack bears South 4° West 15 varas. Thence north 1900 varas to a stake a Post Oak bears South 79° West 13 varas a black jack bears South 23° West 8 varas Thence West 2198 varas to a stake the South West corner of A. Whatley's Survey a Post Oak bears North 24° West 20 varas, a black jack bears South 13° East 13 varas Thence North 1100 varas to a stake a Post Oak bears South 79° East 63 varas. Another bears north 88 varas. Thence West 463 varas to a stake the North East corner of said H. Addison's Survey. Thence South 3000 varas to the place of beginning, at the sum of two thousand two hundred dollars $2.200.-

subject to the said Dallas Johnson's life estate in one third thereof

We the appraisers the undivided half of one hundred and three acres being 51½ acres located and surveyed in Young County for Robert M. Wilcox, as assignee of the unlocated balance of a headright certificate, duly issued by the Board of Land Commissioners of Austin County, for one third of a league of land on the 10th May 1838 at the sum of fifty one dollars and fifty cents $51.50

subject to the life estate of the said Dallas Johnson in one third thereof- which makes the value of the said separate estate subject to the life estate of the said Dallas Johnson, amount to the sum of six thousand four hundred and seven dollars and fifty cents $6407.50

We then proceeded to appraise the value of the life estate of the said Dallas Johnson in the one third of the said separate estate to each tract, and which amounts in the aggregate to the sum of seven hundred and twenty dollars $720.-

This being the value of the entire life estate interest of the said Dallas Johnson in the lands above described

The said Dallas Johnson being entitled to 5/8 of the Community property, is according to the foregoing valuation and appraisement entitled to five thousand three hundred and twelve dollars & 50/100 Dollars $5.312.50

out of the same, and also to 1/4 of the separate estate, subject to said life estate, which is the sum of sixteen hundred and one Dollars & 88/100 $1601.88

Also to a life estate in one third of the separate estate which is estimated as above at $720.-

And the said Bobbie M. Wilcox is entitled to three eighths 3/8 of the said community property, which is three thousand one hundred eighty seven 50/100 $3187.50

Also to 3/4 of the separate estate, subject to said life estate, which is four thousand and eight hundred and five 62/100 Dollars $4.805.62

We then proceeded to partition and assign to the said Dallas Johnson the whole of the said community estate herein before described and valued at the said sum of eight thousand five hundred dollars $8.500.-

We then proceeded to assign and partition to the said Bobbie M. Wilcox the whole of the said separate estate, subject to the said

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life estate. We also assigned and partitioned to the said Bobbie M. Wilcox the said life estate of the said Dallas Johnson, valued as above embracing in this assignment the 1/4 interest of the said Dallas Johnson in the separate property aforesaid, so that the said Bobbie has, free & clear of any interest whatever of the said Dallas the estate hereinbefore described as separate property, and the said Dallas Johnson has set apart to her the property hereinbefore described as community property, relieved of all claim in & to the same by the said Bobbie M. Wilcox

This gives to the said Dallas Johnson an excess of Eight hundred, six ty five 62/100 Dollars, over and above her share of the whole property which amount she must pay to the said Bobbie M. Wilcox in gold: and this the fixed and adjudged amount to be paid as shall be determined by the Court in order to a full and complete partition of said estate.

Recapitulation

We have set apart to Mrs Johnson property valued		$ 8.500.-
She was & is entitled as follows:		
To 5/8 of the Community $8500 =	$ 5.312.50	
" 1/4 Separate Estate sub. $1.407.50 =	$ 1.601.88	
To value of Life Estate	$ 720.00	
	$ 7.634.38	$ 7.634.38
Deducted from amt allowed her		$ 865.62
Bobby M. Wilcox has the entire Separate estate	$1.407.50	
3/8 Community Estate	4805.62	
The life estate of Dallas	720.-	
To which add Cash now allowed her	$ 11.933.12	
	865.62	
Value of Bobbie's Estate	$ 12.798.74	

The 3/8 of the Com. Estate set over to Dallas Johnson will reduce the value of her actual present Estate to that extent leaving $7.993.12

The State of Texas } Personally came and appeared before me Alfred Smith,
County of Travis } Abner H. Cook and Felix E. Smith, who being by me severally sworn, deposed and said that the foregoing appraisement and partition of the community estate and separate estate of Robert M. Wilcox Deceased, between Dallas Johnson and Bobbie M. Wilcox made by them under a Decree of the District Court of Travis County rendered on the 16th day of February 1871 is a just, true and correct appraisement and partition. In witness whereof I hereto sign my name and affix my official seal this the day of Feb. 1871 } Alfred Smith,
Subscribed and sworn to before me on this the 18th } A. H. Cook
day of February A D 1871. To certify which I hereto } Felix E. Smith.
set my hand and official seal on the day and date above written.

James W Smith, Notary Public of Travis county, Texas.

Whereupon came the Plaintiffs by their attorneys and Rogers Kyle, special guardian and guardian ad litem of said minor Bobbie M. Wilcox, by his attorney - and the Court having examined and considered said Report, It is ordered, adjudged and decreed that said Report be approved & confirmed and that the whole of the said community estate as described in said Report be and the

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same is hereby vested in the said Dallas Johnson as her absolute estate in fee, and that the whole of said separate estate as described in said Report, including the life estate of said Dallas Johnson be and the same is hereby vested in said Bobbie M. Wilcox as her absolute estate in fee. And it is further ordered, adjudged and decreed that the said Bobbie M Wilcox have and recover of and from the said Dallas Johnson the sum of Eight hundred and sixty five dollars and sixty two cents $865.62 in gold (being the amount required by said Report to be paid to the said Bobbie M Wilcox by the said Dallas Johnson) together with interest on the same at the rate of eight per cent. per annum from this date until paid. And it is further ordered that this debt adjudged to the said Bobbie M Wilcox shall be and remain a lien on the estate, which by this decree is vested in the said Dallas Johnson until the same is paid. This debt is to be paid to the Guardian of the Estate of said Bobbie M. Wilcox, when one shall have been appointed and qualified according to law, whose receipt for the same shall discharge the above lien. It is further ordered that one half of the cost of this suit shall be paid by the said Dallas Johnson and Richard M. Johnson, and the other half shall be paid out of the estate of the said minor Bobbie M. Wilcox, and that the Commissioners be allowed five dollars each for their services to be taxed in the bill of cost.

The amount has adjudged had been paid as ordered. See rear of the Guardian filed with the Papers of the Cause. J. Allen, Co. C.C.C.

1728. P B Calhoun v. Geo. Hancock et als. Ordered that Defendants have leave to amend their pleadings.

3032. Sarah B Harrington v. James Harrington. Ordered, upon motion that the Plaintiff herein have leave to amend.

3032 Sarah B. Harrington v. James Harrington. And now on this day appeared the parties to the above styled and numbered cause by their attorneys, and announced themselves ready for trial. Whereupon came a Jury to wit: J.D. Shepherd foreman and eleven others, twelve good and lawful men of Travis county, who being duly elected and empannelled and sworn, and who after having heard the evidence and suggestions of counsel, retired under the charge of the Court to consider of their verdict, and after due deliberation returned into Court the following verdict, to wit: "No 3032. Sarah B Harrington vs. James Harrington. We, the Jury, find the facts set forth in Plaintiffs petition are true. J.D. Shepherd foreman." It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between said Plaintiff and Defendant be and the same are hereby dissolved. And it appearing to the Court, from the agreement signed by said Plaintiff and Defendant and on file in said cause, that to settle all controversy and dispute as to claims for alimony and with respect to the rights of the parties in the community property, now owned by them, that said Plaintiff and Defendant have agreed that there should be set aside and decreed to the Plaintiff, out of their community estate, the following property to wit: Lots Numbers (1) One (2) two, (3) three, and (4) four in Block No (12) Twelve, in the

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City of Austin, Travis county, Texas, as the same are marked and described on the map or plat of said city, now on file in the General Land Office of said State. Also, all the household and kitchen furniture, corn, fodder, and other articles in the houses and buildings upon said lots, as well as said houses and buildings. And it further appearing to the Court that in addition to said property said Defendant agreed to pay to said plaintiff the sum of two hundred and thirty nine dollars in specie, It is therefore ordered, adjudged and decreed by the Court that all the right, title, interest and claim of said Defendant James Harrington in and to the property aforesaid be divested, and that full, perfect, and complete title thereto be vested in the said plaintiff Sarah B. Harrington, and that said plaintiff be forever quieted in the possession and title thereto; and that Defendant be quieted in his title to all other community property now owned by said parties: and this further ordered and adjudged that the said Plaintiff do have and recover of and from said Defendant the sum of two hundred and thirty nine dollars coin according to said agreement, and all costs in this suit expended, for all of which execution may issue And it is further ordered that an attorney's fee of twenty dollars shall be taxed in the bill of costs in said cause, and when collected shall be paid to A J Walker, Esq, the attorney appointed by this Court to represent said Defendant in this cause

And thereupon Court adjourned till Monday morning at 9 1/2 o clock.

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Court met at 9 1/2 o clock A.M. pursuant to adjournment Present the Hon. James P. Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

1609 The State of Texas v. Randall Sightfoot. This cause dismissed
1649 The State of Texas v. Estes. This cause dismissed
1659 The State of Texas v. Geo. Martin This cause dismissed
1660 The State of Texas v. Henry Alexander This cause dismissed
1690 The State of Texas v. Thos. Swisher This cause dismissed
1710 The State of Texas v. Geo Martin This cause dismissed
1713 The State of Texas v. Crawford Kimbro. Copias to Bastrop county.
1714 The State of Texas v. Crawford Kimbro. Copias to Bastrop county.
1809 The State of Texas v. Chester Williams. This cause dismissed
1813 The State of Texas v. John Green. This cause dismissed
1821 The State of Texas v. Paul and Caroline Carter. This cause dismissed
1832 The State of Texas v. Alfred Morris. This cause dismissed
1837 The State of Texas v. John Lynch. This cause dismissed
1847 The State of Texas v. Robert Brown. This cause continued
1851 The State of Texas v. G. W. Morris. This cause dismissed
1852 The State of Texas v. Julius Seidel This cause dismissed
1853 The State of Texas v. Anderson Hill This cause dismissed
1878 The State of Texas v. Green Smith. This cause dismissed

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1881 The State of Texas v. J. Seidel This cause dismissed
1896 The State of Texas v. N. Puckett. This cause dismissed
1898 The State of Texas v. Fanny Johns. This cause dismissed
1905 The State of Texas v John Rogers. This cause dismissed
1908 The State of Texas v. Jeremiah Ogle. This cause dismissed
1909 The State of Texas v. Jeremiah Ogle. This cause dismissed.
1912 The State of Texas v B. M. C. Bancum. This cause dismissed
1917 The State of Texas v. James Tedders et als This cause dismissed
1919 The State of Texas v. Tom Swisher & m. c This cause dismissed
1920 The State of Texas v. James Tedders et als This cause dismissed
1921 The State of Texas v. James Tedders et als This cause dismissed
1925 The State of Texas v. C. C. Clark et als al. Copias to Bell and Burnet counties
1926 The State of Texas v. C. C. Clark et als. al. Copias to Bell and Burnet counties
1927 The State of Texas v. C. C Clark et als. alias Copias to Bell and Burnet counties
1928 The State of Texas v C. C. Clark et als alias copias to Bell and Burnet counties
1929 The State of Texas v. Green. This cause continues for service.
1931 The State of Texas v. Ara Carpenter, et. als. Continues for Service
1938 The State of Texas v. Charles Sublett. alias copias to Bastrop County.
1939 The State of Texas v. Charles Sublett alias copias to Bastrop County.
1941 The State of Texas v. C. W. Bryant al. Cop. to Galveston, Harris, Harrison and Marion
1940 The State of Texas v. J. B. Waeker. Continues for Service.
1942 The State of Texas v. Gatlin and Gatlin al. Cop. to Falls counties
1944 The State of Texas v. Jim Hamilton. Continued for service.
1947 The State of Texas v. Burrier and Bell. alias copias to Bastrop.
1948 The State of Texas v. Burrier and Bell. alias copias to Bastrop
1949 The State of Texas v. Burrier and Bell. alias copias to Bastrop
1950 The State of Texas v. Burrier and Bell. alias copias to Bastrop
1951 The State of Texas v Burrier and Bell. alias copias to Bastrop
1952 The State of Texas v. Burrier and Bell. alias copias to Bastrop.
1954 The State of Texas v. A. J. Green. Continued for service.
1957 The State of Texas v. Jesse Bowman, et al. This cause dismissed
1958 The State of Texas v. Monroe Gatlin. This cause dismissed
1962 The State of Texas v. Jesse Bowman, et al. This cause dismissed
1966 The State of Texas v. Margaret Fralisch. This cause dismissed
1970 The State of Texas v. John T Grooms. This cause dismissed
1974 The State of Texas v. James C. Irving. This cause dismissed
1977 The State of Texas v. Mitchell. This cause dismissed
1980 The State of Texas v. Fanny Wickly. This cause dismissed
1989 The State of Texas v. Charles Gregg. Continued for service
1990 The State of Texas v. Wm Miller. Continued for service
1995 The State of Texas v. Clay Simmons Continued for Service
2008 The State of Texas v. J. M. Neal. Continued for service
2040 The State of Texas v. Pleasant Saunders. Continued for Service
2048 The State of Texas v. Harry Johnson. Continued for Service
2066 The State of Texas v. R. A Rhoads. Continued for service
2069 The State of Texas v. Wm Stone. This cause dismissed

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2072 The State of Texas v. Ned. Washington. This cause dismissed
2082 The State of Texas v. Mary Walker. This cause dismissed
2090 The State of Texas v. Charley Moore. Continued for service
2092 The State of Texas v. Moses McCree. This cause dismissed
2095 The State of Texas v. Geo. Cravens Continued for service
2106 The State of Texas v. Moses McCree. This cause dismissed
2120 The State of Texas v. Wm Dotson. alias capias to Hays county.

And thereupon came N. G. Shelley, Esq., and suggested to the Court the death of Senator Clark, from Nacogdoches, a member of the Senate of the Legislature of Texas, and a former member of the Bar of this State and of the judiciary there of, and moved the Court to adjourn out of respect to the memory of the deceased. And thereupon It is ordered that Court do now stand adjourned till to-morrow morning at 9½ o'clock.

Tuesday, February 21st 1871

Court met at 9½ o'clock a m pursuant to adjournment. Present Hon. James P. Richardson, judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

1715 The State v. Reeves. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant Reeves by his attorney W. M. Wacton, Esq, and by consent the cause is reinstated upon the Docket. And thereupon the parties announced themselves ready for trial. And by agreement a jury is waived and the cause submitted to the Court. And the Defendant here entering the plea of guilty, It is ordered that the State of Texas have and recover of the Defendant Reeves, of Grayson county, the sum of ten Dollars, which the Court here assesses as fine, together with all the cost of this prosecution, and that the Defendant be committed by capias in default of payment.

2138 The State of Texas v. John McDonald. And now on this day came the District attorney who prosecutes for the State in this behalf; and came also the Defendant in person and by his attorney James H. Burts. Esq. And the parties thereupon announced ready for trial. Whereupon came a jury of twelve good and lawful men of Hays county, consisting of E. L. Saunders and eleven others, who being tried elected, empannelled and sworn according to law, heard Defendant's plea of not guilty, the indictment, the evidence, the argument of counsel, and the charge of the Court, and retired to deliberate of their verdict. And after retirement the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty, and assess the punishment at imprisonment in the State Penitentiary for the term of two years. E. L. Saunders, foreman." Whereupon It is ordered by the Court that the said Defendant stand committed to await judgment and sentence

2164 The State of Texas v. Jane Johnson. And now on this day came the District attorney who prosecutes for the State in this behalf; and came also

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the Defendant in person and by her attorney Ridge Paschal, Esq, And then the parties announced ready for trial When came a jury of twelve good and lawful men of Travis County, consisting of Nat. Moore and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the indictment, the evidence, argument of counsel, and the charge of the Court, and retired for deliberation. And thereupon said jury returned into Court the following verdict, to wit: "Feb 21st 71 We, the Jury, find the Defendant guilty and assess her punishment at two years in the State Penitentiary. Nat. Moore foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

And thereupon Court adjourns till to-morrow morning at 9½ o'clock.

Wednesday, 22? February, 1871.

Court met at 9½ o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

L 2134 The State of Texas v Thomas Barnes Continues on affidavit of the Defendant. And now comes J. L. Peay, who, in Open Court, acknowledged himself justly to owe and is indebted unto The State of Texas in the penal sum of One hundred Dollars, to be levied upon his Goods, Chattels, Lands, Tenements and Estate, But to be void nevertheless upon condition that the said John L. Peay make his personal appearance before the Hon. District Court of Travis County, to be held at the Courthouse there of in the City of Austin on the first Monday in June, A D. 1871, then and there to give evidence on behalf of the Plaintiff in the above entitled cause, and that he there remain from day to day and from term to term thereafter until discharged, and that he do not depart the Court without leave.

V 2140 The State of Texas v J. H. Doran. And now on this day came the Defendant, J. H. Doran, who, as principal, and Weyman F. Wells and J. L. Warren as his securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One Thousand Dollars, to be levied upon their goods and Chattels, Lands, Tenements and Estate, But to be void, nevertheless, upon condition that the said J. H. Doran make his personal appearance before the District Court of Travis County now in Session at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to answer the Indictment preferred against him by the Grand Jurors of Travis county, at the February term 1871, of the District Court of said County for committing an assault with intent to kill and murder, and that he do not depart the Court without leave.

J. A. Dawes Ex parte

Comes J. A. Dawes Esq and presents to the Court a certificate shewing that he is a resident citizen of the State and County aforesaid, that he is twenty one years of age, and has a good reputation for moral

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character and honorable deportment, and also filing his petition praying to be admitted to practice as an attorney and counsellor at law in the several District and Inferior Courts of this State. And it is ordered that A. J. Walker, J. H. Burts and E. T. Moore, be appointed a committee to examine the applicant in open Court as to his qualifications, and report thereof make to the Court.

2745 The State of Texas v. John Jackson. And now on this day came the District attorney who prosecutes for the State in this behalf, and also came the Defendant in person, and by his attorney, J. T. Datiman, Esq., and announced ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of E. L. Saunders, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, the Indictment, the argument of counsel and the charge of the Court, and retired to consider of their verdict. whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and asess his punishment at two years confinement in the State Penitentiary. E. L. Saunders, foreman." Whereupon It is ordered by the Court that the Defendant stand committed to the county jail to await judgment and sentence.

L E Edwards comes L E Edwards Esq. by attorney and presents to the Court a certificate shewing that he is a resident citizen of the State and County aforesaid, that he is twenty one years of age, and has a good reputation for moral character and honorable deportment, and also filing his petition praying to be admitted to practice as an attorney and counsellor at law in the several District and Inferior Courts of this State. And it is ordered that D. Sheeks, T. E. Sneed and N. G. Shelley Esqs be appointed a committee to examine the applicant in open Court as to his qualifications, and report thereof make to the Court.

2163 The State of Texas v. Sam Mumm and Serpin. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendants in person and by their attorney. And then came a jury of twelve good and lawful men of Travis county, consisting of Nat. Moore and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the Indictment, the evidence, and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendants both guilty and asess a fine of one hundred dollars each, and by ten days imprisonment in the county jail. Nat. Moore, foreman." whereupon It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of the said Defendants Sam Mumm and Serpin, the sum of one hundred dollars each, and all the cost of this prosecution, and that they stand committed to the county jail until the same are paid in full

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And it is further considered by the Court that the said Defendants, each of them, stand committed to the county jail of Travis County, for the term of ten days, in accordance with the verdict of the jury aforesaid.

2100 The State of Texas v Ed. Smith. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney, and announces ready for trial. Then came a jury of twelve good and lawful men of Travis County, consisting of Nat. Moore, foreman and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel and the Charge of the Court, and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty Nat. Moore, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

And then Court adjourned till to-morrow morning 9½ o'clock.

Thursday, Febmary 23d. 1871

Court met at 9½ o'clock a M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

2165 The State of Texas v. Henry Thomas. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by his attorney, and the parties then announced ready for trial. When came a jury of twelve good and lawful men of Travis county, consisting of E. L. Saunders foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the indictment, the evidence the argument of counsel and the charge of the Court, retired to deliberate of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "Travis County, State of Texas, February 23d. 1871. We, the jury, find the Defendant guilty and assess his punishment at two years confinement in the State Penitentiary. E. L. Saunders, foreman." Whereupon It is ordered that the Defendant be committed to the county jail to await judgment and sentence.

2505. Goldfrank, Frank & Co. v. R. A. Rutherford and N. S. Rector. And now on this day came the plaintiffs, Max Goldfrank, A. B. Frank and Samuel Lavenburg, under the name and style of Goldfrank, Frank & Co.; by their attorneys Moore & Shelley, and N. S. Rector having made himself a party Defendant to this suit, and the Defendants R. A. Rutherford and N. S. Rector appearing by their attorneys Bowers & Walker. And the parties, for the purpose of settling all matters of difference between them in this suit, growing out of all transactions between them, and for the purpose of making a final and conclusive adjustment of all said matters and issues, It is agreed by and

1871.

Received of R A Rutherford and N S Rector Five Hundred and Seventy one & 07/100 Dollars principal & interest, and Twenty Dollars Court fees for taking depositions paid by plff, in the case of Goldfrank Frank & Co Vs R A Rutherford and N S Rector, Judgt rendered in Dist Co of Travis Co Feb, 23rd 1871

Moore & Shelby
attys for plffs

Frank & Co. do have
Rutherford and N.S
One and 7/100 Dollars
h all costs in and
eed that execution shall
It is therefore ordered,
intiffs Goldfrank, Frank
Rutherford and N. S.
e and 7/100 Dollars Uni-
date at the rate of
s in and about this
after the first day

of May, A. D. 1871.

2166 The State of Texas v. Quintin Bouldin. And now on this day came the District Attorney who prosecutes for the State in this behalf: and came also the Defendant in person and by his attorneys. And thereupon the parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of Nat. Moore, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the indictment, the evidence, the argument of counsel, and the charge of the Court, and retired to deliberate of their verdict. And thereupon said jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty and fine him one hundred Dollars and ten days' imprisonment in the County jail. Nat. Moore, foreman." And thereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Quintin Bouldin the sum of One Hundred Dollars fine so assessed by the jury, and all the cost of this prosecution, and that he stand committed to the County jail until the same are paid in full. And it is further considered by the Court that the Defendant be committed to the County jail for the term of ten days in accordance with the verdict of the jury aforesaid.

And thereupon Court adjourned till to-morrow morning at 9½ o'clock.

Friday, February 24th, 1871.

Court met at 9½ o'clock, a.m. pursuant to adjournment. Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2141 The State of Texas v Simeon Smith. And now on this day came the District Attorney who prosecutes for the State in this behalf. And came also the Defendant in person and by his attorney Thomas E. Sneed, Esq, and announced ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of E. L. Saunders, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, the plea of not guilty, the indictment, argument of counsel, and the charge of the Court. And the jury thereupon retires for deliberation. And then the jury brought into Court the fol-

Thursday, Febmary 23d. 1871.

between them that the plaintiffs Goldfrank, Frank & Co. do have and recover of and from the Defendants R. A. Rutherford and N. S. Rector the sum of Five Hundred and Sixty One and 70/100 Dollars in the currency of the United States, together with all costs in and about this suit expended. It is further agreed that execution shall be stayed until the first day of May, A.D. 1871. It is therefore ordered, adjudged and decreed by the Court that the plaintiffs Goldfrank, Frank & Co. do have and recover of the Defendant R. A. Rutherford and N. S. Rector the sum of five hundred and sixty-three and 70/100 Dollars United States currency, and interest thereon from this date at the rate of eight per cent. per annum, together with all costs in and about this suit expended, for which execution may issue after the first day of May, A.D. 1871.

2166 The State of Texas v. Quintin Bouldin. And now on this day came the Distnct Attorney who prosecutes for the State in this behalf: and came also the Defendant in person and by his attorneys. And thereupon the parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of Nat. Moore, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the indictment, the evidence, the argument of counsel, and the charge of the Court, and retired to deliberate of their verdict. And thereupon said jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty and fine him one hundred Dollars and ten days' imprisonment in the County jail. Nat. Moore, foreman." And thereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Quintin Bouldin the sum of One Hundred Dollars, fine so assessed by the jury, and all the cost of this prosecution, and that he stand committed to the County jail until the same are paid in full. And it is further considered by the Court that the Defendant be committed to the County jail for the term of ten days in accordance with the verdict of the jury aforesaid.

And thereupon Court adjourned till to-morrow morning at 9 1/2 o'clock.

Friday, Febmary 24th, 1871.

Court met at 9 1/2 o'clock a.m. pursuant to adjournment. Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2141 The State of Texas v Simeon Smith. And now on this day came the District Attorney who prosecutes for the State in this behalf. And came also the Defendant in person and by his attorney Thomas E. Sneed, Esq, and announced ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of E. L. Saunders, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, the plea of not guilty, the indictment, argument of counsel, and the charge of the Court. And the jury thereupon retires for deliberation. And then the jury brought into Court the fol-

Friday, February 24th 1871

lowing verdict, to wit: "We, the jury, find the Defendant guilty, and affix his punishment at two years confinement in the State Penitentiary. E. L. Saunders, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

2148 The State of Texas v. John H. Chambers And now on this day came the parties to this cause by their attorneys, and announced ready for trial. When came a jury of twelve good and lawful men of Travis county, consisting of Benj. R. Townsend and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. Benj. R. Townsend, foreman." Whereupon It is ordered by the Court that the Defendant be discharged, fully acquitted of the of the charge made against him.

2107 The State of Texas v. Lewis Taylor. Cause dismissed and Deft. discharged.

2135 The State of Texas v. Pat. Dickinson. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by his attorney: and the parties thereupon announced ready for trial. When came a jury of twelve good and lawful men of Travis county, consisting of and eleven others, who being duly tried, elected, empannelled and sworn according to law, heard the plea of not guilty to the charges contained in the Indictment, the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant not guilty. Nat Moore, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

Ex Parte J. A. Dewees. The committee heretofore appointed to examine the applicant for license to practice law, Mr. J. A. Dewees, having done so in open Court, and reported that they are satisfied of his legal qualifications, and the Court being satisfied in the premises, It is ordered that the said J. A. Dewees be and he is hereby admitted to practice as an attorney and counsellor at Law, in the several District and Inferior Courts of this State, and it is ordered that the Clerk make out a License for the applicant, under seal, and that said applicant take the oath prescribed by law in open Court, which is accordingly done

1993. The State of Texas v. James Morris. Cause dismissed and deft. discharged.

2000. The State of Texas v. James Morris. Cause dismissed and deft. discharged.

2144 The State of Texas v. Ezeriah Johnson. And now on this day came the District attorney, who prosecutes for the State in this behalf, and came also the Defendant in person and by his attorneys, and the parties announced ready for trial. And then came a Jury of twelve good and lawful men of Travis County, consisting of E. L. Saunders and eleven others, who being tried, elected, empannelled and sworn according to law, heard the

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plea of not guilty, the evidence, the argument of counsel and the charge of the Court, And the jury then retired to consider of their verdict. Whereupon, after deliberation, the jury returned into Court the following verdict, to wit: "Travis County, State of Texas. February 24th, 1871. We the jury find the Defendant guilty and assess his punishment at two years confinement in the State Penitentiary E. L. Saunders, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

And thereupon Court adjourned till to-morrow morning at 9½ o'clock.

Saturday, February 25th 1871.

Court met at 9½ o'clock A.M. pursuant to adjournment Present the Hon. J.P. Richardson. Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

✓C 2999. G. L. Nichols v. Susan Page. And now on this day appeared the parties by their attorneys; and then came on to be heard the motion of the plaintiff for a new trial heretofore filed. And the same being heard, argued by counsel, and well considered, It is ordered that said motion be and the same is hereby overruled. Whereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

✓C 2938 John P. White v. W.M. Clements. And now on this day appeared the parties to this cause by their attorneys - and then came on to be heard the motion of the plaintiff Defendant for a new trial heretofore filed. And the same being heard, argued by counsel, and well considered, It is ordered that said motion be and the same is hereby overruled. Whereupon the said Defendant gives notice, in open Court, of an appeal to the Supreme Court.

✓ 2138 The State of Texas v. John Mc Donald. And now on this day came the District Attorney on behalf of the plaintiff, and came also the Defendant, whereupon said Defendant offered the motion for the arrest of the judgment in this cause, which being heard and argued by counsel, and being well understood by the Court, It is ordered that the said motion be and the same is overruled. Whereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

✓V 2739 Lucy Ann Johnson v. John H. Wacker, et. al Come the parties by their attorneys, when came on to be heard the motion for a new trial filed herein, at a former day of the term. And the said motion being duly considered by the Court, It is ordered that the same be overruled. Whereupon the Intervenor gives notice, in open Court, of an appeal to the Supreme Court.

V 2141 The State of Texas v. Simeon Smith. Come the parties by their attorneys, when came on to be heard the motion for a new trial filed herein, at a former day by this Defendant. And the said motion being duly considered, & it being well understood, It is ordered that the same be, and is hereby overruled.

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2164. The State of Texas v. Jane Johnson. On this day came the District attorney and the Defendant. And said Defendant, by attorney, submitted his motion for a new trial in this cause, which being heard and duly argued by counsel and being well understood by the Court, It is ordered that the said motion be and the same is hereby overruled.

2145 The State of Texas v. John Jackson. And now on this day came on to be heard the motion for a new trial heretofore filed by the said Defendant, the parties appearing by attorney. And the said motion being duly considered by the Court, It is ordered that the same be overruled, to which ruling the Defendant excepts.

And thereupon Court adjourns till to-morrow morning at 9 1/2 o'clock.

Monday, February 27th 1871.

Court met at 9 1/2 o'clock, A.M. pursuant to adjournment. Hon. G.P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

2002 The State of Texas v. Bursby. Continued for service.
2047 The State of Texas v. Charles Beau, et al. Continued by Agreement.
2061 The State of Texas v. Danl. P. Gallagher. Cause dismissed and Deft discharged
2066 The State of Texas v. R. A. Brown. Alias Capias to Caldwell & Hays Counties
2070 The State of Texas v. T. J. Brown. Cause dismissed and Deft. discharged
2080 The State of Texas v. Gus Walker. Cause dismissed and cause dismissed
2081 The State of Texas v. Berry Davis. Cause dismissed and Defendant discharged
2083 The State of Texas v. Darkis Taylor. Cause dismissed and Defendant discharged
2084 The State of Texas v. Abe Williams. Cause dismissed and Defendant discharged
2091 The State of Texas v. W.R. Baker. Cause dismissed and Defendant discharged
2098 The State of Texas v. Julien Jos. Cause Continued.
2099 The State of Texas v. Eugene Harris. Cause dismissed and Defendant discharged
2104 The State of Texas v. David Lange. Con. for Service. al. Cap. to Travis & Bastrop Counties
2109 The State of Texas v. Thomas Gates. Continued for Service.
2112 The State of Texas v. Alck Fowler. Continued by Agreement.
2126 The State of Texas v. Geo. W. Allen. Continued for Service.
2133 The State of Texas v. Tidwell Gathin. Continued for Service.
2122 The State of Texas v. Nathan Tinnin. Continued by the State, and attachments ordered for the witnesses Bedford Hammett and B. F. Cady on behalf of Pltff.

And now on this day appeared Ned. Smith, Jim Roundtree and Ben. Van Zandt, and each of them acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars to be levied upon his Goods, Chattels, Lands, Tenements and Estate, But to be void if the said Ned. Smith, Jim Roundtree and Ben. Van Zandt shall make their personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in Austin, on the first Monday in June, 1871, then and there to give evidence on behalf of the Defendant in the above entitled cause of The State of Texas v. Nathan Tinnin, and that they there remain from day to day and from term to term thereafter and do not depart the Court without leave

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✓ 2140 The State of Texas v. T. H. Doran. Continued on affidavit of Defendant.

1997 The State of Texas v. Ace Gardner. Continued by the Plaintiff, and attachment awarded for State's witnesses.

✓ 2137 The State of Texas v. T. B. Marlove. And now come the parties and announced ready for trial. When came a jury of twelve good and lawful men of Travis county consisting of Wm. M. Saunders and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court retired for deliberation, and returned the following verdict, to wit: "We, the jury, find the Defendant not guilty. Wm M Saunders, foreman" Whereupon It is adged by the Court that the Defendant go hence fully acquitted and discharged.

✓ 2126 The State of Texas v Dan Gallagher. And now on this day came the District Attorney on behalf of the Plaintiff, and also appeared the Defendant in person and by attorney. And the pathis thereupon announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, consisting of Nat Moore and eleven others who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, the argument of counsel and the charge of the Court and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. Nat Moore Foreman" Whereupon It is adged that the Defendant go hence fully acquitted and discharged.

T. C. Cater. And thereupon It is ordered that T. C. Cater, Esq. be fined ten dollars for contempt of Court, in failing to obey a subpoena as a witness in the case No. 2147, of The State of Texas v. Aleck Thornton, and that he stand Committed until the same is paid.

✓ 2147 The State of Texas v. Aleck Thornton. And now on this day came the District Attorney who prosecutes for the State in this behalf. And came also the Defendant in person and by his attorney, and the parties thereupon announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of B. O. Staveley and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty, and ass[illegible] the punishment at two years in the State Penitentiary. B. O. Staveley, Foreman." Whereupon It is ordered by the Court that the Defendant stand Committed to jail to await the judgment and Sentence of the Court.

And thereupon It is ordered that Court do now stand adjourned till to-morrow morning at 9 o'clock.

Tuesday. February 28th 1871

Tuesday, February 28th 1871.

Court met at 9½ o'clock, A. M. pursuant to adjournment. Present the Hon. James P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

2006 The State of Texas v. Riley Spence. Cause disunified and Deft discharged

2007. The State of Texas v. Alpha Scott. Cause disunified and Deft discharged.

2088. The State of Texas v. S Mabett. Continued by agreement.

2149. The State of Texas v. Henry Thomas Cause disunified and Deft discharged

2150 The State of Texas v. W. Harrison and Ch. Watson. Continued by Agreement

2151 The State of Texas v. John Barnhart. Continued for Service.

2152 The State of Texas v. Thomas Stephens Continued for Service. Cap. to Caldwell & Hays

2153 The State of Texas v. Ezekiel Wimberley Continued for Service.

2154 The State of Texas v. Gonzales Cause Disunified from the Docket

2155 The State of Texas v. James Sneed. Continued by Agreement.

2156 The State of Texas v. James Sneed Continued by Agreement.

2157 The State of Texas v. William Sneed. Continued by Agreement.

2158 The State of Texas v. Bill Sneed Continued by Agreement.

2159 The State of Texas v. Jo Cardenas Cause Disunified from the Docket

2160 The State of Texas v. J. Gonzales Cause Disunified from the Docket.

2167 The State of Texas v. Jack Lyons Continued for Service.

2172 The State of Texas v. Rider. And now on this day came the parties by atty ✓ ✗ and announced ready for trial. And waiving a jury agree to submit the case to the Court. And thereupon the Defendant enters the plea of guilty. And the Court here assessing the fine at Ten Dollars It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant Rider the sum of Ten Dollars and all the cost of this prosecution, and that a capias issue to enforce the collection thereof

2173. ✓ The State of Texas v. Maroney And now on this day came the parties ✗ by atty and announced ready for trial. Whereupon the Defendant enters the plea of guilty to the Indictment. And the parties waive a jury and submit the Case to the Court. And the Court here assessing the fine at Ten Dollars It is ordered that the State of Texas do have and recover of the Defendant Maroney the sum of Ten Dollars and all the Cost of this prosecution, and that a Capias issue to enforce the collection of the Same.

2174 ✓ The State of Texas v. A. B Mitchell And now on this day came the parties ✗ by their attorneys and announced ready for trial, and waiving a Jury agree to submit the case to the Court. And the District Attorney disunifying as to the second count in the Indictment the Defendant pleads guilty to the other count. And the Court here assessing the fine at Ten Dollars It is ordered that the State of Texas do have and recover of and from the Defendant A. B Mitchell the said sum of Ten Dollars and all the costs of this prosecution, and that a Capias issue to enforce the Collection of the Same.

2175 The State of Texas v. H. C Ellis. Continued for Service.

2176 The State of Texas v. H. C Ellis. Continued for Service.

2177 The State of Texas v. H. C. Ellis. Continued for Service

2178 ✓ The State of Texas v. Beaman And now on this day came the parties ✗

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by their attorneys and announced ready for trial, and waiving a jury agree to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the parties waive a jury and submit the case to the Court. And the Court here assessing the fine at ten dollars, It is adered that the State of Texas do have and recover of and from the Defendant the sum of ten Dollars and the cost of this prosecution, and that a capias issue to collect the same.

2179 The State of Texas v Bill Tong. And now on this day came the parties by their attorneys and announced ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleads guilty. And waiving the Court here assessing the fine at ten dollars, It is adered that the State of Texas do have and recover of the Defendant Bill Tong (or Tongue) the sum of ten dollars, and all the cost of this prosecution, and that a capias issue to collect the same.

2180 The State of Texas v Wm Fong. Cause dismissed and Defendant discharged.

2181 The State of Texas v Womble. Cause dismissed and Defendant discharged.

2182 The State of Texas v Womble. Cause dismissed and Defendant discharged.

2183 The State of Texas v. Bill Smith. Cause dismissed the Defendant being dead.

2184 The State of Texas v Jo Foster. And now on this day came the parties and announced ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleads guilty. And the Court here assessing the fine at ten dollars, It is adered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant Jo Foster the sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2185 The State of Texas v. Jo Foster. And now on this day came the District attorney and the Defendant by his attorney, and announced ready for trial. And waiving a jury agree to submit the case to the Court. And the Defendant thereupon enters the plea of guilty. And the Court here assessing the fine at ten dollars. It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Jo Foster the said sum of ten Dollars and all the cost of this prosecution, and that a capias issue to enforce the collection of the same.

2186 The State of Texas v. Charles Fugate. And now on this day came the parties by attorney and announced ready for trial; and waiving a jury agree to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Charles Fugate the said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2187 The State of Texas v Charles Fugate. Cause dismissed and Deft discharged.

2188. The State of Texas v Dave Wills On this day came the parties by attorney and announced ready for trial. And waiving a jury agree to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is ordered

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that the State of Texas do have and recover of and from the Defendant the said sum of ten dollars and the cost of this prosecution and that a capias ifsue to collect the same

2189 The State of Texas v. Jo. Wadsworth. On this day came the parties by attorney and announced ready for trial And waiving a jury agree to subm it the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court hue assessing the fine at ten dollars, It is ordered that the State of Texas do have and recover of and from the Defendant Jo Wadsworth the said sum of Ten Dollars and all the cost of this prosecution, and that a capias ifsue to collect the same.

2190 The State of Texas v. Jo Wadsworth. Cause dismifsed and Deft. discharged.

2192 The State of Texas v Buck Walton. Cause dismifsed and Deft. discharged.

2193 The State of Texas v. Bill Smith. Cause dismifsed and Defts dead.

2194 The State of Texas v. William Haynes. On this day came the parties by attorney and announced ready for trial. And waiving a jury agree to submit the case to the Court And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten Dollars, It is ordered that the State of Texas do have and recover of and from the Defendant William Haynes the said sum of ten dollars and all the cost of this prosecution, and that a capias ifsue to collect the same.

2195 The State of Texas v. Wm Haynes Cause dismifsed and Defendant discharged.

2196 The State of Texas v. A. B. Mitchell Cause dismifsed and Defendant discharged

2197 The State of Texas v Dan Gallagher. On this day came the parties by attorney and announced ready for trial. And waiving a Jury agree to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is ordered that the State of Texas do have and recover of and from the Defendant Dan Gallagher the said sum of ten dollars and the cost of this prosecution and that a capias ifsue to the collect the same.

2198 The State of Texas v Matt. Woodlef. On this day came the parties by atty and announced ready for trial. And waiving a jury agree to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is ordered that the State of Texas do have and recover of and from the Defendant Matt Woodlef the said sum of ten dollars and all the cost of this prosecution and that a capias ifsue to Collect the same.

2199 The State of Texas v. Matt. Woodlef Cause dismifsed Ag Deft. discharged

2200 The State of Texas v. Jace Wilson. And now on this day came the parties by attorney and announced ready for trial. And waiving a Jury agree to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is ordered that the State of Texas do have and recover of and from the Defendant Jace Wilson the said sum of ten dollars and all the cost of this prosecution, and that a capias ifsue to collect the same.

2201 The State of Texas v Frank Cotton. On this day came the parties by attorney and announced ready for trial. And waiving a jury agree

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to submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is adered that the State of Texas do have and recover of and from the Defendant Frank Cotton the said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2202 The State of Texas v Wm Thompson. Cause dismissed and Defd. discharged.

2203 The State of Texas v Wm Thompson. on this day came the Distrct attay and the Defendant by attorney, and announced ready for trial. And waiving a jury submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is adered that the State of Texas do have and recover of and from the Defendant Wm Thompson the said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2204 The State of Texas v. M. V. Thompson. On this day came the District attorney and the Defendant by attorney, and announced ready for trial. And waiving a jury submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is adered that the State of Texas do have and recover of and from the Defendant M. V. Thompson the said sum of ten dollars and ace the cost of this prosecution, and that a capias issue to collect the same.

2205 The State of Texas v. Allen. And now on this day came the parties by their attorneys and announced ready for trial. and waiving a jury submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is adered that the State of Texas do have and recover of and from the Defendant Allen the said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2206 The State of Texas v. Allen. Cause dismissed and Defendant discharged.

2207 The State of Texas v. Boatman. Cause dismissed and Defendant discharged.

1998 The State of Texas v. Wm Beard. Continued by agreement.

2060 The State of Texas v. H. Musgrove. alias capias ordered and bond quashed

2102 The State of Texas v Charles Waef. Dismissed and Deft discharged.

2113 The State of Texas v. Silas Rawles et als. Bond quashed and capias ordered

2117 The State of Texas v. Silas Rawles et als Bond quashed and capias ordered.

2123 The State of Texas v. James McGuire. Cause dismissed and Deft. discharged

2124 The State of Texas v. James McGuire et al Cause dismissed and Deft. discharged

2125 The State of Texas v. James McGuire. Cause dismissed and Deft. discharged.

2128 The State of Texas v. James McGuire. Cause dismissed and Deft. discharged

2129 The State of Texas v. James McGuire. Cause dismissed and Deft. discharged.

2131 The State of Texas v. James McGuire. Cause dismissed and Deft discharged

2169 The State of Texas v. Murray and now on this day came the District attorney and the Defendant in person - and the parties announced ready for trial. And the Defendant thereupon pleads

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guilty to the Indictment. And the parties waiving a jury agree to submit the case to the Court. And the Court here assessing the fine at ten dollars. It is ordered that the State of Texas do have and recover of and from the Defendant the said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2170 The State of Texas v. Murray. Cause dismissed and Defft. discharged

2171 The State of Texas v. Murray. Cause dismissed and Defft. discharged.

2191 The State of Texas v. Miles Miller. And now on this day came the parties by their attorneys, and announced ready for trial. And waiving a jury agree to submit the case to the Court. And the Defendant entering the plea of guilty to the first Count in the Indictment (the record being dismissed by the District Attorney) the Court here enters a fine of ten dollars against the Defendant. And it is ordered that the State of Texas do have and recover of the Defendant Miles Miller the said sum of ten Dollars and the cost of this prosecution, and that a capias issue to collect the same.

And thereupon Court adjourned till to-morrow morning at 9½ o'clock.

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Court met at 9½ o'clock A. M. pursuant to adjournment. Present the Hon. J. P. Richardson Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2138 The State of Texas v. John McDonald. And now on this day appeared the parties, and upon motion It is ordered that judgment be entered in this case upon the verdict rendered. And it is adjudged that in accordance with the verdict of the jury aforesaid, the Defendant John McDonald is guilty of Felony as in the Indictment in this behalf is charged, and that he be punished by confinement at hard labor in the State Penitentiary for two years, and that he be remanded to jail to await the sentence of the Court. And the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

2054 The State of Texas v. Alonzo T Ross. This cause being called for trial the Defendant Alonzo T. Ross failing to appear and answer to the Indictment in this case, he and his security Jesse J. Smalley being distinctly called at the door of the Courthouse of Travis county, and the Defendant, after a reasonable length of time, still failes to appear. And it appearing to the Court that the Defendant Alonzo T. Ross, with the said Jesse J. Smalley as his security, did execute the Bail Bond Recognizance in this Case substantially as follows. Dated March 20th, 1870, payable unto The State of Texas in the sum of One Thousand Five Hundred Dollars, conditioned that the said Defendant Alonzo T. Ross make his personal appearance at the District Court of said County of Travis then in session at the City of Austin at the Courthouse thereof, to answer the Indictment preferred against him the said Alonzo T Ross, by the Grand Jurors of Travis county, at the Spring Term AD 1870 for the Theft of a certain Grey Mare, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is

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considered by the Court that the State of Texas do have and recover of the said Alonzo T. Rose and the said Jesse J. Swalley the said sum of One thousand five hundred Dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Alonzo T. Rose did not appear. And further ordered that citation do issue to the said security.

2139 The State of Texas v. Anthony Swank. This cause being called for trial the Defendant Anthony Swank failing to appear and answer to the Indictment in this case, he and his securities Julius Quast and W. Bolms being distinctly called at the door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time, still failes to appear. And it appearing to the Court that the Defendant, Anthony Swank, with the said Julius Quast and W. Bolms as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 12th day of December, A.D. 1870 payable unto The State of Texas in the sum of three hundred dollars, conditioned that the said Defendant Anthony Swank make his personal appearance at the District Court of said County of Travis on the 1st Monday in February, 1871, to answer any indictment that might be prefered against the said Defendant Anthony Swank by the Grand Jurors of Travis County, at the February term 1871 for Swindling, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Anthony Swank and the said Julius Quast and W. Bolms the said sum of three hundred Dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Anthony Swank did not appear. And further ordered that citations do issue to the said securities.

2155 The State of Texas v. James Sneed. On this day came the Defendant James Sneed, and his securities William Sneed, John Rose, Nat. Timmin, Ben Van Zandt, Jim Rountree and Ed. Smith, and they and each of them acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars to be levied upon their Goods, Chattels, Lands, Tenements and Estate, But to be void upon condition that the said James Sneed shall make his personal appearance at the next term of the District Court of Travis County to be held at the Courthouse thereof in Austin, on the first monday in June, 1871, then and there to answer the Indictment prefered against the said James Sneed by the Grand Jurors of Travis County, at the February term 1871 of the District Court of said county, for Betting at a gaming bank called Monte, and that he do not depart the Court without leave.

2156 The State of Texas v. James Sneed. On this day came the Defendant James Sneed, and his securities William Sneed, John Phelps, Nat. Timmin, Ben Van Zandt, Jim Rountree and Ed. Smith, and they

and each of them acknowledged themselves jointly and severally justly to one and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon their goods and Chattels, lands, tenements and Estate, But to be void nevertheless upon condition that the said James Sneed make his personal appearance before the District Court of Travis County to be held at the Courthouse thereof in austin, on the first Monday in June 1871, then and there to answer an Indictment prefered against him by the Grand Juros of Travis county at the February term, 1871, for Betting at a Gaming Bank called Monte, and that he do not depart the Court without leave.

1901. The State v. Sam Piper. And now at this day appeared the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by his attorney, and the parties announced ready for trial When came a jury of twelve good and lawful men of Travis county, consisting of B.O. Staveley and eleven others, who being tried, elected, empannelled and sworn according to law, hear the Defendants plea of guilty to the charge of an Aggravated Assault and Battery, the charge of the Court - when they retired to consider of their verdict Whereupon said jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty, and assess the fine of One hundred Dollars B. O. Staveley Foreman." Whereupon It is ordered by the Court that the State of Texas do have and recover of the Defendant Sam Piper the sum of One Hundred Dollars, so found to be due by the Jury aforesaid, and all the cost of this prosecution, and that the Defendant stand committed until the same are paid

2089 The State of Texas v. Nat Burditt. Cause dismissed and Deft discharged.

2162. The State of Texas v. Sam Piper. And now on this day came the parties by attorney and announced ready for trial. When came a jury of 12 good and lawful men of Travis county, consisting of Nat. Moore and eleven others, who being tried, elected, empannelled and sworn according to law, hear the plea of not guilty, the evidence, argument of counsel and charge of the Court, and retired for deliberation. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. Nat. Moore, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged

1901 The State of Texas v. Sam. Piper. It appearing to the Court that in the above entitled and numbered cause, on the 24th September, 1869, C. B. Meeks entered into recognizance in open Court in the sum of One hundred Dollars, whereby he undertook to pay to the State of Texas the sum of One hundred Dollars conditioned that the said C B Meeks make his personal appearance at the District Court of this County of Travis on the 7th day of March 1870, the same being the first Monday in said month, to give evidence on behalf of the plaintiff in the above entitled cause, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Recognizance is forfeited, the said Meeks being distinctly called at the door of

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the Courthouse, who still fails to appear after waiting a reasonable length of time. And it is considered by the Court that said Recognizance is forfeited, and that the State of Texas do have and recover of the said C. B. Meeks said sum of One Hundred Dollars, and that this judgment will be made final unless good cause be shewn at the next term of this Court why the said witness did not appear.

1997 The State of Texas v. Nace Gardner. It appearing to the Court that in the above entitled and numbered cause on the 17th March 1870 August Lange entered into Recognizance in open Court in the sum of Two Hundred Dollars, whereby he undertook to pay to the State of Texas the sum of Two Hundred Dollars, conditioned that the said August Lange make his personal appearance at the District Court of the County of Travis on the 3d day of October 1870, being the first Monday in said month, to give evidence on behalf of the Plaintiff in the above entitled cause, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Recognizance is forfeited. And said August Lange being distinctly called at the door of the Courthouse of Travis County, who still failed to appear after waiting a reasonable length of time. And it is considered by the Court that said Recognizance is forfeited, and that the State of Texas do have and recover of the said August Lange said sum of Two Hundred Dollars, and that this Judgment will be made final unless Good Cause be shewn at the next term of this Court why the said witness did not appear.

3023 The State of Texas v. Wm Beard, et.als. Continued by Agreement.

And Court adjourned till to-morrow 9½ o'clock A.M.

Thursday, March 2d 1871.

Court met at 9½ o'clock, A. M. pursuant to adjournment. Present Hons James P. Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

403 James Parks Admr. v. W. S. Oldham et.als. Cause dismissed on motion of pffs atty at cost of the Defendants

2013 E. Henry et.al. v. A. M. Davidson. Cause Continued

2410 A. Morrill v. Wm Simpson Cause continued

2531 W. S. Harney v. J. M. Blackwell. Cause continued

2543 Ann Hampton v. Francis Burbage et.als. Cost on affidavit of pffs.

2595 Amos Morrill v. Houston & Cook. Continued

2596 Amos Morrill v. McGuire & Cook. Continued

2598 Amos Morrill v. Moore & Cook. Continued

2599 Amos Morrill v. Wood & Cook Continued

2605 L. Eilers v. Isaac Jalonick et.al. On this day came the parties by their attorneys (also representing the parties in the cause No. 2806 of Myers v. Hancock et.als.) and by consent and agreement It is ordered that said cause No 2806 be and the same is hereby consolidated with the above Cause No. 2605 of Eilers v. Jalonick, et.al.

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2625 John A Scrogin v. Nancy I. Scrogin. Cause continued

2631 P. B. Lowe, Exr. v. J. O. Illingworth, et.al. Come the parties by attorney and It is adered, upon motion, that said cause be and the same is hereby dismissed from the Docket, and that the cost be adjudged against the Estate of Harriet Lowe, Deceased, which may be certified as a just and valid claim against the estate of said Deceased, to be paid in due course of administration.

2743. Thomas Freeman v. Geo. Quinan et. als. Cause continued.

2777. N. Townsend's Exs. v. John T. Miller. Cause continued

2779. N. Townsend's Exs. v. B. A Risher Cause continued

2780 T. W Chandler, Admr. v. Thos. Jourdain. Submitted on brief.

2789. M. A. Holbrook et.al. v. Nat. H. Watrous et.al. Cause continued

2807 The State of Texas v Cook & Custard. Come the parties by atty and upon motion It is ordered that this cause be dismissed from the Docket.

2960 Abby Thompson, Admr et.al. v. H. L. Raven. Cause continued.

2963 A. B. Palm v C. H. Turney et.al. v C. H. Turney, et.al. Cause dismissed upon motion of Plaintiff's Attorney, cost having been paid.

2969. Geo W. White v. Risher & Hall. On this day came pltff's attorney, and upon motion It is ordered that this cause be dismissed from the Docket according to the agreement on file. at cost of Defendants.

2970 A. H. Lowery v. Henry Shearer and Nat. Watrous Admrs of D. E. Watrous, Deceased. And now on this day came the parties to this cause by their attorneys and announced ready for trial, and waiving a Jury agree to submit the case to the Court. And it appearing that the cause of action is liquidated, It is ordered, adjudged and decreed by the Court that the said Plaintiff A. H Lowery, do have and recover of and from the said Henry Shearer and Nat Watrous, Administrators of D. E Watrous, Deceased, the sum of One Thousand and Seventy Dollars, and all the cost of this suit. And it is ordered, adjudged and decreed by the Court that this judgment may be certified as a just, valid, and subsisting claim against the estate of said D. E. Watrous, Deceased with interest on said sum from date till paid, to be paid in due course of administration.

3009. E. Thompson v. H. Thompson. This cause continued

3012 N. B. Bates v. Risher & Hall. And now on this day came the parties to this cause by their attorneys and announced ready for trial. And the parties waiving a Jury agree to submit the Case to the Court. And it appearing that the cause of action is liquidated as shown by the note of hand sued on and here produced in Evidence, It is ordered, adjudged and decreed by the Court that the said N. B. Bates do have and recover of and from the Defendants B. A. Risher and C. K. Hall, under their firm name of Risher & Hall the sum of Four Thousand Nine Hundred and Ninety Six Dollars, principal debt and interest due upon the note sued on to this date, together with all the cost of this suit, for which execution may issue.

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✓ 3042 Geo. Saunders v. Herman Green. Continued on affidavit of the Plaintiff
✓ ✓ 3046 Cortland A. Sprague v. John M. Swisher. And now on this day
X came the Plaintiff by his attorney. And the said Defendant having been
duly served with the citation, but failed to appear and answer in this be-
half, but wholly made default. And it appearing to the Court that
the said Defendant is indebted to the Plaintiff in the sum of Eighteen
Hundred and Nineteen and 53/100 Dollars in coin, and that the note sued on
bears interest at the rate of ten per cent. per annum; and it further ap-
pearing to the Court that said note was given to secure the payment of
the purchase money for the following described lots, to wit: Lots One and
Two in Block Number Seventeen in the City of Austin, Texas with
all the buildings and improvements thereon. It is therefore considered
by the Court that the Plaintiff do have and recover of the said Defendant
said sum of Eighteen Hundred and Nineteen and 53/100 Dollars, in coin, prin-
cipal and interest, with interest thereon from this date at the rate of ten
per centum per annum together with his costs in this behalf expended, by
defanet. And it is ordered, adjudged and decreed by the Court that the
vendor's lien upon the above described lots be, and the same is hereby fore-
closed, and that the Clerk of this Court do issue an Order of Sale directed to the
Sheriff of Travis County, commanding him the said Sheriff to seize and sell
the above described lots as under execution, and that he apply the proceeds
thereof to the payment and satisfaction of the said sum of Eighteen hundred
and Nineteen and 53/100 Dollars in coin, together with all interest that may
be due thereon, and the costs of this suit. And if the said lots shall sell
for more than sufficient to pay off and discharge said sums of money, then
the said Sheriff is hereby directed to pay over the excess to the Defendant. But if
the said Lots shall not sell for enough to pay off and satisfy this judg-
ment, then the Clerk of this Court is directed to issue execution for the balance
remaining unpaid.

✓ V. 3050 E. J. Davis, v. A. Bledsoe, et als. Continued for Service. Ordered, upon motion,
that the Plaintiff herein have leave to amend and to make additional
parties.

✓ U 2451 O Hedgcoxe v. C. L. Nitschke. Comes the Plaintiff by his attorney,
X and the Defendant came not, but made default. And it appearing
to the Court that the Defendant has been duly served with citation
herein. And on motion of the Plaintiff judgment pro confesso
for want of an answer is rendered against the Defendant.
And thereupon the Court doth further order and decree that the
Injunction herein granted and served against the Defendant
be and the same is made perpetual and that the Plaintiff
recover his costs herein for which execution may issue.

And Court adjourned till to-morrow 9 o'clock A.M.

Friday, March 3d 1871

Court met at 9 o'clock A.M. pursuant to adjournment.
Present the same as on yesterday. Whereupon the following pro-
ceedings were had by said Court, to wit:

Friday, March 3d. 1871.

2977 Palm & Bro v. F.W. Moore. Continued

3003 I.D. Bacon v. Hebert Brown. Continued

3029 J.J. Chandler v. B.A. Sappington et als Comes the Plaintiff, and upon motion, said Plaintiff is allowed cause to amend

3029 J.J. Chandler v. B.A. Sappington et als Continued

3040 W.N. Hardeman v. John Dillingham Continued

2161 The State of Texas v. Victor W. Thompson. Cause dismissed and Deft discharged

3049 Jobe and Robinson & H and M.A. Lacey et als And now on this day came the parties by their attorneys, the minor heirs Lucinda and Virginia Long being represented by their special Guardian and Guardian ad litem J.B. Wheeler, Esq. and announced themselves ready for trial. And a Jury being waived, the matters in Controversy were submitted to the Court. And it appearing to the Court, after hearing the pleadings & the evidence, that the Plaintiffs are entitled to the relief asked for in their petition, It is therefore ordered by the Court that J.C. Minter, Jolius T. Miller and Geo. H. Gray be and they are hereby appointed Commissioners to partition the land as prayed for in Plaintiff's petition

And Court adjourned till to-morrow morning 9 o'clock

Saturday, March 4th 1871.

Court met at 9½ o'clock A.M. pursuant to adjournment. Present the Hon. J.P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2141 The State of Texas v. Simeon Smith. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner, Simeon Smith is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely Confined at hard labor for the space of two years

2144 The State of Texas v. Ezerich Johnson. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Ezerich Johnson, is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury aforesaid. And it is ordered that the Sheriff of Travis County do forthwith take the said prisoner and deliver him to the Agent

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or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years

2145 The State of Texas v. John Jackson. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner John Jackson, is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury aforesaid. And it is ordered that the Sheriff of Travis county do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years

2147 The State of Texas v. Alick Thornton. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner, Alick Thornton, is, and he is hereby adjudged to be, guilty of felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury aforesaid. And it is ordered that the Sheriff of Travis county do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years

2164 The State of Texas v. Jane Johnson, alias Jane Taylor. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if she had any thing to say why judgment should not be entered and sentence pronounced against her according to the verdict of the jury who tried her case. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Jane Johnson is, and she is hereby adjudged to be, guilty of Felony as in the Indictment against her in this behalf is alleged. And it is further considered by the Court, that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the Verdict of the jury aforesaid. And it is ordered that the Sheriff of Travis county do forthwith take the said prisoner and deliver her to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years

2165 The State of Texas v. Henry Thomas. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his case. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Henry Thomas is, and he is hereby adjudged to be, guilty of

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Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the Verdict of the jury aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendant of said Penitentiary to be by him safely confined at hard labor for the space of two years.

V 2142 The State of Texas v. Peter Kenner. And now on this day came the Defendant Peter Kenner, and Nat. Moore and B. F. McDonough, as his securities, and thereupon the said Peter Kenner as principal, and Nat Moore and B. F. McDonough as securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Three Hundred Dollars, to be levied upon their goods and Chattels, Lands, Tenements and Estate, But to be void nevertheless upon condition that the said Peter Kenner make his personal appearance before the District Court of Travis county to be held at the Courthouse thereof in Austin on the first Monday in June, 1871, then and there to answer an Indictment preferred against the said Peter Kenner by the Grand Jury of Travis County at the February term 1871 for the Theft of certain Hames, and that he do not depart the Court without leave.

✓ 2993 Roger Blount v. Margaret J. Blount. Come the parties, and upon motion, the plaintiff herein has leave to amend his petition. And thereupon, on motion of the Defendants, said Defendant has leave to amend.

✓ 3038 Lucretia R. Brown v. James T. Brown, et. als. This day came the parties by their attorneys, and upon motion and by consent and agreement It is ordered that this cause be consolidated with the Cause No. 3045 of Lucretia R. Brown v. James T. Brown.

✓ 3045 Aaron Burleson v. Geo. C. Rives. And now on this day came the parties to this Cause by their attorneys and announced ready for trial And the parties thereupon waived a jury and submitted the Case to the Court. And the plaintiff's Cause of action being liquidated, as shown by the notes of hand sued on and produced in evidence It is considered by the Court that the said Aaron Burleson do have and recover of and from the Defendant Geo. C. Rives the sum of Four Hundred and Eighty One Dollars, principal debt and interest due on the notes sued on to this date, together with ten per centum per annum interest thereon from this date until paid, and all the Cost of this suit, for all which execution may issue

✓ 3031 George Saunders v. John H. Chambers. And now on this day came the parties by their attorneys. And the motion of Defendant to quash the writ of Sequestration was by the Court overruled. And thereupon came a Jury, to wit: Nat. Moore and seven others, duly empannelled, and who after hearing the evidence and argument of Counsel and charge of the Court, returned into Court their verdict, as follows: "We, the Jury, find for the Plaintiff in the sum of Three Hundred and Twenty Six Dollars. $326. Nat. Moore, Foreman." It is therefore Considered and adjudged

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by the Court that the Plaintiff do have and recover of the Defendant the sum of Three Hundred and Twenty Six Dollars ($326.00) and all costs herein expended. And it further appearing that the property levied on by the Sheriff, to wit: four bales of cotton, and 80 bushels of corn, remain in the hands of the Sheriff. It is ordered by the Court that an Order of Sale do issue for the sale of said cotton and corn, as under execution, to satisfy this judgment, and in event the same does not satisfy the judgment that execution do issue for the remainder. And it further appearing to the Court that the Sheriff has incurred necessary costs and expenses in the preservation of the cotton and corn levied on and which has remained in his possession, It is ordered by the Court that the sum of $71.½ in coin, so incurred and expended, be allowed and paid as costs of suit herein.

And thereupon Court adjourned till Monday 9½ o'clk A.M.

Monday, March 6th 1871.

Court met at 9½ o'clock A.M. pursuant to adjournment. Hon. J. P. Richardson, Judge of the 27th Judicial District of the State of Texas presiding. Whereupon the following proceedings were had by said Court, to wit:

V 3049 X

Jobe and Robinson v. H and M. A. Lacey, et. al. And now on this day appeared the parties to this cause by their attorneys, the minor heirs herein appearing by their special guardian and guardian ad litem, J. B. Wheeler, Esq. And thereupon it appearing that the Commissioners John J. Miller, J. C. Minter and Geo. H. Gray, appointed by the Court to partition the land as set forth and described in Plaintiff's petition in this cause, having made their Report according to law and the Order of this Court, recommending the partition as hereinafter described in this decree, as follows, to wit:

" In accordance with an Order of the Hon. District Court of Travis County, appointing the undersigned Commissioners to partition between Job & Robinson, and H. and M. A. Lacey et al six and one half acres of land in Out Lot No 76 in Div. D. of the tract adjoining the City of Austin, for a more full description of which a reference is made to the plat of said Division on file in the General Land Office, we have the honor to report that with a practical Surveyor, said practical Surveyor being one of the Commissioners, surveyed said land, the other two Commissioners acting as chain carriers. We herewith give the field notes of the whole tract we were required to partition, as follows: Beginning at the S. E. corner of Lot No. 76 in Div. D. Thence S. 60 W. 556 feet to a stone mound. Thence N. 30 E. 53 1/4 feet to a stone corner. Thence S. 60 E. 556 feet to a stone mound, from which a B. J. 4 inch. dia mkd X brs S. 37 W. 42 1/4 feet, an Elm 5 in dia mkd X brs. S 82 W. 40 1/4 feet dist. Thence S 30 W. to the beginning, containing in area six and three quarters acres of land. After a careful investigation and Survey of the land, we have come to the conclusion that the rights of the parties can only be subserved by running a division line running N. 60 W. which said line begins at the centre of the East boundary of said tract at which a corner was established from which a Beachjack 6 in. dia mkd X brs S. 46 W. 16 3/4 feet. Another 6 in dia mkd X brs N. 88 W. 11 7/8 feet. Thence N. 60° W. to the centre of the West boundary of said Lot, at which a corner was established

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from which a Post Oak 8 in. dia. mkd X brs N. 32 E. 6¾ feet dist. a blackjack 5 in dia brs. N. 49 E. 30 feet dist.

After a careful investigation of the subject before us, and a due consideration of the rights of the parties we set aside to Jobe and Robinson the South half of said Survey, and to H. and M. A. Lacy that the North half of said Survey, respectfully praying that our action may be confirmed by the Court.

Geo. H. Gray.
J. C. Minter.
John J. Miller.

Sworn to and subscribed to before me this 4th day of March AD 1871.
E. W. Collins. Notary Public T. C."

It is therefore ordered and decreed by the Court that the tract or parcel of land lying and situated in the City of Austin, Travis County, Texas, described as follows, to wit: Beginning at the S. E. corner of Lot No 76 in Division D; thence S. 60 W. 556 feet to a stone mound. Thence N. 30 E. 531¾ feet to a stone corner. Thence S. 60 E. 556 feet to a stone mound from which a B. J. 14 inches dia. mkd + brs. S. 37 W. 42½ feet, an Elm 5 in dia mkd + brs. S. 82 W. 40¼ feet dist. Thence S. 30 W. to the beginning, containing in area, six and three quarter acres of land, be divided by running a division line, beginning at the centre of the East boundary line of said lot, at which a corner was established, from which a Black jack 6 in. dia mkd + brs. S. 46 W. 16¾ feet, and the 6 in. dia. mkd + brs. N. 88 W. 11⅞ feet. Thence N. 60 W. to the centre of the West boundary line of said lot, at which a corner was established, from which a Post Oak 8 in dia. mkd + brs. N. 32 E. 6¾ feet dist. a Black jack 5 in dia brs. N. 49 E. 30 feet dist. It is therefore ordered, adjudged and decreed that H. Lacy and M. A. Lacy, Josephine Long, Lucina Long and Virginia Long, be divested of all claim, interest or title to all that portion of the above described parcel of land South of the line last above named, dividing the said land into equal portions, and that the title be fully vested in the said Jobe and Robinson, their heirs and assigns forever. And that the said Jobe and Robinson be divested of all claim, interest or title to all of said land above or North of the said line, and that the title be fully and completely vested in H. Lacy and M. A. Lacy, Josephine Long, Lucina Long and Virginia Long, their heirs and assigns forever, and that the parties respectively pay all the costs of this suit for which execution may issue. And it is further ordered that J. C. Minter, Surveyor and Commissioner be allowed five dollars, and that John J. Miller and Geo H. Gray be each allowed three dollars, as Commissioner fees, to be taxed in the bill of cost.

2139 The State of Texas v. Anthony Swank. Come the sureties of the defendant, and representing that they have turned over the Defendant into the custody of the Sheriff, move that the forfeiture entered herein at a former day of this term be set aside. And it is ordered that the motion of the said sureties be granted, and that the said forfeiture be and the same is hereby granted upon payment of all cost incurred for and on account of the said forfeiture, for which execution may issue

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3031. George Saunders v. John Henry Chambers Come the parties by attorney and thereupon came on to be heard the motion for a new trial heretofore filed by the Defendant And the same being heard and duly considered, It is ordered that the said motion be overruled.

2888 H. Hardy, Admr v. C. S. West, Esq. et al. Come the parties by their attorneys when came on to be heard the demmur of the Defendants heretofore filed. And the same being heard and argued by counsel, and duly considered, by the Court, It is ordered that the said demmurer be and the same is hereby sustained, & that the cause be continued to make parties

3039 Ed. H. Cunningham v. E. C. Dewey. Comes the plaintiff by attorney and upon motion, and it appearing that the matters in issue have been settled and the cost paid, It is ordered that the cause be dismissed from the docket

3056 Lucretia R. Brown v. James T. Brown. Ordered, upon motion, that the plaintiff herein have leave to amend her petition

3056 Lucretia R. Brown v. James T. Brown, et al

3038 Lucretia R. Brown vs James T. Brown, James Beckway and Martha Beckway. And now on this day came all the parties to the two causes above entitled and numbered, and by consent said causes are consolidated And thereupon the parties announced themselves ready for trial. And it appearing to the Court that the matters in controversy in said cause No. 3038 are settled by agreement of the parties filed in said cause No. 3056, and that only the matters involved in said cause No. 3056 require the intervention of a jury. Whereupon came a jury, to wit: J.B. Baron and eleven others, twelve good and lawful men of Travis County, who being duly elected, empannelled and sworn to try the issue joined between said parties in said cause No. 3056, according to law, after hearing the evidence, retired under the charge of the Court to consider of their verdict, and returned into Court the following verdict to wit: "We, the jury, find the allegations in plaintiffs petition are true. J.B. Baron, foreman" It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Lucretia R. Brown and James T. Brown, be, and the same are hereby forever dissolved, and that said parties are hereby absolved from all obligations hitherto resting upon them by reason of the marital relation between them. And it further appearing to the Court that since the institution of said suit No. 3056 said Lucretia R. Brown and James T. Brown, for the purpose of settling all disputes and controversy between them with respect to the care and custody of their three minor children, and also with regard to the community property now owned by them, have entered into the following written agreement, and signed by them, which is on file in said cause No. 3056, as apart of the record thereof, to wit:

" State of Texas } This agreement by and between James T. Brown
County of Travis } and Lucretia R. Brown, both of said State, and County witnesseth. That whereas the said Lucretia Brown has instituted her suit in the District Court of Travis county against the said James T. Brown, for a Divorce, and to have decreed and set apart to her

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the homestead of said parties consisting of Lots (5) five (6) Six (7) Seven and (8) Eight in Block No. 73, in the City of Austin, in said county, with improvements thereon, and also to have decreed to her the care and custody of the three children of said parties, viz: Mary Ellen Brown, about 15 years of age, James Brown now 9 years of age, and William H. S. Brown, now six years of age. And whereas said parties are desirous of saving the expense of useless litigation with respect to the question of property and the custody of their said minor children: Now therefore in case a decree of Divorce from the bonds of matrimony shall be granted and rendered by said District Court in favor of said Lucretia Brown against said James T. Brown in the suit aforesaid, it is hereby stipulated and agreed by and between said parties that said District Court shall also, by its Decree, in said suit, make the following disposition of said property, as a full settlement of all controversy with yard to money and property, and children to wit:

1. There shall be set apart and decreed to Martha Jane Beckway the wife of James Beckway, and child of said James T. Brown, by a former marriage, Lot No. 8, and the West one third of Lot No. 7 in Block No. 73, in said City of Austin, with the improvements thereon.

2. There shall be decreed and set apart to Mary Ellen Brown, child of said James T. and Lucretia R., the East two thirds of Lot No. 7 and the West two thirds of Lot No. 6 in said Block No. 73 and one third of the household and kitchen furniture now owned by said parties, said parts of Lots and household and kitchen furniture so set apart to the said Mary Ellen Brown, to remain in the possession of the said Lucretia Brown, until the said Mary Ellen Brown shall arrive to the age of twenty one years, or many, at which time the same shall be turned over by the said Lucretia to her.

3. The east one third of Lot No. 6 and Lot No. 5 in Block. No. 73, with all the improvements thereon, and the remaining two thirds of the household and kitchen furniture shall be decreed and set apart absolutely to the said Lucretia Brown, and that the care and custody of said three minor children of said parties shall be given by decree to the said Lucretia Brown. In testimony of all which we hereto sign our names and affix our seals for seals on this the 4th day of March AD 1871.

Attest: Joseph Walker — J. T. Brown (Seal)

Thos. E. Sneed — Lucretia Brown (Seal)

It is therefore considered, ordered, adjudged and decreed by the Court that the care, custody, management, and control of the said three minor children, issue of the marriage between the said Lucretia R. and James T., to wit: Mary Ellen, James, and William H. S. Brown, be and the same are hereby given and decreed to the said Lucretia R. Brown during the continuance of their respective minorities: and it is further ordered and adjudged by the Court that there be set apart to Martha Jane Beckway, wife of James Beckway, Lot No. (8) Eight, and the West one third of Lot No. (7) Seven in Block No. 73 in the City of Austin in

Monday, March 6th 1871

Travis county, with the improvements thereon, and that the said Martha Jane Beckway be forever quieted in her possession and title to said property. And it is further ordered, adjudged and decreed by the Court that the East two-thirds of Lot No. (7) Seven, and West two thirds of Lot No. (6) Six, in Block No. 73 in said city, together with one third of all the household and kitchen furniture now owned by said Lucretia R. Brown and James T. Brown, be and the same are hereby set apart to Mary Ellen Brown, child of the said Lucretia R. and James T. Brown, and that said Mary Ellen be quieted in her title thereto; and that said parts of Lots and household and kitchen furniture so set apart to the said Mary Ellen Brown, shall remain in the possession, use and control of said Lucretia R. Brown until the said Mary Ellen shall marry or become twenty one years of age, at which time the same shall be delivered by the said Lucretia R. to the said Mary Ellen Brown. And it is further ordered by the Court that said Lucretia R. Brown do have and recover of and from the said James T. Brown the East one third of Lot No. 6 and Lot No 5 in said Block No. 73 in the City of Austin, together with all the improvements thereon, and that she also recover from said James T. Brown the remaining two thirds of all the household and kitchen furniture now owned by said parties, and that the said Lucretia R. be forever quieted in her title to, and possession of, the property so set apart and decreed to her: And it is further ordered that said James T. Brown be forever enjoined and restrained from any interference with the said Lucretia R. in the care, custody, management and control of said minor children, and from any interference with said Lucretia R. in the management and control of the property herein set apart to the said Mary Ellen Brown and from any interference with said Lucretia R. in the use, possession, enjoyment and complete dominion over the property herein decreed to the said Lucretia R. Brown. And it is further ordered that James Beckway and Martha Jane Beckway pay all the costs in said cause No. 3038, and that Defendant James T. Brown pay all the costs in said No. 3056, for which execution shall issue against said parties respectively.

1728. P.B. Leachman v. Geo Hancock, et. al. Defts and M. C. Hamilton and S. S. Munger, Intervenors. And now on this day came the parties to this suit, complainant, Defendants and Intervenors, by their solicitors respectively. And this cause having been set for hearing on this day on bill, answers, exhibits and proofs, and a jury having been waived, and cause submitted to the Court. And the Court having heard the said bill, answers, exhibits and proofs, as also the argument of counsel, in the premises, And it having been admitted by all the parties to this suit that the Defendant John D. Pitts has departed this life, and that the Defendants John Crayton and William Thompson are the legal owners of whatever interest the said Pitts had or claimed in said land

Tuesday, March 7th 1871

It is therefore ordered, adjudged and decreed by the Court that the Intervenor M C. Hamilton, do have and recover of and from each and all the other parties to this suit, one-fourth of a league of land out of the two leagues in controversy in this suit, to wit: Eleven hundred and seven acres to be taken out of the two league grant to William Pettus, the lower line of which to commence and be based upon the upper and North Western line of the Lower thousand acres tract, known as the Martindale thousand acres, running up the river for quantity, giving said tract an equal proportional front on the Saw Marcos River; and each and all the parties to this suit be and they are hereby divested of all right, title, interest and claim in or to the aforesaid eleven hundred and seven acres of land, and the same is hereby fully vested in the Intervenor, M. C. Hamilton, for which a writ of Possession may issue after the Survey hereafter ordered shall be returned, by which the metes and bounds of the 1107 acres hereby decreed to the Intervenor Hamilton shall be established by this Court.

And the Surveyor of Caldwell County, or such other Surveyor as the parties may agree to, is hereby authorized and required to survey and measure off by metes and bounds eleven hundred and seven acres, out of the said two leagues of land granted to William Pettus, immediately next above and adjoining the thousand acre tract known as the Martindale tract of one thousand acres, giving equal proportional ~~Shares~~ front on the Saw Marcos river: and where there is timber on the lines or bearing trees to plainly mark them, and when there are no natural objects by which he can plainly mark said lines and corners, to procure and set up artificial objects for that purpose; and that said Surveyor return the field notes of said Survey on or before the first day of the next term of this Court, with a plot or map of the same

It is further ordered, adjudged and decreed by the Court that the Intervenor M C. Hamilton, do have and recover of and from the Defendants Thompson and Crayton, all the costs of this suit, for which execution may issue after the Surveyor's report shall come in, so that all the costs can be taxed, and that this cause remain on the docket until the coming in and record of the Survey.

And thereupon Defendants, in open Court, give notice of appeal to the Supreme Court of the State.

And thereupon Court adjourned till to-morrow morning at 9½ o'clock

Wednesday, March 7th, 1871.

Court met at 9½ o'clock, a. m. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

√

Charles Ward and wife
Sarah V. Ward vs. Thomas
2718. H. Jones, admr of Estate of Wm B. McGehee, Decd

And now on this day this cause coming on to be tried, the parties plaintiffs and Defendant,

Tuesday, March 7th 1871

and Sonisa Jones, formerly Sonisa McGehee, Intervenor, appeared by attorneys and announced themselves ready for trial. And waiving a jury submitted this cause to the Court. And the Court having heard the pleadings and evidence and argument, and having fully considered the same, It is the opinion of the Court that the plaintiffs are entitled to recover of the Defendant Thomas H. Jones, Adm'r. of the estate of William B. McGehee, Dec'd the sum of Six thousand One hundred and Sixty Dollars, the amount of principal and interest on plaintiffs demand to this date, And it is further the opinion of the Court that the lien created by the deed of trust executed by William B. McGehee, on the 24th day of November, A.D. 1856, to James H. Gillespie, as trustee, for the benefit of the parties named therein, should be foreclosed, and so much or all of the land described therein should be subject to sale for the payment and satisfaction of the amount due and owing to the plaintiffs; except so much thereof as is claimed by the Intervenor Sonisa Jones, as the homestead of herself and her deceased husband Wm. B. McGehee, at the date of his death, being the two hundred acres set apart by the Probate Court of Travis county at the term, A.D. and described by metes and bounds and including the improvements - which said tract of land of two hundred acres, with improvements thereon as claimed by the said Sonisa Jones, as her homestead as the surviving wife of the said Wm B McGehee Deceased, It is the opinion of the Court is not subject to the lien, and should be excluded therefrom, and the title thereto vests absolutely in the widow and children of W. B. McGehee, Deceased, It is therefore ordered, adjudged and decreed by the Court that the said plaintiff Charles Word and wife, Sarah V. Word, in right of the said Sarah V. Word, do have and recover of Thomas H. Jones, administrator of the Estate of William B. McGehee, Deceased, the sum of Six thousand one hundred and Sixty Dollars, with interest thereon from this date at the rate of eight per centum per annum, together with all costs in this behalf expended. It is further ordered, adjudged and decreed by the Court that the lien of the trust deed executed by the said W.B. McGehee, on the 24th day of November, A. D. 1856, to secure the payment of the note sued on in this action, which deed is made a part of the pleadings in this suit, be and the same is hereby foreclosed, and all of the land described therein, except two hundred acres claimed as a homestead by the Intervenor, Sonisa Jones, which is hereinafter described by metes and bounds; and is exempted and reserved from said lien and sale under this judgment and order; so much thereof as may be necessary, be sold for the satisfaction of this judgment

It is further ordered that an Order of Sale issue to the Sheriff of Travis county, directing and commanding him to sell the undivided half of three fourths of a league of land granted to John G. McGehee, and situated in Travis County on Onion Creek, which undivided half was conveyed to W.B. McGehee by John T. McGehee

also all that certain tract of land granted to William Harris by, and

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situated in Travis county on the head waters of Walnut creek on the East side of the Colorado River. Beginning at the North East corner of this Survey, which is 200 varas East of the Pilot mound, at a stone mound. Thence north 60° W. 2000 varas to a stone mound from which a Black Jack marked X bears N. 66° W. 10 varas. Thence South 30° W. 2000 varas to a stake from which a Live Oak marked X bears N. 46° W. 12 varas. Thence South 60° East 1200 varas to a stake Thence South 30° W. 2082 varas to a stone corner. Thence South 60° East 2082 varas to a stone mound, from which a Spanish Oak marked X bears S. 70° E 2 varas. Thence north 30° E. 2082 varas to a stone mound, from which a live oak marked + bears South 60° East 13 varas Thence N. 60° West 1280 varas to a stone marked WH Thence N. 30° East 2000 varas to the place of beginning, containing one-third of a league of land, reserving and excepting from said order and Sale the following described two hundred acres, as the homestead of the said Louisa McGehee, now Louisa Jones, and the children of the said N. B. McGehee, Deceased, to wit: Beginning at a stone in the West boundaryline of L. S. Woodward's fifty acre tract and South East corner of William Armstrong's forty acre tract, which was also a part of said Hornsby 1/3 league. Thence North 68½ West 578 varas to a stone on the South margin of Pilot Knob. Thence North 30 varas to a stone mound from which a Live Oak brush bears South 60° East 10 varas. Thence South 30° West 819½ varas to a stone mound [illegible] Oak 24 inches in diameter [illegible] varas Ther[illegible] South 60° East [illegible] Woodw[illegible] West line, and [illegible]ther with the

Mollie Hamman }
No 3033 vs } District Court. Travis
John Stringer } County, Texas.

Judgment rendered at the February Term 1871. by Consent. in favor of the Defendant and against the ~~Defendant~~ Plaintiff in favor of the Plaintiff for the sum of one hundred and fifty Specie Dollars, besides Costs of suit.

Received of Mrs Mollie Hamman the above named sum of one hundred and fifty Specie Dollars in full payment and discharge of the principal debt of said Judgment.

Signed in duplicate. March 13th 1871

Hancock Nash
Dep Atty

[illegible] ceeds of the [illegible] fraction of [illegible] remain [illegible] same be [illegible] B. McGehee, [illegible] ay come the [illegible] ready for [illegible] Court, and [illegible] t is ordered, [illegible] endant, on [illegible] and from the [illegible] in specie, [illegible] lien on the [illegible]e. And it is [illegible] delivered at once into the possession of the plff. and that she have until 1st of June, 1871, to pay said sum of and costs, and on her failure to pay off said

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situated in Travis county on the head waters of Walnut creek on the East side of the Colorado River. Beginning at the North East corner of this Survey, which is 200 varas East of the Pilot mound, at a stone mound. Thence north 60° W. 2000 varas to a stone mound from which a Black Jack marked X bears N. 66° W. 10 varas. Thence South 30° W. 2000 varas to a stake from which a Live Oak marked X bears N. 46° W. 12 varas. Thence South 60° East 1200 varas to a stake Thence South 30° W. 2082 varas to a stone corner. Thence South 60° East 2082 varas to a stone mound, from which a Spanish Oak marked X bears S. 70° E 2 varas. Thence north 30° E. 2082 varas to a stone mound, from which a live oak marked X bears South 60° East 13 varas Thence N. 60° West 1260 varas to a stone marked W.H. Thence N. 30° East 2000 varas to the place of beginning, containing one-third of a league of land, reserving and excepting from said Order and Sale the following described two hundred acres, as the homestead of the said Sonisa McGehee, now Sonisa Jones, and the children of the said N.B. McGehee, Deceased, to wit: Beginning at a stone in the West boundary line of L. J. Woodward's fifty acre tract and South East corner of William Armstrong's forty acre tract, which was also a part of said Hornsby 1/3 league. Thence North 68½ West 578 varas to a stone on the South margin of Pilot Knob. Thence North 30 varas to a stone mound from which a Live Oak bush bears South 60° East 10 varas. Thence South 30° West 819½ varas to a stone mound from which a Live Oak 24 inches in diameter marked X bears North 82½ East 199 varas. Thence South 60° East 1366 varas to a stone mound in L. J. Woodward's West line, and thence North 30° E 879 varas to the beginning, together with the improvements thereon

It is further ordered that the proceeds of the land herein directed to be sold, be applied to the satisfaction of this judgment, and that for any balance that may remain unpaid on said judgment, after said sale, that the same be certified as against the estate of the said William B. McGehee, Deceased, to be paid in due course of administration.

3033. Mollie Hannum v. John Stringer. And now at this day come the parties to the above cause and announce themselves ready for trial, and waive a jury and submit the matters to the Court, and by agreement in open Court and consent of parties, It is ordered, adjudged and decreed by the Court that the said Defendant, on his plea in reconvention, do have and recover of and from the plaintiff the sum of One hundred and fifty dollars in specie, and all the costs of this suit, and that the same be a lien on the piano now in the possession of the Deft. for the same. And it is further ordered that the said piano be delivered at once into the possession of the plff. and that she have until 1st of June, 1871, to pay said sum and costs, and on her failure to pay off said

Tuesday March 7th 1871

dent, It is ordered that the Sheriff shall take said piano at once into possession and sell it for said judgment and costs: and the plaintiff consents to said judgment and agrees to deliver said piano up to the Sheriff for sale: said sale to be made in accordance with the law governing Sheriff's sales, and all costs to be paid by the pltff

†2809 Quincy Davidson, admr of J.O. Wheeler, Dec'd v. J.W. Allen + T.P. Hughes.
On this day on motion of T. P. Hughes, the trustee, to confirm his report, coming on to be heard. And thereupon the Court, after examining the Report and the vouchers, shewing the disposition of the moneys made from the sale of the land; and the said Hughes, trustee, shewing that he has disposed of all of the funds except the sum of $42.72 as ordered by the Court, It is therefore ordered that the said Report of said Hughes be, and the same is hereby in all things confirmed, Said Report is as follows.

Quincy Davidson, admr of Jesse O. Wheeler vs Jas W. Allen + T.P. Hughes.
To the Hon. the Judge of the District of the State of Texas which includes the county of Travis. Having been appointed by a Decree of your honors Court, at the Fall Term, A.D. 1869, to sell a tract of land specified in said decree, I gave notice of the time and place of sale at three public places in Williamson county, one of which was at the Court house door in Georgetown, and on the 7th of Dec., 1869, it being the 1st Tuesday of that month in compliance with the 20 day's previous notice of said sale I offered said land in parcels for sale at the Courthouse door in Georgetown, but finding that said land could not well be divided to suit purchasers, and that more could be obtained for the land if sold in a body, I then offered the entire tract for sale when one Aaron Stiles bid the sum of Seventeen hundred and sixty five dollars therefor, and as that was the highest and best bid offered said land was cried off to him. Whereupon he paid the sum of four hundred and forty one 25/100 dollars and executed his note with approved security for the remainder viz. thirteen hundred and twenty three 75/100 dollars due 1st of Oct., 1870, without interest, and also gave a deed of trust on the land to secure the purchase money. With the amount received on the 24th of Dec., 1870, I paid pro. A. Green atty for Pltff the sum of three hundred and seventy five 15/100 Dollars, and at same time paid W. M. Williams, acting Clerk of Travis Dis. Court, the sum of fifteen 30/100 Dollars, costs in said suit and A. S. Walker, Esq. atty for me in this case the sum of fifteen dollars on 27th Dec., 1870, in all paid out the sum of four hundred and five 45/100 dollars And on or about the 15th of Nov., 1870, said Stiles paid said note principal $1323. 75/100 int. 1 mo. 1/2 at 8 per cent. $13.20/100 in all thirteen hundred and thirty six 95/100 Dollars, of this I paid to pro. A. Green the sum of eleven hundred dollars on the 25th of Nov. 1870, I paid said Green, atty for pltff. the further sum of forty four 24/100 Dollars, taking receipts for said sums of money in full

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payment and settlement of said plaintiff's judgment against said Card, leaving a balance due on said last payment the sum of One hundred and ninety two 74/100 Dollars which added to the sum of thirty five 80/100 Dollars, makes in my hands the sum of two hundred and twenty eight 54/100 Dollars. Stamps for deed to Stiles $1 50/100 Affidant of former report $ 50/100 affidavit of this Report 50 cents & there is yet due A.S. Walker, Esq $10.00 for legal services & dreame on money received 5 per cent. on $1778.23/100 dollars is $88.91/100 & 5 per cent on money paid out viz: $1689 32 is $84.46/100 makes in all the sum of One hundred and eighty. Five 87/100 Dollars which taken from amt on hand viz: $228 54/100 dollars, leaves a balance of forty two 67/100 Dollars to be subject to the order of the Court

Recapitulation.

1st payment $441.25/100 2d payment $1336 98	$1778.23/100
Payments to Jno A. Green 1st payment $375 15/100 2d payment $1100 & 3rd payment 44.20/100 in all	$1519.35/100
Pd to Dis. Ct Travis Co. $15 20 A.S. Walker $15	30 20/100
2 Stamps for deed $1 50 1st affidavit 50/100 2d aff. $ 50/100	2.50/100
Due A. S. Walker on fee $10	10.00
Hughes commission in all	$173.37/100
In all $1735.57/100 taken from $1778.23/100 leaves	42.72/100

& costs of your Court $ yet to accrue & balance subject to your Honors Court All of which is respectfully submitted. All moneys rec'd & paid out in U.S. currency. Thos. P. Hughes, Commissioner.

Before me the undersigned officer this day personally appeared Thos P. Hughes who on oath states that he subscribed the foregoing report & he being duly sworn states that the same is a full, fair and correct report of his acts and doings done & performed as Commissioner in the premises. To certify which I hereunto set my hand and seal this the day of March, A.D. 1871.

A.W. Morrow, Notary Public, Williamson County, Texas.

It is also further ordered that said sum of forty two 72/100 dollars, less the costs of this decree and the former order and report recorded at the previous term, and all other costs accruing herein, be paid out under the trust deed executed by said Allen to said Hughes, and upon such payment that the trustee be fully discharged from his trust.

2006. James L. Nichols v. M. Brown, et als And now on this day came the parties to this cause by their attorneys and announced ready for trial, and waiving a jury agree to submit the case to the Court. And the Court having heard the evidence introduced by the parties, the argument of the counsel, and after deliberation, Doth order, that the plaintiff herein, James L. Nichols, do have and recover of the said Defendants the tracts of land sued for and described in the plat and field notes filed in the case, together with all the cost in this behalf laid out and ex-

Tuesday, March 7th 1871

pended, for which execution may issue according to law.

3006. James L. Nicholson v. N. Brown, et. als. And now on this day appeared the parties, when the Defendants submitted to the Court their motion for a new trial filed herein. And the said motion coming onto be heard and argued by counsel, and the points of law arising thereon being duly considered, the Court is of opinion that a new trial ought to be granted. Whereupon It is ordered, adjudged and decreed by the Court that the judgment rendered in this cause be set aside, vacated, and held for naught, and that a new trial be granted therein, and that for this purpose the cause shall remain on the Docket, and stand continued.

To the Hon. District Court of Travis county. The undersigned here respectfully submits to the Court his Report of Jury Service at the February term 1871

Grand Jury.

Atkisson, James	9 days	$18.00
Blocker, A.P.	9 "	18.00
Bergener, H. H.	9 "	18.00
Carrington, Essex	9 "	18.00
Davidson, A.M.	9 "	18.00
Haynes, John T.	9 "	18.00
Jones, James R.	9 "	18.00
King, John	9 "	18.00
Mathews, E.S.	9 "	18.00
McArthur, Isom	9 "	18.00
McLaurin, Murdock	9 "	18.00
Peck, R. H.	9 "	18.00
Susmann Geo.	9 "	18.00
Swisher, Geo.	9 "	18.00
Smith, R. H.	9 "	18.00
Trautwein, A.	9 "	18.00

Petit Jury.

Alexander, John	1 "	2.00

Tuesday, March 7th 1871.

Blount, R	1 day	$ 2.00
Buddington, A.G.	1 "	2.00
Bailey, G	1 "	2.00
Bonner, David	1 "	2.00
Barron, J.B.	1 "	2.00
Blumentritt, Louis	1 "	2.00
Bahn A	5 "	10.00
Bauer, John	10 "	20.00
Burleson, Aaron	5 "	10.00
Burton, J.W.	23 "	46.00
Bennett, John	6 "	12.00
Bell, Peter	6 "	12.00
Billingsley, Edward	5 "	10.00
Buck, C.	6 "	12.00
Bell, Caesar	7 "	14.00
Barr, Robert	7 "	14.00
Bouldin, C.	6 "	12.00
Buttery, John	6 "	12.00
Bacon, R.S.	1 "	2.00
Bengener, H.C.	1 "	2.00
Carter, Tom	6 "	12.00
Caldwell, Wm	6 "	12.00
Cuberson, Sam	3 "	6.00
Cook, Jack	1 "	2.00
Cope, J.P.	6 "	12.00
Casey, Lewis	6 "	12.00
Davis, J.W.	5 "	10.00
Davis, Joe	6 "	12.00
Darlington, W.H.	5 "	10.00
Dieterich, Aug.	1 "	2.00
Dieterich, Simon	1 "	2.00
Eanes, Hugh	11 "	22.00
Eanes, Clay	6 "	12.00
Giles, Geo	5 "	10.00
Grumbles, Nat.	13 "	26.00
Hartson, J.M.	11 "	22.00
Harrell, John	5 "	10.00
Hill, Wm	5 "	10.00
Hamilton, J.M.	5 "	10.00
Hudson, Wm	22 "	44.00
Hancock, Aaron	5 "	10.00
Holman, Jesse	5 "	10.00
Hammett, Jack	6 "	12.00
Hancock, Salem	6 "	12.00
Harbert, Geo.	7 "	14.00
Hawkins, Harry	3 "	6.00

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Johns, S.	5 days	$10.00
Klein, Peter	1 "	2.00
Lackey, N. M.	5 "	10.00
Lomax, Alf	6 "	12.00
Mc Bride, John	5 "	10.00
McArthur, James	5 "	10.00
Merielle, C.	5 "	10.00
Mc Garland, Julius	5 "	10.00
Metz, Sam.	11 "	22.00
Miller, Wm	5 "	10.00
Moore, Nat.	17 "	34.00
Metz, Leal.	13 "	26.00
Metz, N. B.	12 "	24.00
Musgrove, A.	11 "	22.00
Miller, P.	5 "	10.00
Mitchell, Andy	1 "	2.00
Nichols, J. L.	5 "	10.00
Nowlin, John	6 "	12.00
Napoleon, Isaac	6 "	12.00
Robinson, L.	5 "	10.00
Shepherd, J. D.	11 "	22.00
Schwantz, W.	5 "	10.00
Stanley, B. F.	6 "	12.00
Sanders, Wm	5 "	10.00
Stanley, B. D.	6 "	12.00
Spencer, Monroe	6 "	12.00
Scott, Albert	6 "	12.00
Smith, Bob	6 "	12.00
Sandsberry	1 "	2.00
Sterling, T. H.	5 "	10.00
Strickland, David	5 "	10.00
Stanley, Elias	5 "	10.00
Sanders, E. L.	5 "	10.00
Spreed, Elias	5 "	10.00
Soules, T. M.	5 "	10.00
Smith, N.	5 "	10.00
Sanders, Wm	6 "	12.00
Todd, D.	5 "	10.00
Thacton, J. B.	5 "	10.00
Townsend, B. R.	5 "	10.00
Tasby, Henry	6 "	12.00
Vance, Harry	6 "	12.00
Vandzandt, L.	8 "	16.00
Wright, David	6 "	12.00
Wilson, S.	7 "	14.00
Wates, Nat	6 "	12.00
Zeller, Aug	6 "	12.00

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Respectfully submitted. A. R. Morris, Clk
By T. Brown, Dep. Clk.
Approved, Mch. 7th, 1871. J. P. Richardson, Judge.

Bailiffs — And thereupon It is ordered by the Court that the following named persons be allowed the sums set opposite their names, being at the rate of two dollars per day, for services as Bailiffs at the present term of this Court, and that the Clerk of this Court do issue certificates to the said parties respectively for the amts so due them, as follows, to wit:

$: James P. Hart, for Bailiff to Grand Jury, 9 days. Eighteen Dollars
$: W. Schaffnitt, for Bailiff to Grand Jury, 9 days. Eighteen Dollars
issued Jack Tannehill, Special Bailiff, 21 days. Forty-two Dollars
issued Abert Weir, 20 days. Thirty Dollars. for Special Bailiff
issued Ed. Millican 26 days. Bailiff. Fifty-Two Dollars.

And that said amounts be paid out of the County Treasury upon a presentation of said certificate

Sheriff. ($:) — And thereupon It is ordered by the Court that G. B. Zimpelman, Sheriff of Davis County, be allowed the sum of Eighty dollars for extra services at this term of the Court, and that the Clerk do issue his certificate for said amount to be paid out of the County treasury.

Clerk. ($:) — And thereupon It is ordered by the Court that the Clerk, A. R. Morris, be allowed the sum of One hundred and four dollars for extra services at this term of the Court, and that the same be paid out of the county treasury upon the certificate of the Clerk.

And thereupon the foregoing Minutes having been examined and approved It is ordered that Court do now stand adjourned till the next term in course.

J. P. Richardson
Judge 27th Judicial District.

Saturday, April 15th 1871.

The State of Texas } Be it Remembered that on this the 15th April
County of Travis } 1871, there was drawn according to law by Frank Brown, Deputy Clerk of the District Court of Travis County in the presence of T.W. Nolen, Esq, a Justice of the Peace within and for said County, the following named persons to serve as Jurors at the June Term 1871, of the District Court of said County.

Monday, June 5th 1871.

1	Thomas P. Burditt		9	Quintin Bouldin	(col.)	17	Gilbert McArthur (col.)
2	Robert Barr		10	Peter Brown	(col.)	18	John Hughes (col.)
3	William H. Johnson		11	Philip Golden		19	Jacob Ramey (col.)
4	Daniel Bell	col.	12	J.W. Tatum		20	N.W. Parton col.
5	Reuben Marshall	col.	13	Robert Gault		21	John Heninger
6	Augnst Dietrich		14	Washington Hemphill	col.	22	W. P. Price
7	Nathan Carrington,	col.	15	John P. McArthur		23	Henry Hoffheimer
8	Jacob Brown		16	James Daugherty.		24	Wm G Howe.

Monday, June 12th 1871.

1	Lewis Hartson		9	L. Hartson		17	Robert Owens (col.)
2	Harry Hawkins	(col.)	10	J.M. Hartson.		18	Louis Meeks (col.)
3	Stuart Hamilton	(col.)	11	Peter Jackson	(col.)	19	Geo. Pfluger
4	Dick Haywood	(col.)	12	J. T. Gregg		20	R.J. Rawlerau
5	D. W. Hamilton		13	Elisha Norwood	col.	21	T.C. Plummer col.
6	T. B. Buckley		14	J.M. Mansfield		22	John D. Perry
7	Wyley Tonville		15	Wm Pinford	(col.)	23	J.C. Petruecky
8	John Johnson.		16	J.W. Riley		24	W. T Patterson

Monday, June 19th 1871

1	Patrick Piper	col.	9	David Banks		17	C. F. Newman
2	W. S. Palm		19	C. M. Bacon.		18	D.L. Cross.
3	Wm Oliphant Jr.		10	Sam Mason	(col.)	19	Anthony McArthur (col.)
4	Thos B. Banks.		12	John J. McCuistion		20	Louis Meeks col.
5	Thos J. Pitt		13	A.C. McLaren		21	Pleasant Davisson (col.)
6	Isaac Meeks	(col.)	14	N. Johnson		22	J.M. Blackwell
7	Mitchell Burditt	col.	15	J.L. Nichols		23	Wm Stefon
8	C. G. Jones		16	Lee Tannehill	col.	24	N.J Alexander

Monday June 26 1871

1	Peter Smith		9	Napoleon Bonaparte		17	Ed. Johns
2	Giles Burleson	(col.)	10	Wm Paschal,	col.	18	James Caulfield
3	J.W. Buttery		11	Charles Johnson		19	Henry Hollingsworth
4	Sam Wilson	(col.)	12	C. W. Grooms.		20	W. C. Hawes
5	Thomas Tatum		13	L. Ward.		21	Isaac Hammett
6	Virgil Conner	(col.)	14	John Jones		22	R. Mc. Castleman
7	James C. Maxwell		15	B Radley		23	P. S. Gardner.
8	Abe Slaughter.		16	E. W. Holler.		24	W. C. Nitschke

Monday, July 3.

1	Jacob Hornberger		5	John McBride,	col.	9	John Bennett, col.
2	John Hixon		6	Louis Forest		10	Jesse F. Burditt.
3	J. S Bowles		7	J. Nitschke		11	Theo. Pecht.
4	Tom Bowles		8	Abraham Burchard		12	John Abercrombie

13 Alonzo Pennington, col.
14 H. L. Raven.
15 A. G. Hill.
16 A. Underwood
17 John Price.
18 Thos J. Eanes
19 Jacks on Thompson
20 B. Schumann
21 John Bryant.
22 B. Milam.
23 Wm B. Puckett
24 Wm Needham.

Frank Brown
Dep. Clerk.

F. W. Yoker J P Pre No 4

June Term, Monday, June 5th 1871

The State of Texas } Be it Remembered that on this the 5th day
County of Travis } of June, 1871, the same being the first Monday
in June, 1871, the time fixed by law for the meeting of the June
Term, 1871, of said the District Court of Travis County, the said
Court was called at the hour of nine and a half o'clock, by
the Sheriff. Present the Hon. J. P. Richardson, Judge of the 27th
Judicial District of the State of Texas presiding. J. B. Zimpel-
man, Sheriff, of Travis County; and A. R. Morris Clerk of the
District Court of Travis County, By Frank Brown Deputy.
Whereupon the following proceedings were had by said Court
to wit:

The Venire for the Grand Jury of Travis County (heretofore
issued in accordance with the selection of the said Jury by the
County Court of Travis County in accordance with law) having
been duly issued by the Clerk, and the persons appearing thereon
having been duly summoned by the Sheriff, the Sheriff was ordered
to call the names of said persons. And a sufficient number
not appearing the Sheriff was ordered to summon a sufficient
number of bystanders to complete the panel of grand jurymen
for this term of the Court. And of the persons so summoned as
aforesaid the following named persons were duly examined under oath touching
their qualifications, and being found qualified in every respect ac-
cording to law to serve as Grand Jurors at this term of the Court
Grand Jury were thereupon duly sworn as such Grand Jury, to wit: L. B. Giles.
1 2 3 4 5
G. W. Malone, Leander Brown, Wm A. King, Robert Jones; Simon
6 7 8 9
Alexander, Patrick Piper, John Burton, C. H. Fox, Jno. M
10 11 12 13
Blackwell, W. G. Maynard, Albert Hutchins Robert Barr, Au-
14 15
gust Dietrich, John McArthur:

And thereupon the Court appointed L. W. Giles
to act as Foreman of the Grand Jury.

And the Court having instructed the said
Grand Jurymen as to the duties devolving upon them, they were
ordered to retire upon a discharge of the same.

1 Robert J. Hill And now on this day came Robert J. Hill, and filed his
written application praying to be admitted to practice as an
attorney and counsellor at Law in the several District and In-
ferior Courts of this State. And it appearing that the said Hill
hath heretofore been admitted to practice in the State of Michigan
as appears by the license issued by said Court, and here produced,
and the said Robert J. Hill being a man of good moral
character, and honorable deportment It is ordered that the said applicant be and he
is hereby admitted to practice as an attorney and Counsellor
at Law in the several District and Inferior Courts of this
State, and that a license issue to him accordingly upon his
taking the oath prescribed by law, to be endorsed upon the
License.

June Term, Tuesday, June 6th 1871

1887 L. Fellman vs C. R. Johns and D. Blum. Ordered, upon motion, that the Defendants herein have leave to amend.

2218 S. Jains, et al. v. Johnson and Burleson. And now come the plaintiffs by attorney, and upon their motion It is ordered that the cause be dismissed from the docket; that the Defendants go hence, and recover of and from the plaintiffs Sampson Jains, Margaret A. Duane, R. B Duane, Sarah Tucker, Ann H. Jains, Eugenia De Waef, Winthrop De Waef, all the cost hereof to be taxed, for which execution may issue

2594 H. M Tinnin v. J. R. Billingsley et al Ordered, upon motion, that this cause be dismissed from the Docket, the subject-matter having been settled and cost paid.

2595 Amos Morrill v. Houston and book Cause continued

2596 Amos Morrill v. McGuire and book Cause continued

2598 Amos Morrill v. Moore and book Cause continued

2599 Amos Morrill v. Wood and book Cause continued

2641 S. M. Swenson v. Nicholson and Paschal Continued for service on Paschal

2644 S. M. Swenson v. J. H. Herndon et als. Continued for service.

2862 E. Hulsing v. G. W. Glascock, et al Ordered, upon motion, that the Defendants herein have leave to amend.

2957 Abby Thompson Admx. et al. v. R. A. Rutherford. Cause continued

2966 W. A. Morris v. Reuben Shelley, et al. Continued to make parties.

3043 J. D. McGary v. W. C. Phelps. Ordered, upon motion, that the plaintiff herein have leave to amend

2780 D. W. Chandler, Admr. of William Thorp, vs Frederick Jordan. In this case the parties plaintiff, and Defendant, waived a Jury and submitted the matters in controversy to the Court upon an agreed Statement of facts and briefs in the Case: and the same having been fully considered by the Court, It is ordered, adjudged and decreed by the Court that the Plaintiff D. W. Chandler as Administrator of William Thorp, do have and recover of and from the Defendant Frederick Jourdan, the sum of Nine hundred and Seventy two $\frac{46}{100}$ Dollars for his principal debt and interest up to this date, with interest thereon at the rate of eight per cent. per annum from this date until paid, together with all costs of the suit, for which execution may issue. And thereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

Criminal Docket.

And thereupon It is ordered by the Court that the Criminal Docket be set for hearing and trial for Monday, June 19th, 1871 at 9 o'clock, A. M.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Tuesday June 6th 1871

Court met at 9 o'clock A.M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were

June Term, Tuesday, June 6th 1871

had by said Court, to wit.

Frank Fradisch

Declaration of Intention to become a Citizen
The State of Texas } Frank Fröhlich being duly sworn according to
County of Travis } law, in the District Court of the County of Travis
doth declare that he was born in the Year of our Lord 1841, in Carls-
ruhe, Grand Duke dom of Baden, whence he emigrated in the year
1866, to the United States of America, and has selected the State of
Texas as the place of his intended Settlement: and he further de-
clares that it is bona fide his intention to become a citizen of the
United States and of the said State of Texas, and renounce forever
all allegiance and fidelity to every foreign Prince, Potentate, State or
Sovereignty whatsoever, and particularly to the Grand Duke of Baden, of
whom he is a subject. Frank Fradisch
Sworn to and Subscribed in open Court this 6th June 1871
A.R. Morris, Clerk By Frank Proctor dep Clerk.

3057. G. W. Winn v. Risher & Hall. Comes the Clerk, and upon motion made, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term of this Court, the counsel for the plaintiff having notice of the motion.

3054 M. B. McAlpine et al v. E. M. Pease, et al. Comes the Clerk, and upon motion only made, It is ordered that the plaintiffs herein be required to enter into bond and security for the cost of this suit, on or before the next term of this Court, the counsel for the plaintiffs having notice of the motion.

3072. Hugh Barton v. J. B. Steen. Comes the Clerk, and upon motion only made, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term hereof, the counsel for the plaintiff having notice of said motion.

3074 Theodora Hemphill v. G. S. West, et als. Comes the Clerk and moves the Court that the plaintiff be required to enter into bond and security for the cost of this suit. And It is ordered that said plaintiff comply with said rule, within the time prescribed by law, her attorney having notice of said rule

3084. S. Mayblum et al v. Walter M. Burton, et als. Comes the Clerk and upon motion duly made, It is ordered that the plaintiffs herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, the counsel for the plaintiffs having notice of the motion.

3085. N. T. Sneed v. A. U. Smith et al. Comes the Clerk, and upon motion duly entered, It is ordered that the plaintiff enter into bond and security for the cost of this suit on or before the next term hereof, plaintiffs counsel having notice of the motion.

June Term, Tuesday, June 6th 1871

3088 Martin Buck v. C. D. Frazer, et.al. Comes the Clerk and upon motion duly entered, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, the plaintiffs Counsel having notice of the motion

3091 A. Schloemann v. G. F. Weisselberg. Comes the clerk and upon motion duly entered It is ordered that the plaintiff herein have leave be required to enter into bond and security for the cost of this suit on or before the next term here of, the attorney of plaintiff having notice of said motion.

3092. J. H. Kamphaun v. G. F. Weisselberg. Comes the clerk and upon motion duly entered It is ordered that the Plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term of this Court, the attorney for the plaintiff having notice of the motion

3093. W. M. Grumbles v. John & Sam Matter. Now comes the Clerk, and upon motion duly entered It is ordered that the plaintiff herein be required to enter into bond and security for the Cost of this suit on or before the next term of this Court, the attorney of the plaintiff having notice of the motion.

3095 J. M. Crank v. C. F. Millett. Comes the Clerk and upon motion duly entered It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit, on or before the next term of this Court, the attorney of the plaintiff having notice of the motion.

3098 Henry Ochiltree v. Rebecca Ochiltree. Comes the Clerk, and upon motion duly entered It is ordered that the plaintiff herein be required to enter into bond and security for the Cost of this suit, on or before the first day of the next term here of, the attorney for the plaintiff having notice of said motion.

3075. A. W. Orr v. C. C. Dewey. comes the Defendant, and upon motion duly entered, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term here of, plaintiffs counsel having notice of the motion.

2013 E. Henry, et.al. v. A. M. Davidson Cause continued

2064. L. and H. Riley, Executors of James W. Riley, Deceased v. James Webb and James. S. Holman. Now on this day came these plaintiffs by their attorneys, and upon their own motion made in open Court, It is ordered that the above cause be dismissed from the Docket, that the Defendants in said cause go hence fully discharged and be free from the cost of the suit, which has been paid by the plaintiffs

2366. H. W. Lummis v. W. W. Bridges, et.als. Ordered, upon motion, that the plaintiff herein have leave to amend.

2743 Thomas Freeman v. Geo. Quinan, et.als. Ordered that the Defendants herein have leave to amend.

June Term, Tuesday, June 6th, 1871.

W. E. Cushman — Comes E. W. Cushman and makes application to be admitted to practice as an Attorney and Counsellor at Law in the Several District and Inferior Courts of this State. And it appearing that said applicant has a reputation for good moral character and honorable deportment It is ordered that he be examined in open Court touching his qualifications, and that the following named attorneys be appointed a committee to examine the applicant, to wit: A. S. Walker, W. H. Burts W. M. Waeton and Fred. Carleton A. M. Jackson, R. M. Waeton

John O. Ming — And now on this day came John O. Ming, Esq. and presents to the Court his application for License to practice as an attorney and Counsellor at Law in the several District and Inferior Courts of this State. And it appearing that the said applicant hath heretofore been admitted to practice in the Courts of Record in the State of Missouri, and that he has a reputation for good moral character and honorable deportment, It is ordered that said John O. Ming be, and he is hereby admitted to practice as an Attorney and Counsellor at Law in the several District and Inferior Courts of this State, and that a license issue to him accordingly upon taking the oath prescribed by law.

2848 — Elliott & Deats v. Smith & Mayfield. The Defendants herein, upon motion, have leave to amend their answer.

2850 — Joseph Harrell v. R. M Johnson. Ordered, upon motion, that the plaintiff in this cause have leave to file an amended petition

2955 — Abby Thompson, Admr v. Barnes & Merrell. Cause continued

2956 — Abby Thompson, Admr v. R. W. Riley et. al Cause continued

2958 — Abby Thompson, Admr. v. George Saunders. Cause continued

2959 — Abby Thompson, Admr v. Charles Barnes. Cause continued

2960 — Abby Thompson, Admr v. H. L. Raven. Cause continued

3013 — Abby Thompson. Admr v. L. D Carrington, et. al. Cause continued.

2366 — Ann E. Summis, Executrix of H. H. Summis v. W. W. Bridges. And now on this day came the plaintiff and the Defendant in this cause and announced ready for trial, and waiving a jury submit the case to the Court. And it appearing that the plaintiffs cause of action is liquidated, as appears from the defendants note of hand, the same sued on, produced in evidence It is ordered, adjudged and decreed by the Court, that the plaintiff, Ann E Summis, Executrix of H. H. Summis, deceased, do have and recover of and from the Defendant W. W. Bridges, the sum of two hundred, thirty eight + 65/100 Dollars, principal debt and interest due upon the note sued on to this date, together with all the cost in and about this suit laid out and expended, for all which execution may issue

2410 — A. Morrill v. Wm Simpson. Comes the Defendant by attorney and moves the Court to dismiss this cause from the Docket for want of prosecution. And it appearing that the plaintiff has failed to exercise proper diligence in the prosecution of this

June Term, Wednesday, June 7th 1871.

suit. It is hereby ordered that the same be, and is hereby dismissed from the Docket; that the Defendant go hence without day, and have and recover of the plaintiff all the cost of this suit to be taxed, for which execution may issue.

2581. Risher & Hall v. Bowles Baker, et al. Come the plaintiffs, and upon their own motion, It is hereby ordered by the Court, that this cause be dismissed from the docket; that the Defendants go hence and recover of and from the plaintiffs B. A. Risher and C. K. Hall, under their firm name of Risher & Hall, all the cost of this suit to be taxed, for which execution may issue.

98 Alexander Thompson et al. v E. D. C. Robertson et al. And now on this day came the attorneys representing the plaintiffs in this case and suggest the death of the plaintiffs A. Thompson, Francis A. Thompson and W. D. Thompson. And thereupon the heirs of the said deceased plaintiffs enter their appearance as parties plaintiff herein, and ask that the cause stand in their name. And thereupon appeared again the parties plaintiff in this suit, named in the Original and amended pleadings, and upon their motion only made, by their attorneys, It is ordered that the above styled cause be, and the same is hereby dismissed from the Docket, and that the Defendants go hence without day and have and recover of and from the plaintiffs herein all the cost of this suit, for which execution may issue.

And thereupon Court adjourned till to-morrow morning 9 o'clock.

Wednesday, June 7th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present. Hon. J. P. Richardson, Judge of the 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

Grand Jury. And now on this day came the Grand Jury of Travis county, duly elected, tried, empannelled, sworn and charged for and during the present June term of the District Court of Travis County, and through their foreman, S. B. Giles, Esq., presented to the Court the following Bills of Indictment, to wit:

2181. An Indictment against Sarney Meeks and Albert Shoke for theft from a House.
2182 An Indictment against Sarah Williams for theft from person.
2183 An Indictment against George Morris for Burglary.
2184. An Indictment against James Stephens alias Wm Jones for theft from a house
2185 An Indictment against Henry Hauben for Burglary.
2186 An Indictment against Wm Reid for Theft of a Gelding.
2187 An Indictment against Pale Caviness for Theft of an Ox.
2188 An Indictment against Bill Fields for theft from a House
2189 An Indictment against James M. Clark for Theft of a Gelding.
2190 An Indictment against George Gaines for an Assault with intent to kill and murder.
2191 An Indictment against John Moore for Theft of a Gelding.
2192 An Indictment against A. W. Orr and John B. Savage for theft from a house
2193 An Indictment against Lewis Taylor for theft from a house
2194 An Indictment against Otto Hoffman for theft from a house.

June Term, Thursday, June 8th 1871

And the Grand Jury suggesting that there was still further business pending before them, they were ordered to retire upon a further discharge of the same.

2155. J. H. Browning v Bank of Manufacturing Co. ordered that this cause be continued, and that commission to issue to Galveston County to take the answers of Jas. Brandon, Garnishee: to Harrison County for W. L. Moody: to Fort Bend county for E. R. Hawley: and to Bastrop County for E Erhart.

2576. W. A. Morris v Joseph Newsham. Ordered, upon motion, that the plaintiff herein have leave to amend.

2625. John A. Scoggin v. Nancy J. Scoggin Ordered, upon motion, that the plaintiff have leave to amend, and cause stand continued

2700 Phelps & Johnston v. S. A. & W. B. Nichols Continued by consent.

3087. R. M. Johnson v. W. G. Maynard, et al. Comes the plaintiff, (the Defendant having not answered) and upon motion It is ordered that the cause be dismissed from the docket, the cause not being paid.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, June 8, 1871.

Court met at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

2977 Palm, Bros & Co. v J. W. Moore. And now come these parties by attorney, and upon motion, and by consent of parties, It is ordered that judgment be entered for the sum of Fifty dollars as per written Consent and agreement endorsed upon the petition. And thereupon It is ordered, adjudged and decreed by the Court that the plaintiffs, A. B. Palm and Carl G. Palm, under their firm name of Palm Bros & Co. do have and recover of and from the Defendant J. W. Moore, the sum of Fifty Dollars, in United States currency, together with all the cost in and about this suit laid out and expended, for which execution may issue.

2635 Geo. W. Paschal v. Jinkins Davis, et al. On this day came these parties by their attorneys and by agreement and upon consent, It is ordered by the Court that this cause be dismissed from the docket, and that the Defendants Jinkins Davis and A. P. Blocker pay all the cost of this suit to be taxed, for which execution may issue.

2704. B. A. Risher v. J. B. Sawyer. Come the parties by attorneys, and by motion made, It is ordered that this cause be dismissed from the docket, and that the plaintiff pay all the cost of this suit to be taxed, for which execution may issue.

2717 Mary Fields v. A. D. McGinnis & D. M. Johnson, as Garnishees. Comes the plaintiff, and upon motion duly made,

June Term Friday, June 9th 1871

It is ordered that this cause be dismissed, and that the said plaintiff pay the cost incured by reason of the proceeding in garnishment, for which execution may issue

2745. Headley Pack v. Thos. J. McKinney, et.als. Cause continued

2772 Townsend's Exr's v. Wade Henry. Cause continued

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, June 9th 1871

Court met at 9 o'clock A.M. pursuant to adjournment, the Hon. J.P. Richardson, Judge of the 27th Judicial District presiding whereupon the following proceedings were had to wit.

F.E. Cushman And now on this day came the committee appointed to examine into the qualifications of F E. Cushman, to practice as an attorney and Counsellor at Law, and made the following report: " The committee having examined Mr F E. Cushman, recommend that License be issued, but would earnestly recommend that he continue his studies so as to attain more accurate knowledge of the law. June 8th 1871. A S. Walker, W. M. Waeton, Jas H. Burts

And thereupon It is ordered that said F. E. Cushman be and he is hereby admitted to practice as an attorney and Counsellor at Law in the several District and Inferior Courts of this State, and that a License issue to him accordingly upon taking the oath prescribed by law

1733. C. A. Hopkins, et al. v. Amos Morrill. And now on this day this cause coming on to be heard, the parties by attorneys announced themselves ready for trial. Thereupon Defendants demurrer to plaintiffs pleading, being submitted to and considered by the Court, It is ordered that said demurrer be and the same is overruled. And thereupon came a jury of good and lawful men to wit: W. T. Norton and eleven others, who being elected, empanneled and sworn, well and truly to try the issues between the parties, who having heard the pleadings, evidence, argument of counsel and charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: " We, the jury, find for the plaintiffs. W. T. Norton, foreman." It is therefore ordered, adjudged and decreed by the Court that the plaintiffs, P. L. Hopkins, Desmond Hopkins, Aebina McArthur and James P. McArthur, Mary E. Hopkins, surviving widow of Jurian M. Hopkins, for herself and as next friend for Walter J. Hopkins, Lillie J. Hopkins and Minnie M. Hopkins, minor children and heirs of Jurian M. Hopkins, dec'd - do have and recover of the Defendant Amos Morrill, one equal and undivided half interest in the following described tract of land, lying and being situated in the County of Travis and defined by metes

June Term, Friday, June 9th 1871

and bounds as follows, to wit: " Beginning on a stone mound and South West corner of a tract for Nicholas McArthur, from which a double Sive Oak 15 in. in drain brs. S. 57° 45' E. 107 vr. Thence N. 30° E. 1856 vrs. to a stone mound in McArthurs west boundary line. Thence N. 60° W. 861 vrs to a stone mound on the East side of hill in prairie near a branch. Thence S. 30° W. with the East boundary line of Isaac Deckers league 2660 vrs. a branch 1877 vrs same branch 1889 vrs a stone mound in a bend of said branch. Thence S. 60° E. 861 vrs a stone mound on the top of a hill in prairie from which a double line Oak 15 in. drain brs S. 76° 30' E. 107 vrs Thence N. 30° E. 33 vrs. to the beginning, containing two hundred and eighty eight acres, together with all and singular the improvements and appurtenances thereunto belonging, and all the cost hereof for which execution may issue. It is further ordered by the Court that A. P. Blocker, M. J. Doyle and G. B. Zimpelman be appointed Commissioners to partition and divide said tract of land between said plaintiffs, heirs of Jane Hopkins, dec'd and Amos Morrill, and if practicable, make their return at the present term of this Court, and if not, at the next term of this Court.

✓ 2647 Frederick Wacker v. W. B. McGehees Heirs. Come the parties by their attorneys, and upon motion and by consent It is ordered that this cause be dismissed from the docket, and that the said plaintiff, and the security on his cost bond, to wit: John Robb, pay all the cost hereof; for which execution may issue.

✓ 2715 Jalonick et al. v. Pleas. Taylor, et. als. Come the parties by their attorneys, and thereupon is suggested the bankruptcy death of the party Myers. And thereupon, on motion, the Cause is continued

✓ ✓ 2743 Thomas Freeman v. Geo. Quinan, et. als. On this day came the parties to this cause by their attorneys and announced ready for trial. And waiving a jury submit the case to the Court. And thereupon the plaintiff discusses his suit as to the defendant W. G. Johnson who is dead, and also as to the Defendant McKinney, who is adjudged not to be liable as to endorser. And it is ordered that the cost incurred as to the said Johnson and McKinney be adjudged against the plaintiff, for which execution may issue. And thereupon It is ordered, adjudged and decreed by the Court, that the plaintiff Thomas Freeman, do have and recover of and from the defendant Geo. Quinan the sum of two hundred and thirty one dollars, principal debt and interest due upon the note sued on to this date, together with all the cost incurred as to said Defendant, for which execution may issue.

✓ ✓ 2815 H. Thompson v. D. A. Wray. Continued for service.

✓ ✓ 2848 Elliott & Deats v. Smith & May field. ordered, upon motion, that the plaintiff herein have leave to amend

June Term, Friday, June 9th 1871

2850 Joseph Harrell v. R. M Johnson. Cause continued

2884 Geo. W Paschal v. Chandler, et. al. Continued for service.

2888 H. Hardy, adm^r v. C. D. West, Ex^r. et al. Upon motion It is ordered that C. D. West Esq. be appointed Guardian ad litem to represent the interests of the minor children and heirs of R. J. Downes, deceased, made parties to this suit.

2891 A. Dockett v. Richard Warren. Continued by Consent.

2905 J. H. Arlett v S. B. Brush Cause continued

3003. J W Bacon v. A. Brown Come the parties by attorney, and upon motion and by consent, It is ordered that this cause be dismissed from the Docket, and that the said plaintiff pay all the cost of this suit, for which execution may issue.

3029 J. T. Chandler v. B. R. Dappington, et als Ordered, upon motion, that the Defendant Dappington have leave to amend. And upon further motion, It is ordered that John E. Campbell Esq be appointed Guardian ad litem to represent the interests of his minor Child — Campbell.

3057 Phelps & Johnston v John Stringer. Come the parties, and upon motion and by consent It is ordered that this cause be dismissed from the docket, and that the said plaintiffs, John Phelps and Wesley Johnston, unda their firm name of Phelps & Johnston, do pay all the cost hereof to be taxed, for which execution may issue.

3060 Raymond and Haynie v. B. H. Davis, adm^r et al Ordered, upon motion, that the plaintiff herein have leave to amend. And it is further ordered, upon motion, that the cause be continued to make parties.

3065 W M Gilleland, et al v. C. D. Haley et al. Continued for service.

3066. W. C. Philips v. John Henderson. Cause dismissed, cost being paid

3071 Daniel Stuckey v. John C. Camp. Continued for service

3072 Hugh Barton v. J. W. Steen. Continued for service

3074. Theodora Hemphill v. C. D. West, et als Continued for service

3079 W. M. Walton v. P. Glasscock, et als Ordered, upon motion, that Messrs Hancock and West be appointed Guardians ad litem to represent the minor Defendant Frank Glasscock.

3081 James D. Patterson v. N. Baker, et. als Ordered, upon motion, that this cause be dismissed, the cost being paid.

3082 J. M. Sitten v. Brown et al Continued for service.

3083. E. & J. Rogers v C. D. Frazer. On this day came these parties by their attorneys, and by agreement, It is ordered by the Court that the above entitled cause be dismissed from the docket, and that said Ed. Rogers and Jo Rogers pay all the cost hereof to be taxed, for which execution may issue.

3084 S. Mayblum et al v Walter M Burton et al. And now on this day came the Plaintiffs by their attorneys, and claim a final judgment by default. And as to the Defendant Burton. And it appearing that said Burton has been duly cited by personal service, and has wholly failed to answer within the time

June Term, Friday, June 9th 1871

prescribed by law, It is ordered that the plaintiffs herein do have and recover of and from the said Walter M. Burton according to the prayer of his two petition, and that a writ of inquiry be awarded. And it is further ordered that the cause be continued as to other defts.

√ 3086 A. B Burleson v Martha ann Burleson. Continued for service.

√ 3089 Wm Clements v. Wm M. Stephenson. And now on this day appeared the plaintiff by attorney and claims a judgment by default. And it appearing to the Court that the Defendant has been cited by personal service and wholly failed to answer within the time prescribed by law, It is ordered that the plaintiff herein do have and recover of and from the Defendant Wm M. Stephenson, according to the prayer of his petition, and that a writ of inquiry be awarded.

√ 3094 Don Wilson v W. W. Haupt. Come the parties by their attorneys and upon motion It is ordered that this cause be dismissed from the docket, and that the plaintiff Don Wilson pay all the Cost of this suit, for which execution may issue

√ 3096 Frances Pegg, et al. v. R H. Leigh, Ex' et als. Upon motion It is ordered that Messrs. Wheeler and Moore be appointed Guardians ad litem to represent all the minor Defendants in this suit.

√ 2802 Wm Drake v. R. McLaren, et al. Continued on affidavit of Defendant.

√ 3059 Geo. Saunders v. L. S. Friend et al. And now on this day came the plaintiff by attorney, and claims a judgment final by default. And it appearing to the Court that the Defendants have been cited according to law, and have wholly failed to answer within the time prescribed by law, and made default. And it appearing that plaintiff's cause of action is liquidated, as shewn by the note of hand produced in evidence, being the same sued on, It is ordered that the plaintiff George Saunders, do have and recover of and from the defendants L. S. Friend and J. D. Dancer, the sum of Two hundred and Twelve Dollars in the gold coin of the United States, being the amount of the principal and interest due upon the note sued on, to this date, with ten per centum per annum interest thereon from this date till paid, together with the Cost of this suit, for which execution may issue

√ 3078 George Hancock v. James M. Turley. And now on this day came the plaintiff by attorney and claims a judgment by default. And it appearing that the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law and wholly made default, and plaintiff's cause of action being liquidated. It is ordered by the Court that the plaintiff George Hancock, do have and recover of and from the defendant James M. Turley, the sum of Nine Hundred and thirty four and 56/100 Dollars, principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from this date till paid, together with all costs of this suit, for which execution may issue.

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3091. A. Schloemann v. G. D. Weisseberg. And now on this day appeared the plaintiff by his attorney and claims a judgment final by default. And because it appears to the Court that the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law and wholly made default. And plaintiffs cause of action being liquidated, as is shewn by the note of hand produced in evidence, the same sued on, It is ordered by the Court that the plaintiff, A. Schloemann, do have and recover of and from the Defendant G. D. Weisseberg the sum of Nineteen hundred, fifty five and 12/100 coin dollars, principal debt and interest due upon the note sued on to this date, together with all the cost of this suit, for which execution may issue.

3092. J. H. Kaufmann v. G. D. Weisseberg. And now on this day came the plaintiff by his attorney, and claims a judgment final by default. And because it appears that the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law, and wholly made default, And plaintiffs cause of action being liquidated as shewn by the note of hand sued on, produced in evidence, It is ordered that the plaintiff J. H. Kaufmann, do have and recover of and from the Defendant G. D. Weisseberg the sum of Seven hundred and fifty + 38/100 dollars in gold and silver together with all the cost of this suit, for which execution may issue.

3100. George Hancock v. Joseph Lee. And now on this day came the plaintiff by his attorney and claims a judgment final by default. And because it appears to the Court that the Defendant has accepted service of plaintiffs petition, and failed to answer within the time prescribed by law, and wholly made default. And plffs cause of action being liquidated, as is shewn by the note of hand sued on, produced in evidence, It is ordered that the plaintiff George Hancock do have and recover of and from the defendant Joseph Lee, the sum of Four hundred and eighty two + 98/100 Dollars, together with ten per centum per annum interest thereon from this date till paid, and all the cost of this suit, for which execution may issue.

Grand Jury. And now on this day appeared in open Court the Grand Jury of Davis County, duly elected, tried, empannelled, sworn and charged, for and during the present term of this Court, and through their foreman, L. B. Giles, presented to the Court the following Bills of Indictment, to wit:

2195 An Indictment against N. B. Mitchell for Exhibiting Monte.
2196 An Indictment against N. B. Mitchell for Betting at Monte.
2197 An Indictment against H. C. Ellis for Betting at Monte
2198 An Indictment against J. H. Conner for playing at a game with cards in a public place
2199 An Indictment against James M. Swisher for Betting at Monte.
2200 An Indictment against Jace Wilson for Exhibiting Monte.

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2201 An Indictment against Charley Allen for playing with cards in a public place.
2202 An Indictment against Wiley Craft for Betting at Monte
2203 An Indictment against Wiley Craft for permitting Gaming Bank called
2204 An Indictment against Wiley Craft for Monte to be exhibited Betting at Monte.
2205 An Indictment against Watt. Good for playing cards in a public place
2206 An Indictment against — Maroney for Betting at Monte.
2207 An Indictment against Wm Wilson for playing cards in a public place
2208 An Indictment against Miles McEnnis for Betting at Monte.
2209 An Indictment against Matt. Woodlief for playing cards in a public place
2210 An Indictment against Matt. Woodlief for Exhibiting Monte.
2211 An Indictment against George H. Slaughter for Betting at Monte
2212 An Indictment against Andrew Campbell for Betting at Monte.
2213 An Indictment against Byron Glafcock for Exhibiting Monte.
2214 An Indictment against Silas Rawls for Betting at Monte.
2215 An Indictment against Ambrose Duty for Betting at Monte.
2216 An Indictment against Mart. Thompson for Exhibiting Monte
2217 An Indictment against Mart. Thompson for Betting at Monte
2218 An Indictment against Tom Bowles for Betting at Monte.
2219 An Indictment against James Venable & George Lewis for Murder

And the Grand Jury of Davis county having suggested to the Court that there was still further business pending before them they were ordered to retire upon a Vote then discharge of the same.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Saturday, June 10th 1871

Court met at 9 o'clock A M. pursuant to adjournment Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

✓ 3035 A. S. Roberts & wife v. Wm Leigh & Chalmers, et al And now come the plaintiffs and move the Court to appoint guardians ad litem for the minor Defendants in this cause. And it appearing to the Court that the Defendants Alithea Risher, Laura Risher, Harry Risher, a da Risher and Kate Risher are infants under the age of twenty one years, and that they have been regularly served with process in this cause, It is ordered that John Hancock and B. a Charles D. Rizher West, Attorneys of this Court be appointed Guardians ad litem for all of said infant Defendants Rishers to defend this action for them

And it appearing that the Defendants Alice Green, Janet Green, Thomas Green and Laura Green are infants under the age of twenty one years, and that they have been duly served with process in this cause, It is ordered that John A. Green. Esq. an attorney of this Court, be appointed Guardian ad litem to appear and defend this action for them.

And it appearing that the Defendant

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Mary Chalmers is an infant under the age of twenty one years and that she has been duly served with Process in this cause, It is ordered that Charles D West, Esq., an attorney of this Court, be appointed guardian ad litem to defend this action for her.

And it appearing that Mary Green, one of the Defendants, since the last continuance, had intermarried with Richard N Lane, upon motion of plaintiff it is ordered that the said Lane be made a party hereto.

3055 Sampson & Henricks v. Hudspeth & Reed. And now on this day came the plaintiffs to this cause by their attorneys and claim a judgment final by default. And because it appears that these Defendants have been cited by personal service, and have failed to answer within the time prescribed by law and wholly made default, It is therefore ordered, adjudged and decreed that the plaintiffs do have and recover of and from the Defendants Wm Hudspeth and John Reed, the sum of fourteen hundred, eighty six and 26/100 Dollars, in gold, principal and interest due on their demand against said Defendants, and all costs in this behalf expended: And it is further ordered, adjudged and decreed that the Clerk of this Court pay over to the plaintiffs, the said Sampson & Henricks, the full sum that may have been or may be deposited in his hands as the proceeds of the sale of property of the Defendants, or either of them, attached by the plaintiffs in this suit and sold under order of the Court and that the judgment be credited by such amount when paid over to said plaintiffs: and that the said plaintiffs have execution for the sum due them, less only the credits aforesaid and for all costs of suit, for which execution may issue. And it is further ordered that whereever any money is paid into the hands of the Clerk of this Court, realized under orders of sale by the Court, of goods attached, in this suit, that the same shall be paid over by the said Clerk to the said Sampson & Henricks.

Grand Jury. And now on this day came in open Court the Grand Jury of Travis county, duly elected, tried, empanneled, and sworn according to law, for and during the present term of the Grand Jury District Court of Travis county, and through their foreman, D. B. Giles, presented to the Court the following Bills of Indictment to wit:

2220 An Indictment against George Cosby for Theft of a Cow.

2221 An Indictment against Tom Strode & Mana Shelton for Disturbing Religious Worship.

2222 An Indictment against Ike Napoleon for taking up and unlawfully milking Cow not his own without the Consent of owner.

2223. An Indictment against Charley Allen for playing cards in a public place

2224 An Indictment against Wm Brennan for playing at a game with cards in a public place.

2225 An Indictment against Wm Brennan for Exhibiting Monte

2226 An Indictment against Joseph Jones for Theft of a Cow.

2227 An Indictment against Tom Jordan for Concealing Stolen Property

And the Grand Jury suggesting to the Court there was

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still further business pending before them, they were ordered to retire upon a discharge of the same.

↓ 2741 W. O. Hutchison, Adm'r of John D. Pitts, Dec'd. v. Edward Burleson.

And now on this day appeared the parties to the above entitled and numbered cause, and waive a jury and submit said cause to the Court: and in accordance with the agreement of said parties announced in open Court. It is ordered, adjudged and decreed by the Court that the Defendant Edward Burleson, do have and recover of and from the plaintiff the following tract or parcel of land situate in the County of Blanco, on Martins Fork of Blanco creek to wit: An undivided half of a tract of four hundred and thirty eight (438) acres of land, being a part of the league of land granted to H. Eggleston, said four hundred and thirty eight acre tract having been set apart to John D. Pitts and F.W. Chandler as joint tenants in the subdivision of said H. Eggleston league between Wm E. Jones, Jno. D. Pitts, J. H. Callahan, Andrew M. Lindsey and F. W. Chandler, said four hundred and thirty eight (438) acre tract being bounded on the North by the North line of said League, on the East by a tract of 468 acres allotted to A. M. Lindsey in the said subdivision of said League, and on the South by two tracts North of the Blanco town tract, one of 220 acres and the other of 180 acres; and on the west by a tract of 403 acres allotted to J. H. Callahan in said subdivision. And it is further ordered by the Court that the Estate of Jno. D. Pitts, Deceased, be divested of all title to said tract of 438 acres of land herein described and that the title to an undivided half interest therein be vested in said Defendant Burleson: And it is further ordered by the Court that the deed from Z. P. Bigg as Sheriff of Hays County Texas to Edward Burleson, dated the 4th day of May A.D. 1859, conveying said league of land be and the same is hereby set aside, cancelled and annulled, except as to said tract of 438 acres of land herein decreed to said Burleson, and that said plaintiff as the administrator of the Estate of John D. Pitts, dec'd do have and recover of and from said Burleson all of said H. Eggleston league, except said 438 acre tract herein decreed to said Burleson as aforesaid, and that all the title of said Burleson in said league, except as to said 438 acre tract, be divested out of said Burleson, and vested in the said plaintiff as administrator of the Estate of John D. Pitts, deceased. And it is further ordered by the Court that each of said parties pay all the costs which have been incurred by him, or at his instance, and that for the costs so adjudged against him, (said Burleson) execution

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shall issue, and that this judgment be certified for payment by said plaintiff of the costs adjudged against him and to the District Court of Hays county in matters of probate, where the Estate of John D. Pitts, decd. is being administered, for enforcement.

James Fowler Comes James Fowler into Court, and surrendering himself asks to be admitted to bail, to answer the charge of making an assault with intent to kill and murder, in such sum as the Court may fix, and waives a preliminary examination. And thereupon It is ordered that said Fowler be admitted to bail in the sum of Six Hundred Dollars

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Monday, June 12th 1871

Court met at 9 o'clock A.M pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

1 v 2779 N. Townsend, Exr. v. B. A. Risher. On this day came the parties by their attorneys: and by agreement It is ordered that this Cause be and the same is dismissed from the docket, and that the Defendant Risher pay all the Cost hereof to be taxed for which execution may issue.

1 v 2939 Jesse Scott v. G.W. Malone. And now on this day came the parties by their attorneys and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, consisting of R. K. Miller and eleven others, who being tried, elected empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict, Whereupon the said jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff, and allow him the sum of Five Hundred ($500) Dollars. R. K. Miller, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the plaintiff Jesse Scott do have and recover of and from the Defendant G. W. Malone the sum of Five Hundred Dollars so found to be due by the Jury together with all the Cost in this behalf laid out and expended for which execution may issue

1 v 2962 Mrs. L. A. Crutcher v. J. H. Crutcher Cause Continued

1 v 2972 S. M. Berryman v. W. M. Long. Continued by Consent.

1 v 2974 B. M. Odum v. A. Musgrove. Come the parties by attorneys and upon motion duly made, It is ordered that this Cause be dismissed from the docket and that the plaintiff pay all the cost hereof to be taxed for which execution may issue.

1 v 2975 James A. Chandler v. Susan A. Chandler. Continued to perfect Service.

1 v 2976 Geo. H. Gray v. M. J. Berryman et als Continued for Service.

1 v 2981 W. L. Philips v. A. A. Scroggin et al. Continued

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2982 A. H. Cook v. Allison & Harrell Continued for service.

2987 G^eo M. Moore v. Frank Meeks

3014 Louis Conley v. Hannah Conley. Comes the plaintiff and upon motion it is ordered that this cause be dismissed from the Docket, and that plaintiff Louis Conley, pay the cost hereof to be taxed for which execution may issue.

3021 W. A. Morris v. Wooldridge & Hancock. Cause continued

3029 J. T. Chandler v. B. K. Sappington, et als. And now on this day came the parties to this cause by their attorneys, and thereupon came on to be heard the plea in abatement interposed by the Defendant. And the said plea and exceptions thereto coming onto be heard and argued by Counsel and well considered by the Court, It is ordered that the exceptions to the plea be overruled and that the said plea to the jurisdiction be sustained, and the cause dismissed. And It is ordered that the cause be and is dismissed from the docket; that the Defendants go hence and recover of and from the plaintiff J. T. Chandler all the cost of this suit, for which execution may issue. And thereupon the plaintiff gives notice in open Court of an appeal to the Supreme Court.

3036 T. C. Flow v. A. A. Hughes. And now on this day came the parties by their attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, Consisting of 1 Benj R. Torousend and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit. "We, the jury, find for the plaintiff in the sum of ($391 2^{0}) three hundred and ninety One 2^{0}/_{100} Gold Dollars, principal & interest. 1 Benj. R. Torousend Foreman." Whereupon It is ordered by the Court that the plaintiff T. C. Flow do have and recover of and from the Defendant A. A. Hughes the sum of Three Hundred, Ninety One and 2^{0}/_{100} Gold Dollars, with ten per centum per annum interest thereon from this date till paid, and all the Cost of this suit, for which execution may issue.

3061 The State of Texas v. Alonzo T. Rose et al. Continued for service.

3062 The State of Texas v. C. B. Meeks. Continued for service

3040 W. N. Haldeman v. John Dillingham. And now on this day came the plaintiff by his attorney and claims a judgment final by default. And it appearing to the Court that the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law, and wholly made default. It is ordered that the plaintiff recover according to the prayer in his petition. And it is ordered that a jury be empannelled to ascertain the damages. And thereupon came a jury of twelve good and lawful men of Travis County Consisting of H. Hoffheinz and eleven others who being tried elected, empannelled and sworn according to law, heard the evidence and the charge of the Court, and retired to consider of their verdict. And thereupon

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said jury returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff the sum of $634.31 in coin, with interest at 10 pr c. from June the 17th 1871 in coin & find the note given by the Defendant a lien upon the land.

H. Hofheintz Foreman."

It is therefore ordered, adjudged and decreed by the Court that the plaintiff, W. N. Hardeman, do have and recover of and from the Defendant John Dillingham, the sum of Six Hundred Thirty four 31/100 Dollars in the gold and silver Coin of the United States, with interest thereon at the rate of ten per centum per annum in coin until paid, and all the costs of this suit, for which execution may issue.

And it appearing from the verdict of the jury that the following described land is liable for the satisfaction of this judgment, to wit: "Situated on Big Walnut creek in Travis County Texas 8 miles North of Austin Commencing at the N. E. Corner of J. C. Harrelson's Survey No. 78, thence South 60° East 393 varas crossing Walnut creek, to a stone mound & corner of Alfred Robinsons 100 acre tract, from which a Live Oak 6 inches in dia. marked X bears S 84° E 11 varas; thence N. 30° E. 593 varas to a stake and corner of Robinsons from which an Elm 8 in. in dia. bears N. 22½° E. 90 varas. Thence South 60° E. 951 varas crossing a branch of Walnut creek to a stone mound in the prairie. Thence N. 30° East 1829 varas to a stone in the prairie Thence N 60° West 1483 varas to a stake. Thence South 30° West 219 varas to the South East Corner of T. B. Collins Survey No. 61. Thence N. 60° West 610 varas to a stone mound. Thence S. 30° W. 1773 varas to a cedar tree on the North bank of Walnut creek. Thence down said creek with its meanders to the West boundary line of Hanelson's Survey Thence N. 30° E. 120 varas to the place of beginning, Containing 780 acres more or less, out of which is excepted 100 acres deeded to Mayfield, 10 acres surveyed for a church, and a tract supposed to Contain 45 acres, sold to Freeman" It is ordered by the Court that said land be sold by the Sheriff of Travis County, as under execution, and for this purpose the clerk of this Court is directed to issue an Order of Sale directing the sale of said land, and the proceeds thereof shall be applied to the satisfaction of this judgment; and the overplus if any, shall be paid to the Defendant, his agent or attorney. If said land shall not bring an amount sufficient to satisfy this judgment, costs and interest to accrue, then execution may issue against the Defendant for any balance that may be due.

† 2933 D. T. Duffau v. J. M. Steiner. And now on this day came the parties to this cause by their attorneys and by agreement It is ordered that this cause be and the same is hereby dismissed from the docket and that the plaintiff pay all the Cost hereof to be taxed, for which execution may issue.

John H. Horan And now on this day came John H. Horan and presented his application to be admitted to practice as an attorney and Counsellor

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at Law in the several District and Inferior Courts of this State, said application being in writing and accompanied by the certificate provided by law, certifying that he has a reputation of good moral character and honorable deportment, It is ordered that said applicant be examined in open Court touching his qualifications, and that John Hancock B. H. Davis and R. A. Smith, Attorneys of this Court be appointed to examine the applicant at the hour of 11 o'clock A.M. to-morrow, and that they make report thereof in writing.

3042. Geo. Saunders v. Herman Green. And now on this day came the parties to this cause by their attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, Consisting of B.R. Townsend Esq and eleven others who being tried, elected, empanelled and sworn according to law, heard the evidence, Argument of Counsel and the charge of the Court, and retired to Consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find for the Defendant. B. R. Townsend, Foreman." Whereupon, It is ordered that the plaintiff take nothing in this behalf; that the Defendant go hence without day, and have and recover of and from the said Plaintiff Geo. Saunders, all the Cost of this suit, for which execution may issue.

And thereupon Court adjourned till to-morrow 9 o'clock A.M.

Tuesday, June 13th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. G. P. Richardson, Judge 27th Judicial District Presiding. Whereupon the following Proceedings were had by said Court, to wit:

Grand Jury. And now on this day came into Court the Grand Jury of Travis County duly elected, tried, empanelled and sworn according to law for and during the present term of this Court, and through their foreman L. B. Giles, presented to the Court the following Bills of Indictment, to wit:

2228 An Indictment against Ed. Grooms for playing at a game with cards in a public place
2229 An Indictment against Allen McFarland for playing at a game with cards in a
2230 An Indictment against Josh. Eagle for playing at a game with cards in a public place
2231 An Indictment against Jim Fowler and Wiley Craft for an affray.
2232 An Indictment against Andrew Norwood for Sodomy.
2233 An Indictment against George Butler for Keeping Disorderly House
2234 An Indictment against George Butler for Keeping Disorderly House
2235 An Indictment against George Butler for Keeping Disorderly House
2236 An Indictment against Frederick Jordan for Theft of a Gelding.
2237 An Indictment against Al. Rust for Theft from a House
2238 An Indictment against W. C. Cain & Albert Bone for Driving Ox from accustomed range.
2239 An Indictment against Harrison Cain for Wantonly Killing Calf
2240 An Indictment against Harrison Cain for Theft of a Calf
2241 An Indictment against Wash. Wilson for Theft of a Cow and Calf
2242 An Indictment against Jones Graham for theft from a House

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And said Grand Jury suggesting that there was still further business before them they were ordered to retire upon a discharge of the same

3008. P. Burchard v. John H. Zwiley. Ordered, upon motion, that the Defendant herein have leave to amend.

3052 A. Blomeke v. Ben Moton and Wm Clements. Ordered upon motion, that the Defendant herein, have leave to amend.

And thereupon Court adjourned till to-morrow 9 o'clk a.m

Wednesday, June 14th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

Henry Orsay Citizen. Comes Henry Orsay, and makes application under oath stating that he is an alien, born in Canada, and that he has served in the Army of the United States for the period of six years from April 12th 1862 to April 12th 1868 and has received an honorable discharge from said service, which statements are found to be true: and said Orsay having taken the oath that he hereby renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Queen of Great Britain, of whom he was heretofore a subject, and that he will support the Constitution of the United States and of this State and bear true faith and allegiance to the same, It is ordered that said Henry Orsay be and is hereby admitted a Citizen of the United States, and that a Certificate issue to him accordingly.

3006. James D. Nichols v. Mathew Brown, L. M. Bauam, James Pugh and Catherine Pugh. And now on this day appears the parties to the above entitled and numbered cause and waive a Jury and submit said cause to the Court, and by consent and agreement of said parties announced in open Court It is ordered adjudged and decreed by the Court that said plaintiff do have and recover of and from Defendant Mathew Brown, the following tract or parcel of land to wit. a part of the J. D. Slaughter League in Travis County and being about ninety three acres off the South end of a tract of one hundred and forty three acres conveyed by James P. Hector to Mathew Brown by deed bearing date the 16th day of November A.D. 1866 said tract of ninety three acres of land being bounded as follows. Beginning at a point on the West line of said league and South West corner of a tract of fifty acres of land conveyed by Mathew Brown to L. M. Bauam off the North end of the before mentioned one hundred and forty three acre tract by deed dated the 17th day of January, 1868 a stone pile from which a Live Oak 16 inches in diameter marked X bears N. 57° E 10 varas distant, and a Black Jack 7 inches in diameter marked X bears S. 12° E. 7 varas distant. Thence South one thousand and eighty six varas to a stone corner in a flat from which a Live Oak marked blaze 15 in. diameter bears N. 57 W 30 varas an Elm 8 in. dia. marked = bears N. 32° E. 40 varas distant this corner being the N W Corner of J. Hammett's tract. Thence East with said Hammett's

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North line four hundred and eighty varas to his N.E. corner a stone mound from which a Pecan marked = 8 in. dia bears S. 52° W. 9 varas distant a Post Oak 14 in. dia. marked = bears N. 20 E. 7 varas distant. Thence North (magnetic variation 10° East) one thousand and eighty six varas a stone pile and South East Corner of said Baucum fifty acre tract, from which a Live Oak marked X 12 in diameter bears S. 22° W. 3 varas distant Thence West with said Baucum's South line four hundred and eighty varas to the place of beguining and containing by estimation ninety three acres of land, and that all the right and title of Defendant Brown to said tract of land be divested and the same be vested absolutely in said Plaintiff James L. Nichols and that a Writ of Possession issue requiring the Sheriff of Travis County to place said Nichols in possession of said land. And it is further ordered, adjudged and decreed by the Court that said plaintiff Nichols take nothing by this suit as against Defendants James and Catherine Pugh and L. M. Baucum, and that the deed from R. Platt as Sheriff of Travis County, dated the 4th day of May, 1869 conveying the land to Plaintiff described in his petition, and under which deed plaintiff claims title to the land sued for in this cause, be set aside, cancelled and annulled as to all the land described in plaintiffs said petition, except as to said tract of ninety three acres herein before set out and described by metes and bounds; and that Defendants James Pugh and Katherine Pugh be forever quieted in their title to the tract of One hundred and forty acres described in their separate answer filed in this cause, and also in the conveyance thereto from Matthew Brown to said Katherine Pugh dated the 22nd day of November, 1866 as follows to wit:

Being a part of the S. F. Slaughter League in Travis County and a portion of a tract of two hundred acres on the West bank of Slaughters creek conveyed by James R. Hector to Matthew Brown by deed dated the 4th day of September, 1866 beginning at the upper corner of said two hundred acre tract in the bed of Slaughter creek a forked Spanish Oak 18 ins in dia. marked 3 hacks 30 varas below the mouth of a ravine from which an Elm 12 ins in dia. marked # 9 varas distant bears N. 52° E. 9 vs a double elm 15 ins in dia. marked # 7 varas distant bears S. 51° E. Thence South 520 vrs. to a stone Corner from which a Live Oak 16 ins in dia. bears S. 75° E. 17 varas, an Elm marked blaze 10 ins in dia. bears S. 60° W. 15 varas distant. Thence N. 89 1/2 E. 445 varas to a stone mound from which a leaning Live Oak marked 9 hacks bears S. 89 1/2 1 vara distant. Thence S. 60° E. 650 varas to a stone Corner in prairie from which the chimney of Matthew Brown's house bears N. 60 1/2 E. Thence N. 6 1/2 E. 290 varas a stone Corner. Thence N. 30° E. 485 varas. Thence N. 74° W. 120 varas a stone Corner. Thence N. 76° W. 300 varas to a stone Corner from which a Live Oak marked 9 hacks bears S. 76 E. 1 vara distant. Thence N.

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14° E 70 varas to a Cedar tree 3 ins. in dia marked = from which a Cedar 12 ins in dia marked = bears S. 80° W. 8 varas distant and thence to the Centre of Slaughter creek a Corner. Thence up the bed of Slaughter creek with its meanders to the place of beginning and Containing 1140 acres

And that said Defendant L. M. Baucum be forever quieted in his title to the tract of fifty acres of land described in his separate answer filed in this Cause, and also in the Conveyance thereto from Matthew Brown to said Baucum, dated the 17th day of January 1868, as follows to wit: Being a part of said Slaughter league, and part of a tract of 143 acres Conveyed by deed bearing date 16th day of November, 1866, from James P. Hector to Matthew Brown Beginning at a point in the bed of Slaughter Creek where the West line of the Slaughter league crosses said creek a Stone mound from which an Elm 12 ins. in dia. bears N. 5° W. 6 varas distant, a double white Oak bears S. 87° W. 6 varas distant, marked X— this Corner is at the mouth of a ravine a falling branch. Thence South 549 varas to a stone pile from which a Live Oak 16 ins. in dia. marked X bears N. 52° E. 10 varas distant and a Black Jack 7 ins in dia. marked X bears S. 12° E. 7 varas distant. Thence East 1180 varas to a stone pile from which a Live Oak marked X 12 ins. in dia. bears S. 22° W. 3 varas distant Thence North 641 varas to the centre of the bed of Slaughter creek. Thence up the bed of Slaughter creek with its meanders to the place of beginning and containing by estimation fifty acres of land

And it is further adged, adjudged and decreed that Defendant Matthew Brown be forever quieted in his title to and possession in the following tract of land the same being his homestead of two hundred acres, to wit Beginning on the South Bank of Slaughters Creek at the upper Corner of Pattersons tract. Thence S. 30 W. 460 vrs. for a Corner. Thence N. 60° W. 820 varas Corner in prairie Thence S. 30° W. 260 varas to the S. E. Corner of Rights tract. Thence N. 61/2° E. 290 varas a Corner Thence N. 30° E. 486 varas a Corner. Thence N. 62° W. 140 varas a corner. Thence N. 89° W. 340 varas a Corner Thence N. 7° E. 80 varas to Slaughters Creek. Thence down said creek with its meanders to the place of beginning Containing 200 acres as aforesaid. And it is further ordered that the plaintiff pay one fourth of the costs of this suit and that Defendant Brown pay the remaining three fourths of the costs for which execution shall issue.

3015 Sarah Young v. Richard Young. And now on this day came the plaintiff in this cause by attorney. and also came the Defendant, by R. A. Smith Esq appointed by the Court. And the parties thereupon announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, Consisting of Benj. R Johnson foreman, and eleven others, who being duly tried, elected, empannelled and sworn according to law, heard the pleadings read, the evidence and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to

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wit: "June 14th 1871 We the Jury find the facts set forth in the plaintiffs petition to be true Benj. R. Townsend, Foreman."
Whereupon It is adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said Sarah Young & Richard Young, be and the same are hereby forever dissolved, and that all marital relationship heretofore existing between said parties be revoked and declared at an end, and that the plaintiff recover of the Defendant all the costs of this suit, for which execution may issue.
And it is ordered that R. A. Smith, Esq. be allowed a fee of twenty dollars to be taxed in the Bill of Cost.

3051 C. W. Winn v. Riches & Hall. Continued

3052 A. Blumeke v. Ben. Motow and Wm. Clements. Ordered, upon motion, that defendants herein have leave to amend.

2887 The State of Texas v. R. M. Burrier et al. Cause dismissed.

2912 The State of Texas v. A. B. Baker et al. Cause dismissed

3022 The State of Texas v. Charles Beau, et al. On this day appeared the parties by their attorneys, and upon motion It is ordered by the Court that the judgment nisi in this cause be set aside and vacated, and that the Defendants Charles Beau, T. P. Allen and D. M. Smart pay all the cost of this proceeding for which execution may issue.

3024 The State of Texas v. Julien Gros, et al. On this day came the District attorney, and upon motion It is ordered that the judgment nisi in this cause be set aside and vacated, and that the Defendants Julien Gros, William Gates and Tilman Pendley pay all the cost of this suit, for which execution may issue.

3025 The State of Texas v. Joseph Young. Cause dismissed

3026 The State of Texas v. Joseph Young. Cause dismissed

3027 The State of Texas v. Joseph Young. Cause dismissed

3028 The State of Texas v. Joseph Young. Cause dismissed

3043 J. D. McGary v. W. C. Philips. And now on this day came the parties in person and by attorney, and in open Court Consent to agree to judgment & decree herein according to their written agreement on file as follows:
" 3043 Magary v. Philips. It is agreed that Peff take judgment for
" all the land on the St. Labor included within the deed from Dabb to
" Philips, being about 56 1/2, reserving to Philips his right in the line
" Kelly tract of 5 acres. the settlement of all matters in this suit.
" J. D. McGary W. C. Philips."
Wherefore It is ordered, adjudged and decreed by the Court that the Plaintiff be quieted in his title as against the Defendant, and do have and recover as against him all that part of the said Labor Survey in Travis County originally called the O. Rupell survey and subsequently surveyed under Certificate No 96, 2d Class, in name of C. J. Strother for 320 acres, issued in Bastrop County, which is included within the boundary lines of a tract of land conveyed by H. R. Dubble to said W. C. Philips by deed of date June 21st 1869 and recorded in Book S, pages 310, 311

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and 312, the said labor survey being described as follows. Being Survy No. 610, situated on East side of Colorado River, about 4 miles N.W. from Austin. Beginning on N.W. Corner of Survey No. 8 made for Danl J. Gilbert. Thence N. 60° W. 1050 vrs a Corner, Thence S. 30 W. 1000 varas a Corner. Thence S. 60 E. 950 vrs on W. line of No. 8. Thence N. 35 3/4 E. 1000 varas to place of beginning. And the said tract Conveyed by Dabb to Philips is described as follows. Known on the map of Travis county as the upper corner of the Daniel J. Gilbert survey at a Cypress stump 30 inches in diameter standing in the centre of a Big Spring near the bank of the Colorado River; thence N. 30 E with the East line of the A. Silsbee Survey at 1450 varas croped the road leading to Mount Bonnell, at 1460 varas made a pile of rock - at 2245 varas made another pile of rock on the North side of a bank and rock quarry, at 2755 varas made a mound of rock on the South side of a Road, at 3411 varas set a stake and made a pile of Rock for the N.E. Corner of the Silsbee Survey, from which a Live Oak bears S. 73° E 4 vrs and another on the hill side bears N. 54 1/2 W. 35 varas, Continuing the same Course at 3653 varas Covered on a small Cherry from which a Spanish Oak 3 inches dia. marked X bears N. 76° E. 1 1/2 vrs and another 4 inches in dia marked X brs. N. 20° W. 5 varas thence S. 60° E. descending a hill at 45 vrs Crossing a road, at 372 varas the N.W. Corner of the Gilbert Survey. Thence with the West line of the said Daniel Gilbert Survey South 35 3/4 W. 3178 varas to the beginning

And it is further adjudged and decreed that the plaintiff do have and recover all of the said Conflict of the above described lands as against the Defendant supposed to be 56 1/2 acres, more or less, save and except the right of the Defendant in a tract of five acres, including Rock Quarry as conveyed to him by the Plaintiff; the right of Defendant Philips under deed from Plaintiff are not affected by this Decree

And it is further adjudged and decreed that this judgment and decree be and the same is a full settlement and adjustment of all matters in Controversy in this suit, about the said labor of land. And it is further ordered that this decree be a muniment of title in favor of the Plaintiff as to the said lands lying between the Daniel Gilbert Survey and the East line of the A. Silsbee Survey and the prolongation of said line from the N.E. Corner of the Silsbee tract, and which are covered by the said labor Survey No. 610 under the Strother certificate aforesaid.

And it is further ordered that the Plaintiff do have and recover of the Defendant all costs herein expended for which execution may issue

3050 E. J. Davis, Governor of Texas v. A. Bledsoe, et. al. And now on this day came the attorneys for the plaintiff and dismisses this suit as to the Defendants Hobbs and Price, who have not been served with

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process. And thereupon the plaintiff claims a judgment final by default against the Defendants A. Longley, G. W. Davis, B. H. Davis, R. Platt and Mc. M. Long. And because said Defendants last named have been duly served with process and acknowledged service of this suit and have wholly failed to answer within the time prescribed by law, It is ordered that the plaintiff do have and recover of said last named Defendants according to the prayer of his petition and that a writ of inquiry be awarded.

3052. A. Bloneke v. Ben. Moton and William Clements. And now on this day came the parties by their attorneys and the plaintiff thereupon dismisses his suit as to the Defendant Clements. Whereupon It is ordered that the said Clements go hence and recover of and from the said A. Bloneke all the Cost by him incurred in this behalf, for which execution may issue. And the said plaintiff and Defendant Moton having announced ready for trial came a jury of twelve good and lawful men of Travis County, Consisting of H. Hoffheintz and eleven others who being tried, elected, empannelled and sworn according to law, heard the evidence and the Charge of the Court and retired to deliberate of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We the Jurors find for the Plaintiff $210.56 in Currency, with interest at 10 per cent from date and $44.20 in Coin, this the 14 day of June 1871. H. Hoffheintz, Foreman" Whereupon It is ordered that the said A. Bloneke do have and recover of and from the said Ben. Moton the sum of Two hundred and ten and 56/100 Dollars in Currency, with 10 per centum per annum interest thereon from this date until paid, and the further sum of Forty-four and 20/100 Dollars in Coin, together with all the Costs of this suit as to the said Moton incurred, for which execution may issue.

3053 M. B. McRae v. R. Riggles et al. On this day came the parties by their attorneys when came on to be heard the motion to dismiss the appeal for want of a sufficient appeal bond. And the same being duly considered, It is ordered that the motion be sustained; that the cause be and is hereby dismissed from the docket; and the appeal dismissed; and that the appellant Richmond Riggles pay all the Cost of this Court for which execution may issue, and that a Procedendo be awarded

3054 M. B. McAlpine et al v. E. M. Pease, et al. Continued to perfect Service

3063 The State of Texas v. August Lange. Cause dismissed

3064 Thomas Keenan v. R. J. Nichols. Cause Continued

3068 The State of Texas v. P. W. Stokes et al. Comes the District Attorney on behalf of the State and dismisses this suit as to the Defendant Donald Campbell. And plaintiff claims a judgment by default as against Wm H. Johnson and John Summers. And said Wm H. Johnson and John Summers having been duly cited by

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personal service and have wholly failed to answer within the time prescribed by law, It is ordered that the State of Texas do have and recover of and from the Defendants Wm H. Johnson and John Summers according to the prayer of the petition and that a Writ of Inquiry be awarded.

3069 James Denison v. Hancock def West. Continued on affidavit of plaintiff

And thereupon Court adjourned till to-morrow morning 9 o'clock

Thursday, June 15th 1871

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

2219 The State of Texas v. James Venable & Geo Lewis. Ordered, that a Special Venire issue for forty Jurors, returnable for 9 o'clock Monday morning the 26th instant.

2971 C. E. Smith v. N. S. Mayfield. This day came the parties, and upon motion It is ordered that this cause be dismissed from the docket, and that the Defendant and his Securities Isaac Hammett & A. P. Blocker pay all the Cost hereof to be taxed for which execution may issue.

3050 C. J. Davis, Gr. v. A. Bledsoe, et. als. On motion of the District Attorney It is ordered that the judgment of Default entered in this cause as against the Defendants G. W. Davis, B. H. Davis, R. Platt & M. M. Long be revoked, set aside and vacated, and the judgment is so reformed as not to prejudice the rights of the State.

3070 A. W. Ord v. E. C. Dewey. Cause continued

3076 M. A. Taylor v. A. H. Longley Ordered upon motion that the Plaintiff herein have leave to amend his bond filed in this Cause. and that the Cause be continued to perfect Service

3079 W. M. Walton v. Philiann Glascock et al On motion It is ordered that Anderson Harrell, Thomas Anderson and John Harrell be appointed Commissioners to divide the tract of land between the plaintiff and the Defendants, into two equal parts, according to quantity and quality, and that they report to this term of the Court

3090 Frank Matthews et al. v. M. A. Taylor. Ordered that the Defendant herein have leave to amend

3095 J. M. Crank v. C. D. Millett. This Cause Continued

3097 W. D. Wells v. John Vann. Continued for Service

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, June 16th 1871.

Court met at 9 o'clock A. M pursuant to adjournment Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

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2862 Elizabeth Huling &c. Geo. W. Glascock Jr. Excutor of Will of Geo W. Glascock Dec'd &c. J. W. Chandler.

And now on this day come the parties by their attorneys and the Cause being regularly reached on the docket &c the parties to this suit, in full settlement of all matters in the pleadings herein set forth, and the further Settlement of all other matters of Controversy now existing between the said parties in right of the Estates represented by them, except such Causes of action as each may have for breaches of warranty against each other, the said parties in open Court Consent that in such full settlement and adjustment of all matters as aforesaid between the Estate of Thomas D. Huling and George W. Glascock Dec'd that the said Plaintiff as surviving widow of Thos D. Huling Dec'd do have &c recover of the said George W. Glascock Jr. Executor of the will of Geo. W. Glascock, Sen. Deceased the sum of Two Thousand Dollars in Coin and all Costs of suit, the judgment to bear 10 % Interest, and that said sum be paid as follows, to wit: $666 66/100 On rendition of this Decree $333 33/100 on or before the next term of this Court and $1000 00 twelve months after this date.

It is therefore considered, ordered adjudged and decreed by the Court that the Plaintiff Elizabeth Huling do have and recover of the Defendant George W. Glascock Executor of the will of said Geo. W. Glascock, Sen. Deceased, the sum of Two Thousand Dollars in gold and all costs herein, and that the judgment bear ten per cent. interest. And it is further ordered and decreed that there shall be a stay of execution for the deferred payment of this judgment as above stated, and that upon failure to pay the sum of Three hundred and thirty three & 33/100 Dollars in gold and interest as aforesaid, by the first of the next term of this Court, then that execution issue therefor, and that for the remaining sum of One thousand Dollars and interest, there shall be a stay for twelve months, after which date execution therefor may issue. the judgment herein rendered being rendered against the said Geo. W. Glascock Jr. as Executor as aforesaid, and be payable out of the assets of the said Estate, and the executions to be levied upon the property of the said Estate. And it is further ordered that for all costs herein expended, execution may issue: and that this decree be and is a settlement and adjudication of all matters as aforesaid between the said Estates of Thomas D. Huling, dec'd and of the said Geo W. Glascock, Sen, and may be pleaded in bar of any suit or action which may be brought by either of the parties Elizabeth Huling, surviving widow &c and Geo W. Glascock, Jr. Executor, &c, or by any other representatives of the Estates of the said parties Thos D. Huling and Geo. W. Glascock, Sen., except as aforesaid. It is further understood and decreed that the said tract of land called the dis-

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tillery tract in the pleadings, remain the property of the Estate of the said Hulin as against the said Glasscock's Estate

3035 A. S. Roberts, et. als. v. W. L. Chalmers, et. al. Comes the attorney for the plaintiffs, and upon motion, and it appearing to the Court that the infant Mary Major has been cited by personal service, and It is ordered that W. M. Walton, Esq., an attorney of this Court, be appointed Guardian ad litem to represent the said Mary Major.

3090 Frank Matthews et. al. v. M. A. Taylor. Continued as on affidavit of Plff.

John H. Horan Comes the Committee appointed to examine into the qualifications of John H. Horan to practice law, and make their Report recommending that License be granted, said Committee having examined the applicant in open Court, It is ordered by the Court that the said John H. Horan be and is hereby admitted to practice as an attorney and Counsellor at Law in the several District and Inferior Courts of the State of Texas; & that a License issue to him accordingly upon taking the oath prescribed by law.

3101 Geo. T. Boardman v. E. Higby. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of H. Hoff heinz, Foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of Counsel and the charge of the Court, and retired to deliberate of their verdict. And thereupon the Jury returned into Court the following verdict, to wit. "We, the jurors, find the Defendant guilty. H. Hoffheinz Foreman." Whereupon It is ordered by the Court, that the said Geo. T. Boardman do have and recover of the said E. Higby the occupation and possession of Lot No. 4 in Block No. 155, in the City of Austin, and that he have his writ of restitution to enforce the same, if necessary, and that the plaintiff recover of the Defendant Higby, and his securities Dennis Corbin and John Richardson, also the costs of this suit, for which execution may issue.

3011 W. T. Wells v. Thos H. Bacon. On this day came the parties by their attorneys; and on motion of the Plaintiff to make the award of the arbitrators herein the judgment of the Court, the Defendant not resisting the same, and it appearing to the Court that the following submission to arbitrators and award by them has been made, disposing of the matters in litigation in this case, viz: "Wayman T. Wells v. Thos H. Bacon. No 3011. Suit pending in District Court of Travis County, Texas. The undersigned parties to the above styled cause hereby agree to submit the matters in Controversy between them in said suit to arbitration (the Pff. selecting J. R. Pace & the Deft. selecting Geo. W. Davis as arbitrators) under the act of 25th April, 1846 (only that the parties waive the objection to Davis who is related to both parties) This agreement to be filed in said Case & the award to be made the judgment of the Court

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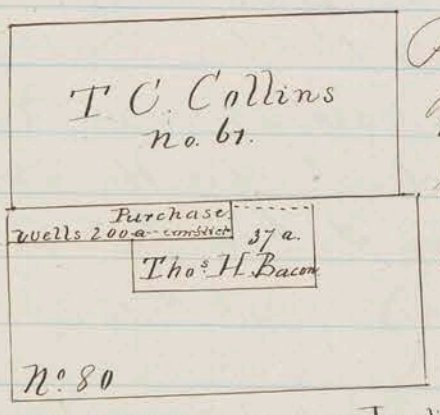
W. D. Wells, Pff
Thomas H. Bacon Dft.



Plat of Survey No. 61 for T. C. Collins & the Survey No. 80, now blank on the County map of Travis County. The red dotted lines show the Conflict of Bacon with the 200 acre purchase of Wells &c

W

Scale 2000 vrs. to an Inch.

Wayman D. Wells v. Thomas H. Bacon. No. 3011. We, the undersigned Arbitrators selected by the parties to the above entitled suit by an agreement entered into between the said parties on the 17th May 1871. Therefore we the said Arbitrators did on the 19th day of said month proceed to the premises in dispute and after making a careful survey of the same; and further after due deliberation do make the following decision. That the said Wells shall have all the land claimed by him except the part now in said Bacon field and also ten varas above the line of dispute - as set forth in the following field notes. Beginning on a stone in the prairie in the West boundary line Mrs. E. Borgin' land from which a Cottonwood 14 inches in diameter marked X brs. South 58° 30' East 99 3/4 vrs. Thence North 60° West 850 varas to a stone for Corner from which a Live Oak 18 inches in diameter marked X bears North 62 1/2° West 147 varas. Thence South 30° West 321 vrs. to a stone for Corner from which a Live Oak marked X bears South 51 1/2° West 147 varas. and the Live Oak at the last mentioned Corner bears North 4° 45' West. Thence N 60° W 295 varas a deep gulch 314 varas the centre of Wayman D. Wells Spring branch at 1040 varas a stone planted in edge of an old road from which a Live Oak 15 inches standing on the South bank of a drain bears S 85° 1/2 East 145 vrs an Elm same mark bears S 81 1/2° E. 178 1/2 vrs. Ans a stone in said Bacon West boundary brs. S. 30° W. 10 vrs - And it is further agreed that each one of the parties shall be entitled to the rails they have placed in the fence now jointly used by each. And it is further agreed that said parties shall each pay one half of the Cost created in this suit (except the Lawyers fees) Given under our hands at Austin this 27th day of May 1871. James R. Pace for Pff
G. W. Davis for Defendant.

Sworn to and subscribed before me this May 26th 1871.

A. R. Morris, Clk By Frank Brown, Dep. Clk"

Wherefore It is Considered, adered and decreed that said award be and the same is made the judgment of the Court herein; and that the Plaintiff do have and recover of the Defendant all of the land described in his petition, save as awarded to the Defendant by said award and that the Defendant recover of the Plaintiff all of the lands within the division line as determined in the said award, and that the said parties each be quieted as to his right as against

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the order in and to all the lands within his boundaries as set forth in the said award; and it is further ordered and decreed by the Court that the costs herein be taxed equally against the parties; that is to say, one-half against the plaintiff and one half against the Defendant, and that execution do issue therefor respectively for the costs adjudged against each. And that Plaintiff do have his Writ of Possession for all of the lands adjudged him herein - and that each party have leave to withdraw his title papers.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Saturday June 17th 1871

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. James P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3089 William Clements v. Wm M. Stephenson. Comes the plaintiff by attorney and upon motion It is ordered that the judgment by default herein be set aside and the said Plaintiff have leave to amend his petition. And thereupon again comes the plaintiff, by his attorney, and the said Defendant having failed to appear and answer in this cause, and wholly made default, and a Jury having been demanded by the plaintiff; thereupon came a Jury of good and lawful men, to wit: Benj. R. Townsend and eleven others, who being duly empanelled and sworn, returned the following verdict, to wit:

"June 16th, 1871. We, the Jury, find for the Plaintiff in the sum of two "hundred & twenty nine & 9/100 Specie Dollars & also find that the "note in Evidence was given by said Stevenson in compensation or part "compensation for said land. Benj. R. Townsend, Foreman."

And it appearing to the Court from the finding of the Jury aforesaid that the Defendant is indebted to the Plaintiff in the sum of two hundred ~~days~~ twenty nine 9/100 Dollars Specie, and that the note sued on bears interest at the rate of ten per cent. per annum. And it further appearing to the Court that said note was given to secure the payment of the purchase money for the following described tract of land, to wit: One hundred and sixty acres situated in the County of Travis and known as Survey No. 509 on Spring creek in said County, beginning at a stone mound 1700 varas N. 21 3/4° W. of the N. W. corner of J. Etheredge's Survey No. 508. Thence N. 30° E 80 varas to long branch 950 varas to a stone mound, from which a Live Oak bears N. 52 1/2 W. 3 varas. Thence N. 60 W. 640 varas to Bartons creek 950 varas to a stone mound, from which a Live Oak brs S. 22° E. 11 varas; another brs. N. 18° E. 25 varas. Thence S. 30° W. 640 varas to a branch. 950 varas to a stake from which a Live Oak brs. S. 22° W. 6 varas; another brs. S. 73 E. 22 varas, thence S. 60 E 1,35 varas to Bartons creek, 950 varas to the beginning, bearings marked X

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It is therefore considered and decreed by the Court that the plaintiff Wm. Clements do have and recover of the said Defendant Wm M. Stephenson said sum of two hundred and twenty nine 9/100 Specie Dollars, principal and interest, with interest thereon from this date, at the rate of ten per cent. per annum, together with all of his costs in this behalf expended, for which execution may issue.

And it is further ordered, adjudged and decreed by the Court that the vendor's lien upon the above described tract of land be, and the same is hereby foreclosed; and that the Clerk of this Court do issue an Order of Sale directed to the Sheriff of Travis County, commanding him to seize and sell the above described tract of land as under execution, in lots of not less than ten nor more than forty acres, and that he apply the proceeds thereof to the payment and satisfaction of the said sum of two hundred and twenty nine 9/100 Dollars, together with all interest that may be due thereon and the costs of this suit; and if the said land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said Sheriff is hereby directed to pay over the excess to the Defendant: but if the said land shall not sell for enough to pay off and satisfy the judgment, then the Clerk is directed to issue execution for any balance remaining unpaid.

3099 R. C. McLaren v. M. B. McRae. On this day came the parties to this cause by their attorneys and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County consisting of H. Hoffheintz and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of Counsel and the charge of the Court, and retired to Consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Defendant that he is entitled to the possession of the Cotton in Controversy. H. Hoffheintz foreman." Whereupon It is ordered, adjudged and decreed by the Court that the Defendant in this case do have and recover of the Plaintiff Defendant the amount of Cotton in controversy in this suit; that the Plaintiff take nothing by reason of his prosecution of this suit, and that the Defendant recover of the plaintiff all his costs of suit, for which execution may issue.

Grand Jury. And now on this day appeared in open Court the Grand Jury of Travis County, duly elected, tried, empannelled sworn and Charged for and during the present term of the District Court of Travis county and through their foreman, L. D. Silas, presented to the Court the following Bills of Indictment, to wit:

2243 An Indictment against Jas. Wadsworth for playing at a game with cards in a public place

2244 An Indictment against John W. Glenn for Theft.

2245 An Indictment against Ead. Pearce, Jno Cooley and Ernst Kiehn for theft of a cow

2246 An Indictment against R. B. Parker, a. a. Frazier and Dick Bennett for an assault with intent to kill & murder.

2247 An Indictment against Silas Roberts for maliciously killing a mare.

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2248 An Indictment against Charles A. Burk for Theft.
2249 An Indictment against Josh Eagle for Adultery
2250 An Indictment against John Mapes for Selling Liquor without License
2251 An Indictment against J. Y. Cain for Cutting timber upon land not his own without written Consent of the owner.
2252 An Indictment against Andrew Davis and George Gage for Theft
2253 An Indictment against Raute Moore for Theft of Oxen
2254 An Indictment against Wm C. Cain for Theft.
2255 An Indictment against Kittie & Fannie for Keeping a Disorderly House.
2256 An Indictment against Anthony Cain, Harrison Cain & Maxwell for Theft of a Cart
2257 An Indictment against Charles A. Burke for and Jno. M. Hunter for Theft of $40/100 Dollars

And the Grand Jury suggesting that there is still further business pending before them, they were thereupon finally discharged from attendance at this term.

And thereupon Court adjourned till to-morrow Monday morning 9 o'clock.

Monday, June 19th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

1713 The State of Texas v. Crawford Kimbro. Capias to Bastrop County.
1987 The State of Texas v. Ann Galaway. Cause Dismissed & Deft. discharged
1989 The State of Texas v. Chas. Gregg. Cause dismissed and Deft. discharged
1990 The State of Texas v. Wm Miller. Cause dismissed and Defendant discharged
1995 The State of Texas v. Clay Simmons. Cause dismissed & Deft. discharged
2002 The State of Texas v. Burs by. Continued for service.
2008 The State of Texas v. J. M. Neal. Continued for Service.
2040 The State of Texas v. Pleasant Saunders Continued for service
2047 The State of Texas v. C. Dean et al Dismissed
2048 The State of Texas v. Harry Johnson. Continued for service
2060 The State of Texas v. Aaron Musgrove Cause dismissed
2064 The State of Texas v. Geo. H. Slaughter. Cause dismissed
2076 The State of Texas v. Thomas Gates. Cause dismissed
2088 The State of Texas v. S. Wagstett Continued by agreement.
2090 The State of Texas v. Charley Moore. Continued for Service.
2095 The State of Texas v. Geo. Cravens Continued for Service.
2104 The State of Texas v. Daird Lane. Continued for Service.
2109 The State of Texas v. Thomas Gates Cause dismissed & Deft. discharged
2112 The State of Texas v. Abck Fowler. Continued by agreement.
2126 The State of Texas v. Geo. W. Allen. Continued for Service
2133 The State of Texas v. Tidwell Gatlin Continued for Service.
2136 The State of Texas v. John McDonald. Cause dismissed
2143 The State of Texas v. Charles Robinson Ordered that the appearance bond filed in this Cause be quashed.
2151 The State of Texas v. John Barnhart. Continued for Service.
2153 The State of Texas v. Ezekiel Wimberly. Continued for Service.
2167 The State of Texas v. Jack Lyons Continued for Service

June Term, Tuesday, June 20th 1871

And thereupon Court adjourned till to-morrow morning 9 o'clock.

Tuesday, June 20th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. James P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2181 State of Texas v. Sonny Meeks et al Aebet Shobe. And now on this day came the District attorney who prosecutes for the State in this behalf and came also the Defendants in Person and by attorney and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of W. W. McLaughlin and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to deliberate of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the jury, find the Defendants guilty & apes their punishment at two years in the State prison. W. W. McLaughlin, foreman." Whereupon It is adered that the Defendants stand Committed to the County jail to await pidgment and Sentence.

2183 The State of Texas v George Morris. And now on this day came the District attorney on behalf of the State, and came also the Defendant in person and by attorney and announced ready for trial. Whereupon came a jury of Twelve good and lawful men of Travis County Consisting of Ben F. King and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of Counsel and the Charge of the Court and retired to deliberate of their verdict. Whereupon said jury returned into Court the following verdict, to wit: "We, the jury, find the prisoner guilty and apes penalty at three years in the State Penitentiary Ben. F. King, Foreman." Whereupon It is ordered by the Court that the Defendant stand Committed to the County jail to await judgment and Sentence.

2194 The State of Texas v. Otto Hoffman. And now on this day came the District attorney on behalf of the State and also the Defendant in person and by attorney and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County Consisting of W. W. McLaughlin and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel and the Charge of the Court and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. W. W. McLaughlin." Whereupon It is ordered by the Court that the Defendant go hence fully acquitted and discharged.

June Term, Tuesday, June 20th 1871.

2193 The State of Texas v. Lewis Taylor. And now on this day came the District Attorney on behalf of the State, and came also the Defendant in person and by attorney, and announced ready for trial. And the Defendant pleads not guilty. And then came a Jury of twelve good and lawful men of Travis County, consisting of Ben F. King and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel and the charge of the Court, retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the prisoner guilty, and affix penalty at two years imprisonment in State Penitentiary. Ben F. King, Foreman." Whereupon It is ordered by the Court that the Defendant go hence and stand Committed to the County Jail to await judgment and Sentence.

2185 The State of Texas v. Henry Harbin. And now on this day came the District Attorney on behalf of the State and came also the Defendant in person and also by attorney and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, consisting of W. H. McLaughlin and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the Charge of the Court, retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and affix the punishment at two years & six months & half in the State prison. W. H. McLaughlin, Foreman." Whereupon It is ordered by the Court that the Defendant Stand Committed to the County jail to await judgment and Sentence.

2189 The State of Texas v. James M. Clark. And now on this day came the District Attorney on behalf of the State and came also the Defendant in person and by attorney and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, consisting of Ben F. King and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel and the Charge of the Court, and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find prisoner guilty and affix penalty at five years imprisonment in State Penitentiary. Ben F. King, Foreman." Whereupon It is ordered by the Court that the Defendant Stand Committed to the County jail to await judgment and sentence.

2142 The State of Texas v. Peter Kenner. And now on this day came John F. Herbert and Thos. R. Cheney, and they and each of them acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One hundred dollars, each, to be levied upon their goods and chattels, lands, tenements and estate, But to be void nevertheless upon condition that the said John F. Herbert and Thomas R. Cheney make their personal appearance before the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the first Monday in October, 1871 then and there to give evidence on

June Term, Wednesday, June 21st 1871.

behalf of the plaintiff in the above entitled cause, and that they do not depart the Court without Leave.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, June 21st 1871

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. James P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to-wit:

1693 Thomas Cassidy's Adm'r &c Pltff v. King's Adm'r

This cause having been called in its regular order on the Docket, and the parties thereto by their respective attorneys having announced themselves ready for trial, it was thereupon agreed between them that it should be heard at Chambers and was heard accordingly on their briefs. Whereupon after due consideration of the pleadings, motion and briefs in said cause, it was in open Court ordered, adjudged and decreed as follows, to-wit:

That the demurrer of the plaintiff filed on the ninth (9th) day of June, 1871 to the paper filed by the Defendant as an "Amended Answer, on the 7th day of June, 1871, be sustained for the causes assigned in support thereof and at the cost of Defendant. And thereupon the Defendant not having asked leave to file any further amended answer, or any amendment to any answer by him heretofore filed, it is further ordered, adjudged and decreed that the motion of Plaintiff for a judgment by default filed on the 5th day of June, 1871 in this cause, and held under advisement by the Court after having been submitted, be sustained, and that a judgment by default be and is hereby entered against the Defendant. Whereupon neither of the parties desiring a jury said cause was submitted by them to the decision of the Court on the papers on file therein, each thereof to be received in evidence, for what it might be worth, and on consideration thereof it is further ordered, adjudged and decreed that inasmuch as John King in his lifetime and his administrator since his death, and each of them have failed to prove according to law and to present for allowance and approval any claim whatever for money against the Estate of Thomas Cassidy, deceased, and inasmuch as it appears from a deed of defeasance executed and delivered by said King to Thomas Cassidy, since deceased, on the first day of December, 1856, which was only filed for record on the 8th March, 1859 thereafter that although said King held the apparent legal title to the real estate therein described, and especially to the North half of Lot No. (4) four and the South half of Lot No. five (5) in Block No Seventy (70) in the City of Austin, County of Travis and State of Texas,

June Term, Wednesday, June 21st 1871

so known and described on the map or plat of said city, while according to the proof and in contemplation of equity he the said King had only a mortgage or lien thereon: Now, in consideration of the premises, and inasmuch as said King in his lifetime, and his administrator, since his decease, have had no title to either of the half lots aforedescribed, the one of which numbered as the North half of Lot No. Five (5) appears from a certified transcript of the County Court of Travis county on file in this cause, to have been at the December term thereof, 1867, set apart to Sarah J. Cassidy, the widow of Thomas Cassidy, Deceased, as a part of the allowance made her according to law in lieu of a homestead, It is further ordered, adjudged and decreed that Robert A. Smith, as the Administrator of the Estate of said King do strike from his inventory of the Estate of said King, each of the half lots aforesaid, and deliver possession of the South half of said lot Number Five (5) to Plaintiff; and that James B. Cassidy, as the Administrator of said Thomas Cassidy, deceased, do have and recover of said administrator of said King the South half of said lot No (4) Four, and that he place the same upon the inventory of the Estate of said Thomas Cassidy, deceased accordingly

It is further ordered that the motion of Plaintiff filed June 9, 1871, to strike from the files the petition of intervention of George Hancock filed in this cause, without leave, on June 7th, 1871, be sustained for cause apparent of record, and that plaintiff have judgment against said Hancock for his costs, for which execution may issue

It is further ordered that inasmuch as the demurrer of Sarah J. Cassidy was sustained at the last term of this Court, and the same, though leave was given to amend, has not been obviated by any amendment, that said Sarah J. Cassidy be hence dismissed with judgment for her costs against said Kings administrator to be paid in due course of administration

It is further ordered that the Plaintiff have and recover of the Defendant the costs of this cause, to be paid in due course of administration. This decree is made without prejudice as to the property situate in Fort Smith, Arkansas - the same being without the jurisdiction of this Court, and also without prejudice to any claim for damages on the part of the plaintiff pending this suit. It is further ordered that the parties go hence without day.

1699. The State of Texas v. Sampson Murray. Continued for service
1700. The State of Texas v. Sampson Murray. Continued for service.
1714 The State of Texas v. Crawford Kimbro. Capias to Bastrop County.
1847 The State of Texas v. Robt Rowan. Continued

June Term, Thursday, June 22d 1871

1925 The State of Texas v. C. C. Clark, et al. Capias to Bell and Caldwell co.
1926 The State of Texas v. C. C. Clark et al. Capias to Bell and Caldwell cos.
1927 The State of Texas v. C. C. Clark et al. Capias to Bell and Caldwell Co.
1928 The State of Texas v. C. C. Clark et al. Capias to Bell and Caldwell Co.
1929 The State of Texas v. Green. Continued for service.
1931 The State of Texas v. Ira Carpenter et al. Continued for service.
1940 The State of Texas v. F. B. Wacker Continued for service.
1941 The State of Texas v. C. W. Bryant. Continued.
1942 The State of Texas v. Gatlin and Gatlin. Continued for service.
1944 The State of Texas v. Jim Hamilton. Continued for service.
1954 The State of Texas v. A. J. Green. Continued for service.
2066 The State of Texas v. R. A. Brownd. Capias ordered to Caldwell and Hays Co.
2120 The State of Texas v. Wm Dotson. Continued and capias ordered to Hays.
2134 The State of Texas v. Thomas Barnes. Continued for service.

And Court adjourned till to-morrow morning 9 o'clock

Thursday, June 22d 1871

Court met at 9 o'clock A.M pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

3035. Albert S. Roberts and wife, Fannie H. Roberts, Wm P. Riddell and wife Sarah G. Riddell, and Thomas W. Masterson and wife Annie T. Masterson, Plaintiffs vs.
William Leigh Chalmers, Mary Major and James P Major, Mary Chalmers, Richard N. Lane and wife Mary Lane, Eliza Green, Alice Green, Janet Green, Thomas Green, Laura Green, B. A. Risher, Alithea Risher, Harry Risher, Ada Risher, Laura Risher, and Kate Risher, Mary P. Lipscomb, R. D. Harris, Exr of J. P. Key, E. C. Herring and wife Lucy, formerly Lucy Craig, Key, and John M. Key by their guardian R. D. Harris, Defendants.

And now on this day coming on to be heard, and it appearing that all the adult Defendants had appeared by their attorneys, and that the minor Mary Major had appeared by her guardian ad litem William M. Walton Esq., the minors Alice, Janet, Thomas and Laura Green, by their guardian ad litem John A. Green, Esq., the minors Alithea, Ada, Harry, Laura & Kate Risher, by their guardian ad litem Charles S. West Esq; the minor Mary Chalmers, by her guardian ad litem Charles S. West, Esq. and the minors John M. and Mary Key by their guardian A. D. Harris

And it appearing that due and legal service by publication as to those not residing in the State, and by personal service upon those Defendants who reside in the State of Texas has been made, this cause was thereupon submitted to the Court without the intervention of a jury.

June Term Hursday June 22d 1871

And it appearing that Mary P. Dipscomb had been by mistake made a party Defendant, It is ordered that this cause be disinissed as to her, and it further appearing that the said Mary P. Dipscomb had soed her interest in the Richard T. Brenham tract mentioned in the petition to John P. Key, who had since died, and that A. D. Harris, the Executor of said Key, and the minors John and Mary Key, by their guardian A. D. Harris, and C. C. Herring and his wife Lucy formerly Lucy Key had asked to be made Defendants hereto, It is so ordered by the Court, and that the answer heretofre filed for them be adjudged their appearance herein

+ And thereupon It appearing to the Court from the evidence that John G. Chalmers and Mary Wade Chalmers died intestate in Travis County, leaving the following described real estate in the State of Texas. The Estate of John G Chalmers the following as community property with Mary Wade Chalmers +

1st. 640 acres the headright of John G. Chalmers as shewn by Patent No. 2 Vol 1 issued on the 18th May 1846, and situated on the headwaters of Grape creek in Blanco county.

(2) + 320 acres of land in Cooke granted to Joseph W. Chalmers as assignee of Richard T. Brenham, as a bounty, by Patent No. 217 on the 7th July, 1841, and known as Survey No. 85 on the South bank of Red River, and which was descended to the said John G. and Mary Wade Chalmers equally by the death of their son the said Joseph W. Chalmers in Texas in his infancy without issue +

(3) Six hundred and forty acres of land granted to the heirs of John G. Chalmers, as assignees of Robert Merill as a bounty, by Patent No. 212, Vol. 7, on the 17th May, 1858, and situated in Coleman County.

(4) Three hundred and twenty acres of land in Coleman County, granted to the heirs of John G. Chalmers, as assignees of James Gray, on the 17th May, 1858, by letters patent, of Bounties No. 213 Vol. 7.

(5) Five hundred acres in Burleson county, being part of a third league of land granted to George W. Grimes

(6) Three hundred and sixty four acres in Travis county, being part of the Santiago del Valle ten league Grant opposite the city of Austin, the said three hundred and sixty four acres having been deeded by Albert C. Horton to Mary Wade Chalmers on the 14th January 1848, and lies between what is now known as the Tinnin and Miller tracts on the Colorado River.

(7) An interest of one half undivided with the Defendants C. C. Herring and his wife Lucy and John and Mary Key, heirs of John P. Key, in 984 acres in the County of Ellis, which is part of a tract of four teen hundred and seventy six acres originally granted to Richard T. Brenham, by his assignees Mary Wade Chalmers and Mary P. Bullock

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and it appearing that the following persons are entitled to shares of said Estate

(1) The children of Thomas Green and his wife Mary Wallace Green, as follows: Mary, now wife of R. N. Lane, Eliza, Alice, Janet, Thomas and Laura Green, to two shares, one in right of their mother, a daughter of said John G. and Mary W. Chalmers, and one in right of the purchase by their father Alexander H. Chalmers, a son of said John G. and Mary Wade Chalmers on the 2d Jany 1857, of his interest in the said Estates of John G and Mary W. Chalmers

2. William Leigh Chalmers a son of said John G. and Mary W. Chalmers to one share, subject to such decree as may be hereafter rendered in this cause in relation to the claim set up in this suit by B. A. Risher, in right of his wife, and the children of said Risher, to wit: Alithea, Harry, Ada, Laura and Kate Risher, of a purchase at execution sale of the title and interest the said William Leigh had in and to the three hundred and sixty four acres of land in Davis county off the Santiago del Valle grant heretofore described

(3) Mary Major the infant daughter of the Defendant James P. Major by Eliza H. his wife a child of said John G. and Mary W. Chalmers to one share

4. Annie T. Masterson, wife of Thomas W. Masterson, a child of said John G and Mary W. Chalmers, to one share.

5. Sarah G. wife of Wm P. Riddell, a daughter of John G. and Mary W. Chalmers, to one share

6. Fanny H. wife of the plaintiff Albert S Roberts, a daughter of John G and Mary W. Chalmers, to one share.

And it appearing that the said Estates of John G. and Mary Wade Chalmers are now ready for partition among the heirs and distributees thereto, and no objection being made, It is ordered, adjudged and decreed by the Court that the said Estate be now partitioned as required by law among the heirs and distributees aforesaid, according to the shares to which they are entitled as aforesaid, reserving in this decree the question of the right of the said B. A. Risher and his children as aforesaid to the share of said W. L. Chalmers in the three hundred and sixty four acres of land in Davis county above described: and that John B. Costa, Joseph Spence and A. C. W. Whitis B. McFidd be appointed Commissioners of Partition to make the partition as aforesaid, and that they do proceed to divide and apportion the said lands in kind to each of said heirs and distributees, as well as divide the nine hundred and eighty five acre tract in Ellis county, owned by said Estates in common with the heirs of John P. Key as aforesaid.

And in case the said lands cannot

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be divided in Kind among the said heirs, distributees and tenants in common, that they have leave to report the same to the present term of this Court for its action thereon

all other questions being reserved till the coming in of said Report.

2232 The State of Texas v. Andrew Norwood. And now on this day came the District attorney on behalf of the State, and came also the Defendant in person and by attorney and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, Consisting of W. W. McLaughlin and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the Charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty & assess the penalty at Seven years in the State prison. W. W. McLaughlin, foreman." Whereupon It is ordered that the Defendant stand Committed to the County jail to await judgment and sentence.

2182 The State of Texas v. Sarah Williams. And now on this day came the District attorney who prosecutes for the State in this behalf and came also the Defendant in person and by her attorneys, and announced ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, Consisting of Ben F. King and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon said jury returned into Court the following verdict, to wit: "We, the jury, find accused guilty, and affix penalty at three years imprisonment in State Penitentiary. Ben. F. King, foreman." Whereupon It is ordered that the Defendant stand committed to the County jail to await judgment and sentence.

2253 The State of Texas v. Renty Moore. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney and announced ready for trial. and thereupon came a jury of twelve good and lawful men of Travis County, Consisting of W. W. McLaughlin and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the said Jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty & affix the punishment at two years in the State prison. W. W. McLaughlin, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

And Court adjourned till to-morrow morning at 9 o'clock.

June Term, Friday, June 23d 1871

Friday, June 23d 1871

Court met at 9 o'clock a.m. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3023 The State of Texas v Wm Beard, Et als. Continued on affidavit of Deft.

1998 The State of Texas v. Wm Beard. Continued on affidavit of Defendant.

2188 The State of Texas v Bill Fields. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney, and announced themselves ready for trial, Whereupon came a Jury of twelve good and lawful men of Travis County, consisting of Wm. F. King & eleven others, who being tried, elected, empannelled and sworn according to law heard the plea of not guilty, the evidence, argument of Counsel, and the charge of the Court, and retired to consider of their verdict, Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find prisoner, Bill Fields, guilty and affix punishment at two years imprisonment in State Penitentiary. Wm. F. King, Foreman." Whereupon It is ordered by the Court that the Defendant stand committed to the County jail to await judgment & Sentence.

2140 The State of Texas v T. H. Doran. And now on this day came the District attorney who prosecutes for the State in this behalf and came also the Defendant in person and by attorney. And thereupon the District Attorney dismissed the 1st and second counts in the Indictment. And thereupon the Defendant pleads guilty to a simple assault. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of Wm. F. King and eleven others, who being tried, elected, empannelled and sworn according to law, heard said plea, the charge of the Court and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the jury, find Defendant guilty of a simple assault and affix fine at eighty seven and a half cents. Wm F. King, foreman." Whereupon It is ordered that the State of Texas do have and recover of and from the Defendant T. H. Doran said sum of eighty seven and a half cents and all the cost of this prosecution, and that he be committed to the County jail till the same are paid in full.

2179 The State of Texas v. Jim Rogers. Ordered that this cause be dismissed the cost of this Court having been paid by the Defendant.

2184 The State of Texas v. James Stephens alias William Jones. And now on this day came the District attorney on behalf of the State, and came also the Defendant in person and by attorney, and thereupon the parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of W. W. McLaughlin and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon said jury returned

June Term, Saturday, June 24th 1871.

into Court the following verdict, to wit: "We, the jury, find the Defendant guilty & assess the punishment in the Penitentiary for five years. W. W. McLaughlin, foreman." Whereupon It is ordered that the Defendant stand committed to the County jail to await judgment and sentence.

2201 The State of Texas v. Charley Allen. And now on this day came the District Attorney and the Defendant by attorney Thomas E. Sneed Esq. and announced ready for trial. Whereupon the parties waived a jury and submitted the Case to the Court. And the Defendant pleading guilty the Court here assesses the fine at ten dollars Whereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant ~~Allen~~ Wm Brennan said sum of ten dollars and all the cost of this prosecution, and that a capias issue to enforce the collection of the same.

2208 The State v. Miles McEnnis. Cause dismissed and Defendant discharged.

2223 The State v. Charley Allen. Cause dismissed and Defendant discharged

2224 The State of Texas v. Wm Brennan. And now comes the District attorney and the Defendant by his attorney Thomas E Sneed Esq and announced ready for trial. Whereupon the parties waived a jury and submitted the cause to the Court. And the Defendant pleading guilty the Court here assesses the fine at ten dollars. Whereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant ~~Allen~~ Wm Brennan said sum of ten dollars and all the cost of this prosecution, and that a capias issue to enforce the collection of the same.

2225. The State of Texas v. Wm Brennan. Cause dismissed and Defendant discharged.

2180 The State of Texas v. T. T. Bacthrop. And now on this day came the District Attorney on behalf of the State, and came the appellant by ~~the~~ his attorney Thomas E. Sneed, Esq., and the parties announced ready for trial. Whereupon waiving a jury they agreed to submit the Case to the Court. And the Court having heard the facts here assesses the fine at twenty dollars. Whereupon It is ordered by the Court that the State of Texas do have and recover of the said T. T. Bacthrop and the securities on his appeal bond, to wit: Sim R. Rogers and J.M. Hamilton the sum of twenty dollars, fine, together with all the cost of this proceeding in the Magistrates Court and in this Court, for all which execution may issue. And it is further ordered that all capias may issue against the Defendant to enforce the collection of the fine and costs.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Saturday, June 24th 1871.

Court met at 9 o'clock A. M. pursuant to adjournment Present the Hon. J.P. Richardson. Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

And Court adjourned till Monday morning 9 o'clock

June Term, Monday, June 26th, 1871.

Monday, June 27th 1871.

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. G. P Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

Henry G. Stokes Declaration of Intention to become a Citizen.

State of Texas } Henry G. Stokes being duly sworn according to law, in the County of Travis } District Court of the County of Travis in and for the State of Texas doth declare that he was born in the Year of our Lord One thousand eight hundred & forty nine in the Kingdom of Great Britain, & that he emigrates in the year 1870 to the United States of America, and has selected the State of Texas as the place of his intended Settlement; and he further declares that it is bona fide his intention to become a citizen of the United States & of the said State of Texas & renounce forever all allegiance & fidelity to every foreign Prince Potentate, State & Sovereignty whatsoever, & particularly to the Queen of Great Britain, of whom he is a subject.

Henry G. Stokes

Sworn to & subscribed in open Court this the 26th day of June A D 1871

A.R. Morris, Clk of said District Court By Frank Procon, Deputy.

2939. Jefe Scott v. Geo. W. Malone. And now on this day came the parties to this cause by their attorneys; and then came on to be heard the motion of the Defendant for a new trial heretofore filed. And the same being argued by Counsel and well understood by the Court It is ordered that the said motion be overruled. Whereupon It is ordered that Defendant gives notice, in open Court, of an appeal to the Supreme Court.

2188 The State of Texas v. Bill Fields. And now on this day came the parties: Whereupon came on to be heard Defendants motion for a new trial heretofore filed. And the same being heard and being well understood by the Court, It is ordered that the same be overruled. And thereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

2182 The State of Texas v. Sarah Williams. And now on this day came on to be heard the motion for a new trial heretofore filed. And the same being heard and being well understood by the Court, It is ordered that the same be overruled, And thereupon the Defendant gives notice of an appeal to the Supreme Court, in open Court.

1733 C. A Hopkins, et. al. v. Amos Morrill. And now on this day came the parties to this cause by their attorneys, and announced then came on to be heard the Defendants motion for a new trial And the same being duly considered, It is ordered that said motion be overruled Whereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

1887. L. Hellman v. E. R. Johns, Deft & D. Blum, Intervenor. This cause coming on to be heard, and it appearing of record from a deposition of the plaintiff therein that the plaintiff has abandoned

June Term, Monday, June 26th 1871

the prosecution thereof and the demurrer of Defendant to the amended petition of the intervenor Blum filed on the 6th day of March 1868, having been argued and submitted by the respective Counsel, It was thereupon after due consideration of the Court ordered, adjudged and decreed that said demurrer be sustained. And thereupon the Counsel for Intervenor Blum asked leave to amend, which was granted. It further appearing to the Court that although several days have elapsed since such leave to amend was granted, and yet that no amendment has been filed, It is further ordered, adjudged and decreed that this cause be dismissed with judgment in favor of Defendant A R Johns and against plaintiff Leopold Hillman and Intervenor Daniel Blum for all the costs thereof for which execution may issue.

Charles Edwin Dietrich

Declaration of Intention to become a Citizen.

The State of Texas } Charles Edwin Dietrich being duly sworn according to law,
County of Travis } in the District Court of Travis county, Texas, doth declare that he was born in the Year of our Lord 1815 in Germany whence he emigrated in the year 1865 to the United States of America, and has selected the State of Texas as the place of his intended Settlement: And he further declares that it is bona fide his intention to become a Citizen of the United States and of the said State of Texas, and renounce forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany, of whom he was late a subject.

Charles Edwin Dietrich.

Sworn to and subscribed in open Court this June 26th 1871.

A R Morris Clerk of said Court By Frank Rowan deputy Clerk.

3035 Albert S. Roberts and wife and others vs William Leigh Chalmers and others
For Partition of the Estates of John G and Mary Wade Chalmers.

And now come the parties by their attorneys and guardians ad litem as heretofore. And thereupon the cause came on to be heard upon the report of the Commissioners appointed at the present term of the Court, which Report is as follows:

+ " Albert S Roberts + wife + others Plaintiffs } Partition of Estates of
+ " 3035 vs. } John G. + M. W. Chalmers
" William Leigh Chalmers + others, Defendants }

" We undersigned John B. Costa, Joseph Spence and C. W. Whites whereas appointed by the Court at the present term of the Court, Commissioners for the partition and distribution of the Estates of Mary W. and John G. Chalmers among the heirs and distributees thereto, beg leave to report.

That they have examined the tract of 364 acres of land in Travis County, and find that the same cannot be divided into seven equal allotments, as contemplated by the decree in said without greatly diminishing the value thereof. They further find that it is impossible for them to examine the lands mentioned in Cooke, Ellis, Burleson, Blanco and Coleman counties, and they believe an attempt to do so would unnecessarily consume the Estate. They further

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find that in order to obtain an appraisement of the value of said lands with a view to partition, the cost would be very considerable, and unnecessarily consume the Estate; that the lands are in five different Counties, at great distance, for the most part, from Travis county, and from each other, and that the lands in Coleman County are in an unorganized and almost uninhabited County. They therefore return the facts in relation to the condition and situation of said land as stated in the petition of plaintiffs as true, and believe that in order to make a partition between the parties entitled thereto, the whole of said lands should be sold. Whether the lands mentioned in Ellis county should be divided between the Estates of J. G. and M. W. Chalmers and the heirs of John P. Key before a Sale, they leave the Court in its discretion to judge; but they report that from the information concerning said lands they can procure, for your commissioners to proceed to Ellis County to partition the same would cost the value of the interest of the Estates of Chalmers.

The Commissioners further find that the tract of land in Travis County constitutes two thirds, if not more, of the value of the Estates, and that partition could not be affected with any greater interest to the Estates if the same should be divided into five shares, instead of seven. And having fully reported they pray to be discharged. E W. Whitis.

John B. Costa

Joseph Spence."

And it appearing that the said Commissioners are householders of the County, and had been duly sworn as required by law, faithfully and impartially to discharge their duties, and no objection being made to said Report, It is adjudged and decreed that said Report be received by the Court, and in all things confirmed. +

And it appearing that the Estates of John G. and Mary Wade Chalmers can not be partitioned in Kind among the heirs and distributees thereof without greatly diminishing the value thereof. It is ordered adjudged and decreed that the said Estates as herein before described, be sold in such manner as is herein after directed, and that John A. Green, Esq., of Austin, Texas, be appointed by this Court as a Commissioner for the purpose of carrying this decree into execution, and that he be allowed his reasonable Compensation therefor, and be allowed to appoint and pay all Agents and attorneys that may be necessary in the proper discharge of the duties imposed upon him herein, and to pay all present or past taxes or redeem the said lands, and to pay all sums which may be necessary for the preservation and protection of said Estates, as well as to pay the proper Costs and charges of this proceeding, an account of which he shall present to this Court.

And the said Green as Commissioner shall have power at such time, so that it be at a sale day appointed by law for public sales, in the County of Travis, at the place appointed by law for public sales, after due advertisement thereof, to sell the said land in Travis County to the highest bidder at public auction in

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tracts of forty acres a less, as he may deem best for the interest of the Estate, and in like manner he may sell the other lands in the County of Travis, if it be to the interest of said estates, or shall have power to sell the said other lands situated out of Travis county at the respective places for making public sales in the Counties in which said lands are situates upon giving like notice and on like terms. And it being impossible to divide the lands in Ellis County, with the heirs of John P. Key, without greatly diminishing the value thereof, by reason of the great cost attached thereto, It is ordered that this cause, as to the said heirs of John P. Key be dismissed, and that the said Commissioner proceed to sell the undivided interest of the Estates of Mary W. Chalmers in the manner hereinbefore directed with respect to the other lands

And in the sale of said lands the said Commissioner shall have power to cause sub divisions of the same as required by law and shall sell according to such subdivisions whenever practicable.

And inasmuch as the ordinary medium of Currency where said lands will be sold is Gold and Silver coin, It is ordered that the sales shall be for gold or Silver Coin. +

And as many of said sales will be of tracts of Comparatively small value, and the sale thereof upon a credit will impose great Cost and trouble in the security and collection thereof, It is ordered that all sales made under this decree where they amount to one hundred Dollars or less shall be for Cash, and all sales amounting to more than one hundred dollars to any one person or firm, one half thereof shall be paid in Cash, and the remainder shall be paid in six months thereafter the purchaser or purchasers executing to the said Commissioner his note with good and sufficient surety, payable in Travis County, together with ten per centum per annum interest from the date of said sale, and shall further execute to the said Commissioner his mortgage upon the premises so bought, with power of sale to said Commissioner at public auction in the County of Travis

And the said Commissioner shall make at the next term of this Court his Report of said sales, and of his action under this decree, with all money received or paid out by him in the execution thereof. All questions not disposed of in this and the former decree are reserved for the further action of this Court.

2098 The State of Texas v. Julius Gros. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, Consisting of W. C. Hawes and eleven others, who being tried, elected, empannelled and sworn according to law heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: 'We, the jury, find the Defendant guilty and asses the punishment at two (2) years in State Penitentiary. W. C.

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Haines, foreman." Whereupon It is ordered that the Defendant stand committed to the County jail to await judgment and sentence.

2219 The State of Texas v. James Venable and George Lewis. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendants in person and by their attorneys Messrs. Walton and Moore appointed by the Court. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Peter Bell, N. J. Henry, A. W. Orr, M. V. Thompson, Alex Timmins, R. B. Smith, Joseph Turnipseed, Henry Bouldin, James Brooks, Henry Hollingsworth, M. C. Haines and John Moore, who were tried, elected, empannelled and sworn according to law. And the Defendants being arraigned, plead not guilty. And thereupon the jury having heard the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. And the jury after deliberation, returned into Court the following verdict, to wit: "We, the jury, find the Defendants guilty of murder of first degree, and assess their punishment at imprisonment in the State Penitentiary during their life time. M. C. Haines, Foreman." Whereupon It is ordered that the Defendants stand committed to the County Jail to await Judgment and Sentence.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

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Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to-wit:

Order for Papers. Ordered that during the sessions of this Court, no attorney of this Court shall be permitted to take papers in any criminal cause from the Court room.

John Loader. And now on this day comes John Loader and presents his application for license to practice as an attorney and Counsellor at Law in the several District and Inferior Courts of this State, accompanied by the proper certificate that he has a good reputation for moral character and honorable deportment. And it is ordered that N. G. Shelley, D. E. Creed and Geo. Harris be appointed a Committee to examine the applicant in open Court and that they make report according to law.

1960 The State of Texas v. Tom Sandy Reader et. al. Nolle Prosequi.

1959. The State of Texas v. Joseph Wildbahn. Nolle Prosequi.

2087. The State of Texas v. Richard Meeks. Comes A. B. Burleson and acknowledges himself justly to owe and be indebted unto the State of Texas in the sum of One hundred Dollars to be levied upon his Goods and Chattels, Lands, Tenements and Estate, But to be void upon condition that the said Burleson remain in attendance upon the District Court of Travis county now in session and there remain from day to day and from term to term thereafter, to give evidence on behalf of the plaintiff in the above cause of The State of Texas v. Richard Meeks,

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and that he do not depart the Court without leave.

2087. The State of Texas v. Richard Meeks. comes Samuel Williams, and acknowledges himself justly to one and be indebted unto The State of Texas in the sum of One hundred dollars, to be levied upon his goods and Chattels, Lands, Tenements and Estate, To be void upon condition that said Samuel Williams make his personal appearance before the District Court of Travis County now in session at the Courthouse there of in Austin, and there remain from day to day and from term to term thereafter, to give evidence on behalf of the plaintiff in the said cause of The State of Texas v. Richard Meeks and that he do not depart the Court without leave.

2143 The State of Texas v. Charles Robinson Cause Dismissed -

2221 The State of Texas v. Tom Strode and M. Shelton And now comes Wm Monk and acknowledges himself to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars, to be levied upon his Goods and Chattels, Lands, Tenements and Estate, But to be void upon condition that the said William Monk appear before the Hon. District Court of Travis county, to be held at the Courthouse there of in Austin, on the first Monday in October, 1871, then and there to remain from day to day and from term to term thereafter to give evidence on behalf of the plaintiff in the above entitled cause of The State of Texas v. Tom Strode et al and that he do not depart the Court without leave.

3030. Giles H. Burditt v. W. B. Burditt, et al. And now comes the plaintiff and moves the Court to appoint special guardians for the infant Defendants in this cause. And it appearing to the Court that Alice, Andrew M. and Mattie B. Davidson, children of A. M. Davidson, Andrew M. Hill, infant son of William Hill, James and Edward Hill, infant sons of Edward Hill have no regular guardian, It is ordered that Andrew M. Davidson, the father of the three first named, and grandfather of the three last named infant Defendants, be appointed their special guardian to represent them in this cause, and he having presented his bond and taken the required oath, said bond is hereby approved.

And it further appearing that the infant Margaret Campbell daughter of the Deft. John E. Campbell, has no regular guardian, It is ordered that her said father be appointed special guardian for her in this case. And he having presented his bond, and taken the required oath It is ordered that said bond be approved.

And it appearing that the infant Defendants Catherine and Newell W. Burditt have no regular guardian, It is ordered that their mother, Mrs. Mirpouri C. Mayor, be appointed their special guardian in this cause, and having given bond and taken the required oath, said bond

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is approved

(1) 3020. Giles H. Burditt v. William B. Burditt, Minos C. Burditt, Josephine Binford and her husband R. A. Binford, Henry N. Burditt, Joel A. Burditt, Andrew M. Davidson and his minor children Alice, Andrew M. and Mattie B. Davidson, John E. Campbell, and his infant daughter Margaret Campbell, William Hill and his infant son Andrew Hill, Edward Hill and his infant children James and Edward Hill, Milsouri C. Burditt (now Manor) and her minor children Catherine and Newell W. Burditt, Caroline Burditt, Thomas P. Burditt, Glenn Davis and his wife Mildred Davis and the minor children of Jesse F. Burditt, viz: Mary, Reuben and Whitefield Burditt, and William Hornsby, their guardian

And now comes the Plaintiff by his attorney John A. Green; and thereupon came the Defendants R. A. Binford and wife Josephine, by their attorneys Sheeks & Sneed, Andrew M. Davidson, by his attorney; and the infants Alice, Andrew M. and Mattie B. Davidson, Andrew M. Hill, and James and Edward Hill by their special guardian Andrew M. Davidson, Margaret Campbell by her special guardian John E. Campbell and Catherine and Newell W. Burditt by their special guardian Milsouri C. Manor, and the minors Mary, Reuben and Whitfield Burditt by their regular guardian William Hornsby: and it appearing to the Court that due and proper service had been made upon the Defendants to this suit: and this cause coming on for trial it was submitted to the Court without the intervention of a jury. And the Court having considered the evidence, does adjudge and decree that the following property of the Estate of Jesse Burditt be now partitioned among the heirs and distributees of said Jesse Burditt, deceased, viz:

(1) Five hundred acres of land in the county of Travis in the State of Texas, about six miles North of the City of Austin out of the South side of the Northern half of a third league of land granted to James P. Wallace, and running entirely through said one-third league: and being the same which was conveyed by James Rogers to Minos C. Burditt, on the 8th October, 1857 and exchanged by said Minos C. to Jesse Burditt in his lifetime as evidenced by deed between the said Minos C. and the other heirs of Jesse Burditt dated 8th October, 1858, which said Northern half of said third league is bounded as follows. In the deed from James P. Wallace to James Rogers, dated 27th November, 1841 × Beginning at the most Northern corner of said third league No. 18 granted to James P. Wallace, having the bearings of said corner. Thence running South 30° West 1443 varas to a stake for a corner on the West boundary line of said third league. Thence South 60° East 2886 varas through the centre of said third league, dividing the same in equal halves to a

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stake for corner in the prairie on the Eastern boundary line of said one third league thence North 30° East 1443 varas to the most Eastern corner of said survey. Thence North 60° West 2886 varas with the South boundary line of James Rogers Survey to the beginning. The five hundred acres to be partitioned being the Southern part of the aforesaid tract sold by said Wallace to the said Rogers as above describes.

(2) Two thousand one hundred and twenty five acres, more or less, situated about eight miles North East of the City of Austin on Walnut creek in Travis County, which was granted to James B. Shaw, assignee of Lucas Munos, Beginning at a stake on the bank of Walnut creek in the North boundary line of Rice's Survey No 31 Thence South 60° East 1055 varas to a stake from which a Cottonwood 20 inches in dia bears South 33° East 40 varas. Thence South 30° West 900 varas to Walnut creek, 1241 varas to a stake from which a Live Oak 10 inches in diameter bears North 10° East 40 varas. Thence South 30° East 485 varas to Walnut creek 2061 varas to a stake and mound in prairie. Thence South 30° West 2041 varas to a stone mound on the East bank of Walnut creek from which a Pecan 18 inches in dia bears North 80° West 9 varas. Thence South 60° East 954 varas to a stake and mound East of a drain in prairie. Thence North 30° East 4790 varas to a stone mound in the South boundary line of M. Castros Survey No 50, thence North 60° West 4110 varas to a stake near the West side of a branch. Thence South 30° West crossing Walnut creek twice 1508 varas to the beginning.

And also a fraction of a Survey of one hundred and fourteen acres off the James O. Rice 1280 acre Survey, and a fraction of eighty six acres off a Survey granted to Samuel Cushing adjoining the above contained and described in a deed from Isaac Harris to Jesse Burditt, of record in Travis County, which said two small tracts are believed to be included in the hereinafter described conveyances to M. C, Joel A. and H. N. Burditt, which said 2124 acre tract of the Lucas Munos tract, and 114 acres of the Rice tract, and eighty six acres of the Cushing tract, are subject to the following deductions:

About eight hundred and twenty five acres deeded to M. C. Burditt; 640 acres deeded to Joel A. Burditt and 374 acres deeded to Henry N. Burditt and which are described as follows: The eight hundred and twenty five acres deeded to Munos C Burditt is in two tracts: the first of which is for 815 acres and begins at the original corner of James O. Rice 1280 acre Survey from which a Cottonwood 20 inches in dia. mkd X bears South 33° East 40 varas. Thence North 80° East 113 varas to a stake at the most North West angle of J.A. Burditts field. Thence South 7½° East 30 varas to a stake and mound in a drain in the prairie. Thence North 30° East 1060

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varas to a stone mound in the North boundary line of league No. 30 granted to M. Castro by assignee Thence with the line of said league North 60° West 2353 varas to a ~~stake~~ mound and South East corner of Survey No. granted to Samuel Cushing. Thence North 33° East 333 varas to a stone mound in a drain in the Prairie. Thence North 60° West 620 varas to a stake in prairie. Thence South 21° West 370 varas to a stake on the East angle of N. N. Burditts field. Thence with said Burditts fence South 34½ West 950 varas to a stake at the South East angle of the same on the West bank of a drain in the prairie. Thence South 66 ½° West 905 varas to a stake in the middle of N. N. Burditts Spring branch 40 varas below a fall of said branch over a rock. Thence down said branch with its meanders to its junction with Walnut creek - and thence down Walnut creek with the meanders in the midst of the same to a stake in the East boundary line of James O. Rice's Survey No 31; and thence with said line N. 80 East 947 varas to the place of beginning

The second tract deeded to said M. C. Burditt is described as follows. Part of the Rice Survey aforesaid: Beginning at the junction of N. N. Burditts Spring branch and following up the meanders of Walnut creek to the North boundary line of said Survey No. 31 for J. O. Rice Thence South 60° East to the East margin of the timber bottom of said creek, and down said timber with the meanders to the place of beginning, containing ten acres, more or less.

The tract of six hundred and forty acres off said tracts, deeded to Jod A. Burditt is described as follows. 'Beginning at a stone mound which serves as one of the most North East corners of James O. Rice's Survey No. 31, from which a Cottonwood 20 inches in diam. marked X bears South 33° East 40 v. Thence South 30° West 950 varas Crosses Walnut creek 1240 varas to a stone mound from which a Live Oak 10 inches in diam. bears North 1° East 40 varas Thence South 60° East at 430 varas the midst of Walnut creek 530 varas a stake in the East margin of Walnut creek bottom, from which a black Walnut inches in diam. marked H bears South 81° West 7 varas. Thence North 10° West at 40½ varas crosses a Spring branch about 12 varas below the Spring 160 varas a stake and mound. Thence North 53° East 337 varas to a hackberry 4 inches in diam for corner Thence South 57° East 300 varas to a stake in prairie. Thence South 28½° West 158 varas to a stone mound in prairie. Thence North 30° East 1261 varas to a stone mound. to a drain in prairie. Thence North 71½ West 3060 varas to a stake at the North West angle of said Burditts farm. Thence South 86° West 113 varas to the place of beginning

The tract of three hundred and seventy

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four acres off said tracts deeded to Henry N. Burditt, is described as follows. Beginning at a stake on the East bank of Walnut creek in the North West boundary line of James O Rices Survey. Thence North 30° East with the West boundary line of Thomas Mays Survey 1508 varas crossing Walnut creek twice a stake and mound for the Original West corner of said Lucas Minas Survey Thence South 60° East crossing a branch to the corner of an eighty six acre tract sold by Isaac Harris to Jesse Burditt and same being part of a Survey orginaly granted to Samuel Cushing a stone mound in the prairie, thence North 30° East 333 varas to a stake and mound in the prairie. Thence South 60° East 836 varas to a stake and corner of Minos C. Burditts tract. Thence South 21° West 370 varas to a stake in prairie, and the E. of H. N. Burditts field Thence with said field fence South 34½° West 950 varas to a stake on West bank of drain in praire. Thence South 66½° West 905 varas to a stake in H. N. Burditts Spring branch about 20 varas below the Spring. Thence down said branch with the meanders to where it interseets the East margin of the timber of Walnut creek bottom. Thence up said timber with the meanders to the place of beginning.

The amount remaining of the said Lucas Minas tract being estimated at about four hundred and eighty five acres, but which is to be determined by survey.

(3) Three hundred acres being a tract of land also in Travis County, Texas, and being part of a 1280 acre Survey granted to James O. Rice, and which in the judgment of the District Court of Travis county, at its Fall Term 1858, in the case of William Custard vs Richd. Forehand and W. B. and Giles H. Burditt, Admrs of Jesse Burditt No. 1058 is described as follows: Bounded and described as thereon by a Survey and plot thereof returned by the County Surveyor in said suit. Beginning at the point A. in said plot, which is the seventh call in the field notes of said Rice. Thence South 60° East with a line of said Rice Survey 420 varas to Walnut creek, 2085 varas a stone mound and end of seventh call at B. Thence South 30° West with a line of Survey 21 in the name of James O. Rice 812 varas a stone mound at C. Thence South 60° West across a branch 1300 varas to Walnut creek 2085 varas a stake on East bank of a branch from which a mesquit marked X bears South 9° East 38 varas at D. Thence North 30° East 812 varas to the place of beginning.

(4) The one half of three thousand three hundred and thirty four 71/100 Dollars, less expenses and costs of collecting the same, being proceeds of sale made by the Order of the District Court of Travis county in the case of Charles F. Jordan and wife Isabella v. Giles H. Burditt Admr of Jesse Burditt decided at the Spring term 1870 of said Court of the tract of

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land known in the inventory as the Hutchinson tract, which said sale was made by T. D. Moseley, Commissioner, and the proceeds not yet collected, and which is hereby ratified and confirmed

5th Whatever amount may reasonably due from the plaintiff Giles H Burditt, after payment of Costs, charges and expenses, imposed upon him by the former decree of this Court in the Settlement of the final account of said Giles H. Burditt, as administrator of Jesse Burditt and after retaining a sufficient amount to preserve and protect the remaining property of said Estate not herein partitioned, an account of which he shall return at the next term of this Court.

And the Court does further adjudge and decree that the said Estate be divided into nine shares, which shall be allotted and settled as follows and subject to the conditions and charges herein named (1) one share in right of William B. Burditt, a son of the deceased, and it appearing that the said William B. Burditt had sold his said share to the plaintiff Giles H. Burditt, It is adjudged that said share be delivered or paid to the said Giles H. Burditt. 2d Josephine Binford, the wife of the Defendant R. A. Binford. in right of her mother, Saonia Rowe, and her brother Jesse Rowe, one share subject to an advancement made to her by the said Jesse Burditt, of one hundred and fifty dollars.

3. Joel A Burditt one share, subject to an advancement made by Jesse Burditt in his lifetime, of three thousand and ninety one 87/100 Dollars, and subject to a further deduction of Seventy one 25/100 Dollars due by the said Joel A Burditt to said intestate at the time of his death.

4th: The husband and children of Martha E. Davidson deceased a daughter of Jesse Burditt, to one share as follows: Andrew M. Davidson, the surviving husband of said Martha E. and the following children Alice, Andrew M. and Mattie B. Davidson, and the following grand children in right of their mother Andrew M. Hill, a child of William Hill, by his deceased wife a daughter of said Martha E; James and Edward Hill, children of Edward Hill, by his deceased wife a daughter of said Martha E. and Margaret Campbell a child of John E. Campbell, by his deceased wife, a daughter of said Martha E. Davidson.

5. The Plaintiff Giles H. Burditt, one share

6. The children of Newell W. Burditt, a son of Jesse Burditt one share viz: Thomas P. Burditt, Mildred Davis, now wife of Glenn Davis, and Newell W and Catherine Burditt; also Caroline Burditt, surviving wife of William Burditt, a son of said Newell W. who died intestate and without issue since the death of his father, leaving his said wife entitled to one half of his real estate. The said share coming to the

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children and heirs of said Newell W. Burditt shall be charged with the price of a horse sold by the intestate to Newell W. two hundred dollars, and for one hundred and thirty bushels of corn sold by the administrator of Jesse Burditt to the surviving wife of said Newell W. for the support and maintenance of said Children at fifty cents per bushel, in all amounting to two hundred and sixty five dollars 8. Henry N. Burditt one share, subject to advancements made to him by the intestate in his lifetime of nine hundred and thirteen dollars.

9. The children of Jesse N. Burditt a son of the intestate one share, to wit: Mary, Reuben and Whitfield Burditt to be delivered or paid to their guardian William Hornsby, and the shares or portions coming to the other infant defendants shall be delivered or paid to their respective special Guardians under the direction of the Court.

And in order to partition and divide the said Estate of Jesse Burditt among the heirs and distributees as herein settled, it is ordered that John B. Costa, Joseph Spence and C. W. Woodis, James P. McKinney who are householders in Travis County, be, and they are hereby appointed Commissioners to view, appraise and partition the said property herein mentioned, and that they have leave to make their Report at the present term of this Court as to whether the said Estate now ready for partition can be distributed in Kind, or whether it is necessary to sell the same for that purpose.

The one-half of the 23.554.520 square varas of land in Van Zandt county granted to Jesse Burditt, assignee of Antonio y Barbo owned in Common by the Estate with Barrett, and the interest to be received by the administrator out of the J.W. Carpenter Crops and Labor in Falls county now in suit in said county of Falls between Giles H. Burditt Admr and Charles L. Haley et al, together with all other questions not disposed of in this decree, are postponed for the further action of this Court in this Cause.

2195 The State of Texas v. N.B. Mitchell. Cause dismissed

2196 The State of Texas ass. N.B. Mitchell. And now on this day came the District Attorney on behalf of the State and came also the Defendant by his attorney Thomas E. Sneed, Esq and announced ready for trial. And waiving a Jury they agree to submit the case to the Court. And the Court having heard the plea of guilty, It is ordered that the State of Texas do have and recover of and from the Defendant N.B. Mitchell, the sum of twenty five dollars and all the cost of this prosecution, and that a capias issue to enforce the collection of the same.

2205 The State of Texas v Watt. Good. And now on this day came

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the District attorney on behalf of the State, and came also the Defendant by attorney Thomas E. Creed, Esq, and announced ready for trial, the parties agreeing to waive a jury and submit the case to the Court. And the Defendant pleads guilty. And the Court hereassessing the fine at ten dollars, It is ordered that the State of Texas do have and recover of and from the Defendant said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2227 The State of Texas v. Tom Jordan. And now on this day came the District attorney on behalf of the State, and came also the Defendant in person and by attorney and announced ready for trial whereupon came a jury of twelve good and lawful men of Travis county, consisting of M. C. Haines and eleven others who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict and thereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess his punishment at one year's imprisonment in the county jail and fine of fifty dollars. M. C. Haines, foreman." Whereupon It is ordered that the said Tom Jordan be and he is hereby adjudged to be confined in the county jail of Travis county for the period of one year, in accordance with the verdict of the jury aforesaid, and that the State of Texas do have and recover of and from the said Tom Jordan the sum of Fifty dollars and all the cost of this prosecution, and that he be committed to the county jail until the same are paid in full.

2190 The State of Texas v. Geo. Gaines. And now on this day came the District Attorney who prosecutes for the State in this behalf and came also the Defendant in person and by attorney and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, consisting of C. C. Grooms and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court and retired to consider of their verdict. Whereupon the said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess the punishment at four years in the State Penitentiary. C. C. Grooms, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

June Term, Wednesday, June 28th 1871

Wednesday June 28th 1871.

Court met at 9 o'clock AM. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit.

2888 Henderson Hardy, administrator de bonis non of Estate of John Millican, deceased v. B. D. West, Executor of the last will and testament of R. J. Townes, Deceased; Wm. Sharp; and others, the Representatives and heirs of W. J. Kyle, Deceased, and of B. F. Terry, Deceased

And now on this the 28th day of June, A.D. 1871, comes the plaintiff by his attorneys, and also come the several Defendants in the plaintiffs petition and amended petition named and described, the minor heirs of R. J. Townes, by E. T. Eggleston, their guardian; and the other minor Defendants being represented and appearing by B. D. West, their guardian ad litem and special guardian, duly appointed by the Court; and a Jury being waived, and the cause submitted to the Court upon the law and the facts as the same are disclosed in the pleadings, and by the proofs filed and adduced: and it appearing to the satisfaction of the Court that the plaintiff Henderson Hardy, as Administrator de bonis non of the Estate of John Millican, Deceased, is entitled to the relief prayed for by him against the several Defendants in this Cause; It is therefore considered, adjudged and decreed by the Court,

1st. That the judgment rendered by this Court on the 21st day of November, A.D. 1866, in favor of B. B. Brashear (now deceased) Administrator of the Estate of the said John Millican, deceased, against the said B. D. West, Executor of the last will and testament of the said R. J. Townes, Deceased, for the sum of Five Thousand, Two Hundred and Forty Five 75/100 Dollars ($5.245.75) besides Cost, be, and the same is hereby revived and confirmed in favor of the plaintiff as Administrator de bonis non of the Estate of the said John Millican, Deceased; and it is ordered and adjudged that the plaintiff, as such Administrator de bonis non, do have and recover of and from the said B. D. West, Executor as aforesaid, the said sum of Five thousand, two hundred and forty five 75/100 Dollars, together with interest thereon at the rate of ten per cent. per annum from the said 21st day of November, A.D. 1866, and the costs of this suit.

2nd. It appearing to the satisfaction of the Court that the said sum of money so adjudged as aforesaid is the unpaid purchase money due to the Estate of the said John Millican, deceased, on the sale of the following described tract of land in the County of Brazoria and State of Texas, aforesaid, to. wit. " A certain tract or parcel of land situated on the East bank of the Oyster Creek in Brazoria County, containing One thousand and two acres, more or less, and bounded as follows. Beginning on the East bank of Oyster

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creek where the upper line of the league of land granted to William Parker crosses said creek; thence East along the line of said League to the North East corner of the same; thence South along the line of said League to the corner of the tract known as the Austin tract; thence West along the line of said tract to said creek; and thence up the creek as its meanders to the place of beginning — it being a part of said Parker League; which land is subject to be sold to satisfy the said judgment. But it further appearing to the satisfaction of the Court that as against the Estate of the said R. J. Townes, deceased, and his representatives, the other defendants, to wit: William Sharp, and the representatives of W. J. Kyle, and B. F. Terry, are equitably entitled to have the portion and interest of the said Townes in said land first applied to the satisfaction of the said judgment before resorting to the remaining portions pertaining to the said other Defendants: It is therefore ordered, adjudged and decreed that the plaintiff do have execution, to be directed to the Sheriff of Brazoria County aforesaid, together with a certified copy of this decree, commanding him to sell the said land, or so much as may be necessary thereof, for Cash, and in the manner prescribed by law, in tracts of forty acres, each tract to be square or as near a square as the configuration of the land shall permit, and as many of the said tracts to be sold as shall be necessary to satisfy the said judgment, interest to the day of sale thereon as aforesaid, and all costs of suit and of the execution of this decree; but in making the said sale the said Sheriff shall first sell (in tracts as aforesaid) the portion of said land belonging to the Estate of the said R. J. Townes, deceased; and if, after the division of his said portion into forty acre tracts, there shall remain a fraction of less than forty acres, the same shall be sold as a separate tract; and if the configuration of the portion of said land belonging to said Townes Estate be such that the said subdivisions cannot be made in squares, then they, or such of them as may by the Sheriff be found most convenient for purchasers, shall be otherwise delineated in the most compact shapes. And if the said portion belonging to said Townes shall fail at said sale to produce enough Cash to satisfy the said judgment, interest and costs, then the said Sheriff shall proceed in like manner to sell all, or so much as may be necessary for that purpose, of the remainder of said entire tract. That immediately on making sales as aforesaid, and on receiving the proceeds, the said Sheriff shall pay the said proceeds (less his costs and costs of advertisement) over to the plaintiff, or his Agent or Attorney, and shall forthwith make report to this Court of all sales as aforesaid, and how he has executed this decree; and the plaintiff his Agent or Attorney, upon receiving said proceeds as aforesaid, shall hold the same, subject to the further order of this Court to be made upon such report of the said Sheriff. The said Sheriff shall execute to

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each purchaser a receipt for the purchase money received from such purchaser, which receipt will entitle such purchaser to a Conveyance upon the Confirmation of the said sales upon the report of the said Sheriff

And that the said C. S. West, Executor as aforesaid, be perpetually enjoined from instituting or prosecuting any suits or proceedings against the said William Sharp, or the representatives of the said W. J. Kyle and D. F. Terry, or any security or demand given on account of the land aforesaid.

And the Clerk of this Court is hereby directed to make out and certify a "brief statement" of this decree, for record in the said County of Brazoria, as provided for by law (Paschal's Digest, Article 5023) and shall furnish the same to the plaintiff or his attorneys, to be registered in said County on the Confirmation of the sales as aforesaid.

And if the entire proceeds of the said tract of land shall fail to satisfy in full the said judgment, then the portion thereof remaining unpaid shall stand as a demand against the Estate of said Towles, to be paid in due course of administration

3030 Giles H. Burditt v. W. B. Burditt, et.al.

In this case now comes the plaintiff and the Defendants as heretofore, and move to amend the decree in this cause at this term, which is granted: and it appearing that the said decree had omitted one hundred acres returned in the Inventory as being off the John Litton league in Bastrop County, which for want of any papers title can not be further described, It is therefore ordered and adjudged that the said one hundred acres, or the right of the estate of Isaac Burditt thereto be partitioned and divided with the other lands embraced in said decree.

It is further ordered that all matters not herein disposed of are reserved for the further action of this Court.

2139 The State of Texas v. Swank and Miller Ordered, upon motion, that this cause be dismissed as to the Defendant Swank and that the cause be continued as to the Deft Miller.

2146 The State of Texas v. Jace Wilson Continued by agreement.

2152 The State of Texas v. Thomas Stephens Continued for service and Capias ordered to Caldwell and Hays Counties.

2155 The State of Texas v. James Sneed. Continued on affidavit of Deft.

2156 The State of Texas v. James Sneed. Continued on affidavit of Deft.

2157 The State of Texas v. William Sneed. Continued on affidavit of Deft.

2158 The State of Texas v. Bill Sneed. Continued on affidavit of Deft.

2168 The State of Texas v. Samuel Burditt et.al. Continued for Service.

2175 The State of Texas v. H. C. Ellis Continued for Service

2176 The State of Texas v. H. C. Ellis Continued for service

2177 The State of Texas v. H. C. Ellis. Continued for service

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2187 The State of Texas v. Pole Caviness. On this day comes Pole Caviness as principal, and G.G. Haynes, B.M. Odum and A.B. Palm as securities, and they acknowledges themselves jointly and severally justly to owe and be indebted unto the State of Texas in the sum of two hundred dollars, to be levied upon their goods and Chattels, Lands, Tenements and Estate, But to be void upon condition that the said Pole Caviness make his personal appearance before the District Court of Travis county now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to term there after, to answer the Indictment prefered against the said Caviness by the Grand Jury of Travis county, at the June term, of the District Court of Travis county, 1871, for the Theft of an Ox and that he do not depart the Court without leave. And the cause is continued on affidavit of the Defendant.

2192 The State v. A. W. Orr, et al. Cause dismissed as to Deft. Savage.

2198 The State of Texas v. John H. Conner. And now comes the District Attorney on behalf of the State, and came also the Defendant by attorney Thomas C. Sneed, Esq., and the parties announced ready for trial. Whereupon the parties waived a jury and submitted the case to the Court And the Court here assessing the fine at twenty dollars, It is ordered that the State of Texas do have and recover of and from the said John H. Conner the sum of ten dollars and all the cost of this prosecution, and that a Capias issue to collect the same.

2199 The State v. James M. Swisher. Ordered that Wallace Beadle be fined in the sum of ten dollars for failing to obey the Subpoena issued in this case and served upon him and that a writ issue to collect the same. Nisi fine remitted.

2200 The State v. Jack Wilson. Continued for service

2202 The State v. Wiley Craft. Continued for service

2203 The State v. Wiley Craft. Continued for service

2204 The State v. Wiley Craft. Continued for service.

2207 The State v. Wm Wilson. Continued for service

2209 The State v. Matt. Woodlief. Continued for service

2210 The State v. Matt. Woodlief. Continued for service

2213 The State v. Byron Glasscock. Continued for service.

2214 The State v. Silas Rawles. Continued for service

2215 The State of Texas v. Ambrose Duty. Comes the District attorney and the Defendant in person and by attorney and announced ready for trial. Whereupon the parties waived a jury and submitted the Case to the Court. And the Defendant pleads guilty. And the Court here assessing the fine at twenty five dollars, It is ordered that the State of Texas do have and recover of and from the Defendant Ambrose Duty the sum of twenty five dollars and all the cost of this

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prosecution, and that he be committed to jail until the same are paid in full.

2218 The State v. Tom Bowles. Continued for service

2221 The State v. Tom Strode et al. Capias ordered to Williamson Co.

2222 The State v. Ike Napoleon. Continued on affidavit of Defendant.

2226 The State v. Joseph Jones. Continued by the State

2229 The State v. Allen McFarland. Continued for service.

2231 The State v. Jim Fowler, et. al. Continued by the State.

2233 The State v. Geo Butler. Come the parties by attorney and announce ready for trial. and then came a Jury of 12 good and lawful men of Travis County Consisting of C. W. Grooms and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court returned the following verdict, to wit: "We, the Jury, find the Defendant not guilty. C. W. Grooms, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

2239 The State of Texas v. Harrison Cain. Comes the District attorney on behalf of the State and came also the Defendant in Person and by attorney and announced ready for trial when came a jury of twelve good and lawful men of Travis County consisting of Edwin Rust and eleven others who being tried, elected, empanelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant not guilty. Ed. Rust, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

2240 The State of Texas v. Harrison Cain. Comes the District attorney, and upon motion It is ordered that the Indictment herein be quashed, and the Defendant discharged.

2241 The State of Texas v. Wash. Wilson. Continued by the State.

2242 The State of Texas v. Jonas Graham. Continued for service

2243 The State of Texas v. Jo. Wadsworth. Continued for service

2142 The State of Texas v. Peter Kenner. This cause being called for trial the Defendant Peter Kenner failing to appear and answer to the Indictment in this cause he and his securities Nat. Moore and P. F. McDonough being distinctly called at the door of the Courthouse of Travis county, and the Defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant Peter Kenner with the said Nat. Moore and P. F. McDonough as his securities, did execute the Bail Bond Recognizance in open Court in this case substantially as follows. Dated 4th day of March, 1871 payable unto The State of Texas in the sum of Three Hundred Dollars

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Conditioned that the said Defendant Peter Kenner make his personal appearance at the District Court of said County of Travis on the first Monday in June, 1871, to answer the Indictment preferred against the said Defendant Peter Kenner, by the Grand Jurors of Travis county, at the February term, 1871, for the theft of certain harness, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Peter Kenner and the said Nat. Moore and B. F. McDonough the said sum of three hundred Dollars, and that this judgment will be made final unless good Cause be shewn at the next term of this Court why the said Defendant Peter Kenner did not appear. And further ordered that citations do issue to the said securities.

✓ 2235 The State of Texas v. George Butler. Cause dismissed.

2237 The State of Texas v. Al. Rust. Continued for service.

2238 The State of Texas v. W. C. Cain, et al. Continued.

✓ 2234 The State of Texas v. George Butler. And now comes the District attorney on behalf of the State, and came also the Defendant in person and by attorney and announced ready for trial. And the Defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county, consisting of M. C. Haines and eleven others, who being tried, elected, empannelled and sworn according to law, heard the said plea, the argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty and assess the fine at one hundred dollars ($100) and recommend the leniency of the Court. M. C. Haines, Foreman." Whereupon It is ordered that the State of Texas do have and recover of and from the Defendant George Butler the sum of One Hundred Dollars, fine, and all the Costs of this prosecution, and that he be committed to the county jail until the same are paid in full.

2227 The State of Texas v. Tom Jordan. On motion of the District Attorney It is ordered that the judgment entered in this cause be reformed so as to read as follows. (This order viz.)

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, June 29th, 1871.

Court met at 9 o'clock A. M. pursuant to adjournment Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

✓ 3030 Giles H. Burditt vs. William B. Burditt, et. al.

In this case now come the parties by their attorneys and

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guardians as heretofore: and thereupon the Commissioners heretofore appointed to partition the estate of Jesse Burditt among the heirs and distributees thereof, presented their Report as follows:

"3030 Silas H. Burditt et W. B. Burditt, et al. District Court Travis County
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The undersigned Commissioners appointed by the Court to partition the Estate of Jesse Burditt, Senior, among the heirs and distributees thereto, beg leave to report that the property subject to division at this time under the decree of the Court amounts to about thirteen (13) hundred acres: that there are nine principal shares, and some of these shares are again subdivided (as in the case of the share of Martha E. Davidson) into six shares

That the division of the thirteen hundred acres into nine shares can not be made without greatly diminishing the value thereof and a distribution in Kind, among all the parties entitled to partition, would certainly greatly diminish the value of the said property. They believe the full value of the land can be realized by sale as provided by law, and recommend such sale as a means of partition.

They find no field notes of the one hundred acres mentioned as one hundred acres out of the headright league of John Litton, in Bastrop County, & find it incapable of division without a sale thereof

Joseph Spence
John D. Costa
Jas. P. McKinney.

And it appearing to the Court that the said Commissioners were householders of the County of Travis, and had been duly sworn to discharge their duties faithfully and impartially as such; and it further appearing from the said Report that the lands subject to partition by the decree of this Court, in this case, at the present term, can not be partitioned among said heirs and distributees in kind without greatly injuring the value of said Estate, It is ordered, adjudged and decreed that the said Report of said Commissioners be received, and in all things confirmed. And that the said lands subject to partition, to wit. (1) the five hundred acres off the James P. Wallace tract (2) the three hundred acres off the James O. Rice tract, known also as the Campbell tract (3) the four hundred and eighty five acres, or whatever amount by survey may be found therein, of the Hugo Munoz, Rice and Cushing tracts, all in Travis County; and (4) the one hundred acres out of the John Litton league in Bastrop County, be sold in the County of Travis, for the purpose of partition as required by law, on the first Tuesday of September next, & as soon thereafter, at some regular sale day for

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public sales as may be practicable, said land to be sold at auction to the highest bidder, on a credit of six months, at the South East corner of Block No. 70, in the City of Austin, the same being the place appointed by law for the making of public sales, and to be offered in tracts of forty acres or less, after due advertisement, as required by law, for the price of which said sales and purchases the purchaser or purchasers shall execute to the Commissioner herein after appointed his or their note payable at the City of Austin in the County of Travis) with good and sufficient security) and bearing ten per cent per annum interest from date till paid, and shall also execute to the said Commissioner his or their mortgage upon the lands purchased with power of sale to said Commissioner, at the City of Austin, aforesaid, in default of payment of said note or notes. And inasmuch as the ordinary currency of the place where said lands are to be sold is gold and silver coin; and it appearing that it is to the interest of said estate, it is ordered, adjudged and decreed that the said sale be made for the gold & silver coin of the United States and the notes for the purchase money at said sales be taken accordingly. It is further ordered, adjudged and decreed that the said Commissioner proceed to collect the rights and interest of the estate of Jesse Burditt in and to the purchase money for the sale of the Hutchinson tract and retain it subject to this decree, and the further orders of this Court.

And for the purpose of carrying into execution this decree the plaintiff Giles H. Burditt, administrator of said Estate, is appointed Commissioner as aforesaid with power to execute this decree, and he is required to report his action in the premises, as well also to report what moneys he may have received or paid out in the performance of the duties herein assigned him, and also he is required to make and state his account of all moneys received or paid out by him as administrator of said Estate, or with which the same may be chargeable. He is further required to preserve and protect said Estate, and to pay all necessary sums and employ all necessary agencies for that purpose, or for the purpose of fully and duly executing this decree; and that he make his report to the next term of this Court.

The interests of the estate in relation to the lands in Van Zandt county and Tally county with respect to the Antonio y Barbo and J.W. Carpenter tracts, are left in the charge of Giles H. Burditt the administrator, subject to the further order of the Court in this case. And all matters not herein disposed of are also reserved for the further order of the Court.

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2207. The State of Texas v. Wm Wilson. And now comes the District attorney and the Defendant by attorney. And it is ordered, upon motion, that the continuance entered in this cause be set aside. And thereupon the parties announced ready for trial. And waiving a jury the parties submit the case to the Court. And the Defendant pleads guilty to the Indictment. And the Court here assessing the fine at ten dollars, It is ordered, that the State of Texas do have and recover of the Defendant Wm Wilson the sum of ten dollars and all the cost of this prosecution, and that a capias issue to enforce the collection of the same

2244 The State of Texas v. John W Glenn. And now come the parties by their attorneys and announce ready for trial. When came a jury of 12 good and lawful men of Travis County Consisting of C W Grooms and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, returned the following verdict: "We, the Jury, find the Defendant not guilty. C. W. Grooms foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

2245 The State of Texas v Sad. Pearce, et al. Continued by the State.

2246 The State of Texas v. R. B. Parker. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant Parker in person and by attorney, and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county Consisting of and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. M. C. Hawes, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged. And the District attorney dismisses the Indictment as to the Defendants Frazer and Bennett.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, June 30th, 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2127. The State of Texas v. Eugine Harris. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney, and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of C. W. Grooms and eleven others, who being tried, elected, empannelled

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and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the deft. guilty, and assess the punishment at two years in the State Penitentiary. C. O. Grooms, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

2113 The State of Texas v. Silas Rawles, et al. And now on this day came into open Court Alexander Campbell and Andrew Campbell, as principals, and J. C. Pierce and Silas Glover as their securities, and they and each of them acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Four hundred dollars, to be levied upon their goods and Chattels, lands, tenements and estate, But to be void upon condition that the said principals Alexander Campbell and Andrew Campbell, make their personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871, then and there to answer the indictment prefered against the said Defendants and one Silas Rawls for the theft of three Saddles, by the Grand Jury of Travis county at the October term, 1870, and that they do not depart the Court without leave.

2113 The State of Texas v. Silas Rawls, et. al. And now comes the Defendant Silas Rawls as principal, and Wm. L. Glasscock and J. C. Pierce as his securities, and acknowledged themselves justly, jointly and severally justly to owe and be indebted unto The State of Texas in the sum of four hundred dollars, to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that the said Silas Rawls make his personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871, then and there to answer the indictment prefered against the said Silas Rawls by the Grand Jury of Travis county, 1871 at the October term 1870 of the District Court of said County for the theft of three Saddles and that he do not depart the Court without leave.

2113 The State of Texas v. Silas Rawles, et. al. And now comes Frank Marshall and acknowledges himself justly to owe and be indebted unto The State of Texas in the sum of One hundred dollars to be levied upon his goods and chattels, lands, tenements and Estate, But to be void upon condition that the said Frank Marshall make his personal appearance before the District Court of Travis county to be held at the Courthouse thereof in Austin, on the first Monday

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in ~~June~~ October 1871, then and there to give evidence on behalf of the plaintiff in the above entitled cause, and that he do not depart the Court without leave.

2113 The State of Texas v. Silas Rawles, et.al. And now comes Peter Collins and acknowledges himself justly to owe and be indebted unto The State of Texas in the sum of one hundred dollars, to be levied upon his goods and chattels, lands, tenements and estate, But to be void upon condition that the said Peter Collins make his personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871 then and there to give evidence on behalf of the plaintiff in the above entitled cause of The state of Texas v. Silas Rawles et. al. and that he do not depart the Court without leave. It is further ordered that attachments issue for the witnesses on behalf of the plaintiff not under recognizance, returnable at the next term of this Court, and that the cause be continued.

2117 The State of Texas v. Silas Rawles, et. al. And now comes Alexander Campbell and Andrew Campbell as principals, and G.B. Pierce and Silas Glover as their securities, and they acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of four hundred dollars to be levied upon their goods and chattels, lands, tenements and estate But to be void upon condition that the said Alexander Campbell and Andrew Campbell make their personal appearance before the District Court of Travis County, to be held at the Courthouse thereof in Austin on the first Monday in October, 1871, then and there to answer the indictment preferred against said Defendants by the Grand Jurors of Travis county, at the October term, 1870 for the theft of a Saddle, and that they do not depart the Court without leave.

2117 The State of Texas v. Silas Rawles, et.al. And now comes Silas Rawles as principal, and Wm L Glapcock and G.B. Pierce as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Four hundred dollars, to be levied upon their goods and chattels, lands, tenements and Estate, But to be void upon condition that the said Silas Roberts make his personal appearance before the District Court of Travis County, to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871, then and there to answer the Indictment preferred against said Silas Rawles by the grand jury of Travis County, at the October term, 1870, for the theft of a Saddle, and that ~~they~~ he do not depart the Court without leave.

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2247 The State of Texas v Silas Roberts. Come the parties and announce ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel and the charge of the Court, and rendered the following verdict, to wit: "We, the jury, find the Defendant not guilty. E. W. Haller, foreman." Whereupon It is ordered that the Defendant go hence fully discharged.

✓ 3067. Sampson & Herricks v. H. Mosson. And now on this day came the parties by their attorneys, and having waived a jury submit the matters at issue to the Court. And it appearing to the Court that the cause of action is liquidated, and having estimated the amount due, and duly considered the whole case, doth order, adjudge and decree, that the plaintiffs do have and recover from the Defendant, H. Mosson, the sum of three thousand, Seven hundred, ninety two and 73/100 dollars in gold, and interest thereon at ten per cent. per annum in gold from this day, subject, however, to a credit of even date herewith, for the sum of twelve hundred and thirty three dollars gold, the amount realized by the Sheriff of Travis County, on the sale of certain personal property attached by plaintiffs as the property of Defendant, and sold by the said Sheriff by order of the Court: which said amount of twelve hundred and thirty three dollars gold the Sheriff is ordered to pay over into the hands of the plaintiffs.

And it is further ordered, adjudged and decreed that the following property viz: the house situate on Lot No (8) Eight in Block No (13) Thirteen, in the City of Austin; and also all the right, title and interest of the Defendant H. Mosson in and to one house, and the land whereon situate, the said house and land being near the residence of James Manor, and when the said Mosson was doing business on the 5th day of April, A.D. 1871, said above mentioned property being attached as the property of the said Mosson, be and the same is hereby ordered to be sold by the Sheriff of Travis county, according to law, and that the said Sheriff apply the proceeds of the sale, to the payment of this judgment.

And it is further ordered, adjudged and decreed by the Court that the plaintiffs have judgment for all cost in this behalf expended - and that therefor, as also, for the balance due on this judgment, after allowing the credit aforesaid, of twelve hundred and thirty three dollars they, said plaintiffs, have execution.

✓ 2841 J. J. Thark v. E. S. West, Executor of the will of R. J. Townes; Everard T. Eggleston, trustee; Mila J. Morris and her husband James B. Morris, Pollie Townes, Alfred Townes, Pattie Townes,

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Allen Townes, Cobb Townes and Eveard Townes.
On this day came the parties by attorneys, and comes also T. B. Wheeler, special guardian of the said minors; and the parties waived a Jury and submit the matters to the Court. And thereupon it appearing to the Court there is due upon the note declared on, and to the plaintiff the sum of ($2.863.66½) two thousand eight hundred and sixty three 66/100 Dollars, and that said note is in part for the purchase money of the following described lands, viz:
A part of the Daul Gilbert Survey Beginning at a corner on the S & E line of the Original Survey known as the South corner of a tract owned by said R. J. Townes, prior to his purchase from Samuels & Mofson, on August 11, 1860, which Corner is a stake and stone mound near the road, from which is a live oak 20 in in dia. bearing N. 6½° E. 20 vrs & another 18 in. dia. N. 21¾ E. 30 varas. Thence N. 60° W. with the said Townes' line 1621 varas to his corner on the original Gilbert line Thence S. 36° W. with the Gilbert line 733 varas to the corner at the Cypress Springs. Thence down the River with its meanders to wit S. 120 varas, S. 28½ W. 600 varas, S. 16° W. 100 varas, and S. 32½ W 1286 varas to a corner, on a pecan tree 20 in dia. from which a hackberry brs. S. 36° W. 4 varas Thence S. 60° E. 1228 varas to a corner a stake from which a black jack 16 in. dia. brs. S. 78° W. 21 varas, and a Post Oak 18 in dia. S. 66½ varas. Thence N. 30° E. 1329 varas corner on a line of a hundred acre tract owned at date of Townes's purchase of Samuels & Mofson by Dixon, a stone mound from which a Post Oak 20 inches dia. bears S. 48½° E. Thence N. 60° W. with said Dixon's line 472 varas to his West corner at a stone mound. Thence N. 30° E. with Dixon's line 757 varas to his North corner at a stone from which a Live Oak 17 in. in dia. bears S. 7¼° W. 20 varas and an Elm 16 inches in dia. bears N. 37¼° W. 30 varas. Thence S. 60° E. with Dixon's line 268 varas a corner on his N.E. line a stone mound, from which a live oak 6 in. in dia. bears S. 76° W. 11 varas, and another N. 60° W. 15½ varas. Thence N. 66° E 897 varas to the beginning.
And the said parties consenting in open Court that as against the said Defendants who in the pleadings set up claim in said land, under a deed executed by said R. J. Townes to the Defendant E. T. Aggleston, on the 20th day of September, 1865, the vendor's lien exists in favor of the plaintiff Tharp against two hundred acres of said tract of land of average value with the entire tract, and that order for sale therefor shall not be enforced, save at request of Defendants, prior to the first Tuesday in January 1872, and the remainder of said tract of land be and the same is hereby declared to be free from any vendor's lien

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Therefore, in order to carryout and enforce said agreement
The Court doth order, adjudge and decree that the plaintiff J. J. Sharp, do have and recover of the Defendant, L. S. West, Executor of the will of said R. J. Townes, the sum of two thousand eight hundred and sixty three and 66/100 Dollars and costs of suit (this judgment to bear ten per cent interest) the claim sans as against the lands condemned herein, being hereby established as a claim against said estate, of the 7th class
And the Court doth further order and decree that Dennis Corwin, A.R. Morris and John A Green, be and they are appointed Commissioners to examine said tract, going over and through the same and upon, and after examination of the premises, to survey and set off by lines distinctly marked, two hundred acres of said tract of equal average value with the remaining part, taking locality, quality of said timber, water, situation, and all else making up value, into consideration, the Commissioners to report their action, under oath, to the next term of this Court: And prior to said term the said Corwin, or other Surveyor, at instance of plaintiff, may divide said 200 acres of land into tracts of forty acres, or less, as may to the Surveyor appear most likely to enhance the sale value thereof
And after the next term of this Court an order of sale to issue ordering the Sheriff to sell the said 200 acres, or so much of said 200 acres, as may be required to make said sum of this judgment, and interest and the costs accruing herein: the sale to be made as under execution and for cash, the sale to be of all the right, interest and claim of the said Defendants, the children of R. J. Townes, in and to said 200 acres, and the sale to convey to the purchasers as well the interest of the Estate of Townes as whatever interest passed from him in this deed of 20th Sept., 1865, to deft. E. T. Eggleston in trust for the said Mina J. Townes (now Morris) Pollie Townes, Alfred Townes, Pattie Townes, Allen Townes, Cobb Townes and Evelina Townes.
It is further ordered by the Court that the remainder of the judgment, if any be due, after the sale of said 200 acres, to be paid in due course of administration, pro rata with debts of the same class of claims against the estate of said R. J. Townes.

J J 1693 Cassidy's Admr vs King's Admr. On this day come the parties to this cause by their attorneys when came on to be heard the original and amended motions for a new trial filed herein. And the same being argued by counsel, and duly understood, It is ordered that the same be overruled. Whereupon the said Defendant and Intervenor give notice, in open Court, of an appeal to the Supreme Court.

June Term, Monday, July 3d 1871

2253 The State of Texas v. Ranty Moore. Come the parties by their attorneys and the Defendant submitted his motion heretofore filed asking that a new trial be awarded. And the same being heard and argued by Counsel It is ordered that said motion be and the same is hereby overuled.

2232 The State of Texas v. Andrew Norwood. Come the parties by their attorneys; and the Defendant submitted his motion heretofore filed asking that a new trial be awarded. And the same being heard and argued, and well understood. It is ordered that said motion be overuled

2098 The State of Texas v Julien Gros. Come the parties by their attorneys And the Defendant submitted his motion heretofore filed asking that a new trial be awarded. And the same being heard and argued, and well understood It is ordered that said motion be overuled,

2227 The State of Texas v. Tom Jordan. Come the parties by their attorneys and Defendant submitted his motion heretofore filed asking for a new trial. And the same being heard and argued by Counsel, and being well understood by the Court, It is ordered that the same be overuled. And thereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

2184 The State of Texas v. James Stephens Come the parties by their attorneys and the Defendant submitted his motion heretofore filed asking for a new trial. And the same being heard and argued by Counsel, and being well understood, It is ordered that the same be overuled. And thereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

And thereupon Court adjourned till to-morrow Monday morning at 9 o'clock

Monday July 3d 1871

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

John Loader. The committee heretofore appointed to examine John Loader in open Court touching his qualifications to practice as an attorney and Counsellor at Law in the Courts of this State, having examined said applicant in open Court, and reported favorably: and the Court being well satisfied, It is ordered that the said John Loader be and he is hereby admitted to practice as an attorney and Counsellor at Law in the several District and Inferia Courts of this State, and that a License do issue to him according by.

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2191 The State of Texas v. John Moore. And now comes Page Wacker and acknowledges himself justly to owe and be indebted unto the State of Texas in the sum of one hundred dollars, to be levied upon his goods and Chatels lands tenements and estate, But to be void upon condition that the said Page Wacker make his personal appearance before the District Court of Travis county, to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871. then and there to give evidence on behalf of the plaintiff in the above cause of The State of Texas v. John Moore, and that he do not depart the Court without leave. And also at the same time came Easter Robinson, and acknowledges herself justly to owe and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon her goods and chattels, lands tenements and estate. But to be void upon condition that the said Easter Robinson make her personal appearance before the District Court of Travis county to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871. then and there to give evidence on behalf of the plaintiff in the above entitled cause of The State of Texas v. John Moore, and that she do not depart the Court without leave. And the cause is continued on affidavit of the Defendant.

2251 The State of Texas v. J. Y. Cain. And now on this day came the District Attorney on behalf of the State, and came also the defendant in person and by attorney, and announced ready for trial. Whereupon came a Jury of twelve true good and lawful men of Travis county, consisting of and eleven others, who being tried, elected, empannelled, and sworn according to law, heard the Defendants plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the jury, from the evidence, find the Deft. not guilty of the indictment. W. W. McLaughlin, foreman."

Whereupon It is ordered, adjudged and decreed by the Court that the Defendant go hence fully acquitted and discharged.

2250 The State of Texas v. John Mafsie. And now come the parties by their attorneys and announce ready for trial. when came a jury of 12 good and lawful men of Travis county, consisting of B. C. Giles - - and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court retired to consider of their verdict. whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and fix the fine at

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fifty dollars. B. C. Giles. foreman." Whereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant John McGee the sum of Fifty dollars so found by the jury, together with all the costs of this prosecution, and that the Defendant be committed to the county jail to await judgment and sentence.

2252 The State of Texas v. Andrew Davis et al. Continued for service

2254 The State of Texas v. W. C. Cain. Cause dismissed & deft. discharged.

2255 The State of Texas v. Kittie and Fannie. Cause dismissed

2256 The State of Texas v Anthony Cain, et. al. Comes the District Atty and the Defendant Anthony Cain by attorney and also in person, and announced ready for trial, the said Anthony severing and being tried alone. And then came a jury of twelve good and lawful men of Davis county, consisting of Ben. F. King and eleven others, who being tried, elected, empanelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court and retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find accused not guilty. Ben. F. King foreman." Whereupon It is ordered that the Defendant go hence acquitted and discharged.

2256 The State of Texas v. C. O. Maxwell. And now on this day came the District attorney on behalf of the State, and came also the Defendant Maxwell in person and by attorney and announced ready for trial. When came a Jury of twelve good and lawful men of Davis county, consisting of W W McLaughlin and eleven others, who being tried, elected, empanelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find accused not guilty. W. W. McLaughlin." It is therefore ordered that the Defendant go hence acquitted and discharged. And further ordered that the cause be dismissed as to the Defendant Harrison Cain.

Jacob Leser And now comes Jacob Leser and applies to be admitted to become a citizen of the United States, and having taken the oath in open Court prescribed by law and hath sworn that he doth entirely renounce and abjure forever all allegiance and fidelity to every foreign Prince Potentate, State or Sovereignty whatsoever and particularly to the King of Saxony of whom he was heretofore a subject, and it appearing that he made his Declaration more than two years since, that it was his intention to become a citizen and complied with the other requisites of the law, It is ordered that the said Jacob Leser be and he is hereby admitted to become a citizen of the United States, and that a Certificate issue accordingly.

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2257. The State of Texas C. A Burke, et. al Continued on affidavit of deft.
3185 Nicholas T. Sneed, Guardian v. America U. Smith, et. als.
Now on this day this cause coming on to be heard, the plaintiff Nicholas T. Sneed, Guardian of the minor heirs of Charles P. Smith, decd to wit: Charles U., Martin J and Sidney P. Smith, by his attorneys Smith & Harris: come also the Defendants America U. Smith, with her husband Robert G. Smith. and Clementine C. Nicholson, by their attorney, and deny none of the matters and things in Plaintiffs petition alleged, but confess the same to be true in manner and form as stated: And it appearing to the Court that the said parties are the heirs at law of O. B. Smith, deceased, and that the said O. B. Smith at his death left was seized in his demesne as of fee of the Estate described in plaintiffs petition, and that the same is liable to partition between the said heirs. And it further appearing to the Court that at his decease the said O. B. Smith left surviving him four heirs to wit: the said Charles P. Smith, decd ancestor of the wards of plaintiff, the said C. C. Nicholson, the said America U. Smith and said Thomas J. Smith, the said Thomas J having sold aliened and conveyed to said C. C. Nicholson in trust for the benefit of Millie Nicholson, all his right, title and interest in and to the Estate of the said O. B. Smith; that said heirs, at the death of said O. B. Smith, were entitled to equal shares in said estate, but that subsequent thereto, by purchase and sale by and between and from each other, as appears from instruments of Conveyance submitted to the Court, they have become entitled to, and now own the said Estate in the following proportion, that is to say: The said America U. Smith is entitled to the following lands, parts of the said estate, to wit: 998 acres out of the 1994 3/4 acres out of the 3/4 league survey granted to Thos H. Mays, situated in Coryell and Bosque counties: 612 1/4 acres out of the 1481 acres out of the Thos A. Gross Survey in Williamson county in said State: 677 1/2 acres, out of the headright league granted to Thomas A. Moore: situated in Williamson county in said State of Texas: 80 acres out of the 320 acre survey in Erath county in the State of Texas in the name of James McLaughlin: 44 1/4 acres of land out of the labor survey in the name of Stephen Jackson, situated in the county of Hamilton in the State of Texas: and one half of Lot No. 12 in Block No. 27 in the City of Austin
The said minor heirs of Charles P. Smith, deceased, are entitled to the following lands out of said Estate, to wit:

Out of the said 1994 3/4 acre tract	499 acres
Out of the said 1481 acre tract	191 "
" " " Labor Survey in the name of John M. Burton	118 "

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out of the 320 acre tract in Hamilton county in
the name of Thos H. Mays 160 "
Out of the 320 acre Survey in Erath county in name
of James McLaughlin 80 acres
Out of the labor Survey in Hamilton county in the
name of Stephen Jackson. 44¼ acres
The said Clementine C. Nicholson is entitled out of
said Estate to the following lands. Viz is to say.
Out of the 1994¾ acre tract situated in Coryell and Bosque
counties in the name of Thomas H. Mays, 499 acres. Out of the
1481 acre tract of land in Williamson County in the name of
Thomas A. Travis 678 acres: out of the said labor of land in the
County of Williamson in the name of John M. Burton 59
acres; out of the 320 acre Survey in Hamilton county in
the name of Thomas H. Mays, 160 acres: out of the 320 acre
Survey in Erath county in the name of James McLaughlin:
160 acres. Out of the labor Survey in the name of Stephen
Jackson in the county of Hamilton 88½ acres: and the one
half of Lot No 12 in Block No. 27 in the City of Austin.
It is therefore ordered by the Court that A. B. Palm, Giles H
Burditt and R A Rutherford be and they are hereby appointed
Commissioners to appraise, partition and divide the said lands
in accordance with the above facts and make report to this
Court forthwith.

To-morrow being the Fourth Day of July, the
anniversary of American Independence, It is ordered
that Court stand adjourned till Wednesday 9 o'clock
A. M.

Wednesday, July 5th 1871.

Court met at 9 o'clock A. M. pursuant to adjournment
Present Hon. J. P. Richardson Judge 27th Judicial District pre-
siding. Whereupon the following proceedings were had by
said Court, to wit:

1997 The State v. Ace Garoner. Cause dismissed and deft. discharged
2054 The State v. Alonzo T. Ross Cause continued and capias ordered
2055. The State v. Arthur Sheppard. Cause dismissed
2087 The State v. Richard Meeks. Continued on affidavit of the Deft.
2103 The State v. Richard Meeks. Continued on affidavit of Defendant.
2122 The State v. Nathan Tinnin Cause dismissed & deft discharged
2175 The State v. H. C. Ellis. Cause dismissed and deft. discharged.
2176 The State v. H. C. Ellis Cause dismissed and deft. discharged
2177 The State v. H. C. Ellis. Cause dismissed and deft. discharged
2178 The State v. Ed. Williams Cause continued
2197 The State of Texas v. H. C. Ellis Come the parties by attorney and
announced ready for trial. Whereupon the parties waived a jury
and submitted the case to the Court. And the Defendant pleads

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guilty to the Indictment. And the Court here fixing the fine at twenty five dollars, It is thereupon ordered that the State of Texas do have and recover of and from the Defendant H. C. Ellis the sum of twenty five dollars so found by the Court, and all the cost of this prosecution, and that a capias issue to enforce the collection of the same.

2206 The State of Texas v. Maroney. Cause dismissed and deft discharged

2211 The State of Texas v. Geo. H. Slaughter. Continued for service.

2212 The State of Texas v. Andrew Campbell Cause continued by the plaintiff. And upon motion It is ordered that an attachment issue for the witness Lockhart, on behalf of the State.

2216 The State of Texas v. Mart. Thompson Cause dismissed

2217. The State of Texas v. Mart. Thompson. Cause dismissed.

2220 The State of Texas v. Geo Rastley. Cause continued.

2228 The State of Texas v. Ed. Grooms Continued for service.

2231 The State of Texas v. Thed. Jordan. Cause dismissed

2258 The State of Texas v. Ryan. And now on this day came the District attorney on behalf of the State, and came also the Defendant in person and by attorney, and announced ready for trial. When came a jury of twelve good and lawful men of Travis County, consisting of H. L. Raven and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty of simple assault and battery and assess the fine at twenty five dollars. H. L. Raven, foreman." Let Co. Office

No. 3105 George W. Wright v. Jacob Kenchler, Com'r Gen'l L'd Office

This case coming on to be heard plaintiff appeared by his attorney and the Defendant appeared by Wm Alexander, Esq., Attorney General, for the State of Texas. Whereupon the parties submitted the case to the Court, upon the pleadings and evidence on file and upon briefs. And the same having been duly considered by the Court Because it appears from the answer and demurrer of Defendant as also from the written evidence on file that the facts set forth in the petition of plaintiff are true, and it appearing therefrom that plaintiff is the owner of a certain valid and genuine land certificate No. 1302 issued by James S. Gillett, adjutant General on the 8th day of June, A.D. 1853, to Henry Buckler for twelve hundred and eighty acres of land, upon which six hundred and forty acres have been heretofore returned and patented, leaving a balance of six hundred and forty acres unsatisfied, For which balance a Certificate No. 16/325 appears to have been issued by Jacob Kenchler, Commissioner of the General Land Office December 1st 1870, to said Henry Buckler which Certificate of balance appears to have been located on or about the 20 Sept. 1870, on several tracts of land situated in Lamar County and the State of Texas described as follows, to wit: Beginning at a stone from which a Post Oak mkd W A X bears S. 50. a

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Red Oak mkd X bears West 5 v. the S. E. corner of W. Askew's Survey on Stephen Peters N. B. line, thence with Peters line East 808 v. to his N.E. corner on Col. Skidmore's line a stake a Hickory mkd X bears E. 4 v.a. Post Oak nearly E. 8 v. mkd X thence with Skidmore's line North 440 varas to his N. W. corner a stake a B. Jack mkd X bears E. 4 v.a. Post Oak mkd X bears N. 5 varas, thence with his line East 1806 v. to his N. E. corner on H. L. Williams line a small Hickory mkd blaze a Red Oak mkd X brs. S. 9 v. thence with Williams line North 499 v. to Lemmel Owen's S. E. corner a Post Oak mkd X a B Jack brs. South 40 W. 3 v. thence with Owens line West 2614 varas to his South west corner on Askew's line a small Hickory mkd. chops a B Jack mkd X bears East 10 v. a Post Oak mkd X brs. S. 30. thence with Askew's line South 939 v. to the place of beginning and containing 294 acres.)

Field Notes of 32 acres of land beginning at a post in prairie on the W. B line of Ed. Summers Survey 234 varas North from his South W. corner thence with his line North 502 varas to a stake on a line of University Survey, thence with the same West 361 varas a corner of the same; thence with the same South 502 varas to a stake on a line of Memphis El Paso and Pacific Rail Road Survey No. 45 thence with the same East 361 varas to the place of beginning

Field Notes of 179 2/11 acres of land beginning at a stake a Post Oak mkd 4 brs. S. 40 W. 4 v. a Post Oak mkd brs S. 5 v. the S. W. corner of John Dunman Survey and on Thomas Askew's line, thence with Askew's line West 796 varas his W. W. corner on E. S. Askew's line a small hickory mkd with chops a Hickory mkd X brs. S. 12 va Red Oak mkd X brs. E. 15 X. thence North 1271 v. with Askew and Baker's line to a Post Oak mkd X brs. E. 3 v. thence with a line of Survey made by virtue of a B. B. B. & C. R. R. Certificate East 796 varas to a stake a Post Oak a Post Oak mkd X brs. S. 70 W. 6 v. a. mkd X brs S. 11 v. the W. W. corner John Dunsmans thence with his line South 1271 varas to the place of beginning. Which said several tracts of land are embraced in what was formerly Known and recognized as the Reservation for the benefit of the Memphis, El Paso & Pacific Railway Company and Known according to the plot of Surveys made by said Company on file in the General Land Office as fractional Sections Nos. 32, 36 & 46. And it further appearing that Plaintiff caused said several tracts of land so filed and entered upon as aforesaid to be regularly surveyed & properly recorded, and returned the field notes of surveys of said several tracts of land together with said Certificate No. 46/325. and filed in the General Land Office of the State of Texas on or about the 14 day of April A.D. 1871. And it appearing that said Certificate and field notes have been subjected to and undergone the regular examination in said Office and found genuine, and in all things correct

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and that the Defendant Jacob Kenchler, Commissioner General Land Office refuses to issue patents on said certificate and surveys because the said Surveys are embraced in what was formerly known as the Memphis, El Passo and Pacific Railway Reservation, and covers the fractional Sections nos 32, 36 & 46 which were originally reserved for the use of the State in the Act creating the Charter of said Company, and by his answer and demurrer the said Defendant submits to the Court the question whether or not the law has been so changed as to allow said files entries and surveys of said fractional State sections and by virtue thereof to entitle Plaintiff to demand patents on said certificate & Surveys

Which question having been duly considered because it appears to the Court that the whole reservation was for the benefit of said Railway Company, and under this Construction and the Constitution, the Law of the 12th August, 1870, is not only constitutional, at least so far as the rights of the State is concerned, but that the said act opens the State sections to location by virtue of any genuine land certificate, It is therefore ordered, adjudged and decreed by the Court that plaintiff is entitled to his patent on said Surveys by virtue of said Certificate. And it is further ordered that the Clerk of this Court issue a peremptory Mandamus by virtue of the Authority and under the Seal of this Court directed to said Jacob Kenchler, commanding him as the Commissioner of the General Land Office of the State of Texas to issue to said plaintiff a patent or patents on said Surveys by virtue of said certificate, in accordance with this decree & accompany the same with a certified copy of this decree: and in all other respects not herein specially determined: in accordance with the usual rules & regulations of his office. It is further ordered that the Defendant have and recover all costs in and about this behalf expended. And the Defendant thereupon gives notice in open Court of an appeal to the Supreme Court.

2258 The State of Texas v. Ryan. Ordered by the Court that the following entry of Judgment be entered upon the verdict of the jury returned in this cause: "And thereupon It is ordered that the State of Texas do have and recover of and from the Defendant Ryan, the sum of twenty five dollars as found by the jury aforesaid and all the costs of this prosecution, and that he be committed to the county jail till he pays the same in full.

2242 The State of Texas v. Jonas Graham. Ordered that the continuance entered in this cause at a former day of the term, be set aside.

2192 The State of Texas v. A. W. Orr. Continued on affidavit of Defendant.

2848 William H. Elliott and George I. Deats v. Catherine E. Smith and D. S. Mayfield. And now come the parties by their attorneys; and this cause coming on for trial, a jury was waived, and the matters in controversy both of law and fact were submitted to the Court. And the Court having considered of the same, It is ordered, adjudged and decreed

June Term, Thursday, July 6th 1871.

that the plaintiffs have and recover of the Defendants the land mentioned in the plaintiffs petition, to wit: one hundred and sixty acres of land in Davis county, embraced within the following limits: Beginning at the South East Corner of a tract sold by William Cannon to George J. Neill, a stake on the Eastern boundary line of said survey. Thence North 30° East 1652 varas, with said East boundary line to a stake in the midst of a branch from which an Elm marked N. 10 inches in dia. bears South 74° West 12 varas, another marked X bears South 54 West 4 varas: thence up said branch in the midst thereof with its meanders as follows: South 84 West 128 varas North 82° West 205 varas, South 74° West 80 varas, South 30° West 100 varas, South 64° West 100 varas a stake in said branch from which a Cottonwood 18 inches in dia. bears North 59° West 17 varas. Thence South 59° West 50 varas to a stake in the South line of said branch. Thence South 86° West 65 varas to the mouth of a drain, at 300 varas a stake. Thence South 68° West 200 varas to a stake and stone. Thence South 15° West 924 varas a stake in the South boundary line of Neills tract from which a Live Oak 12 inches in dia. marked X bears South 60° East 18 varas, and another 10 inches in diameter bears North 77° East 17 varas. Thence South 60° East 561 varas to the beginning; the boundaries of the same including two certain tracts of land deeded to Defendant Catherine E. Smith, as wife of E. B. Smith, viz. Sixty Seven acres conveyed by deed from J. T. & L. Cleveland on the 15th December, 1855, and ninety three acres by deed from James and Mary Ann Wall on the 24th March, 1858, both of record in Travis county.

It is further adjudged and decreed that a Writ of Possession do issue in favor of the said plaintiffs to put them in possession of said land.

It is further ordered adjudged and decreed that the said Plaintiffs do have and recover of the said Defendants Eight hundred and Seventy five dollars damages for the use and occupation of said land and all costs in this behalf expended, for which execution may issue.

And thereupon the Defendants give notice, in open Court, of an appeal to the Supreme Court.

And Court adjourned till to-morrow morning godock.

Thursday, July 6th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3085 Nicholas T. Sneed, Guardian v. America A. Smith, et al. Comes now the plaintiff Nicholas T. Sneed, Guardian of the minor heirs of Charles P. Smith, deceased, to wit: Charles A., Martin J. and Sidney P. Smith, by his attorneys; Came also the Defendants America A. Smith, with her husband Robert G. Smith, and Clementine E.

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Nicholson, who appears as well for herself, as for her minor child and ward Mittie Nicholson, by their attorneys: and the Report of the Commissioners Giles H Burditt and R.A. Rutherford heretofore appointed by the Court to partition the Estate of O. B. Smith, deceased, between the heirs at law of the same, the parties hereto, coming on to be heard, which Report is as follows, to wit:

No. 3085 Nicholas T. Sneed, Guardian vs America A. Smith, et al. Report of the Commissioners

The undersigned, appointed Commissioners for the appraisement and partition of the Estate of Obediah B. Smith, dec'd. by the District Court of Travis County on the first day of July, A.D. 1871, do report as follows, that is to say: We give to America A. Smith the following lands, to wit:

I. Out of the three fourths (3/4) league Survey in Bosque & Coryell counties granted to Thos H. Mays, nine hundred and ninety eight (998) acres bounded as follows: Beginning at the N.E. corner of a Survey from said 3/4 league survey made for the heirs of W. D. Thomson, being the S. E. corner of a survey made for the O.B. Smith heirs, a description of which may be found in the decree of the District Court of Travis County in the cause No. between the heirs of said Thomson and the heirs of said O. B. Smith, determined at the term of said Court thence S. 60° W. 2213 vars to a stake set one half the distance between the S.E. and S.W. corner of said 1994 2/3 acre survey made for the heirs of said O. B. Smith in the North boundary line of said Thomson 1329 3/4 acre Survey; thence N. 30° W. 2544 vrs Corner in the North boundary of said 1994 2/3 acre Survey. thence N. 60° E. 2213 vars. to the N E. Cor of said 1994 2/3 acre Survey, a Live Oak mkd H 4 brs N. 55° E. 10 vars: thence S. 30° E. 2544 vars to the place of beginning, containing 998 acres, more or less

II. Out of a fourteen hundred and eighty one (1481) acre tract out of the H. R. 3/4 league and labor in the name of Thos. A. Graves in the county of Williamson in the State of Texas, beginning in the East line of the said T. A. Graves original Survey, it being the N. E. corner of the Hill or Gardner Survey, a stake for corner. Thence S. 71° W. 400 vars. along the Hill or Gardner line to the S. E. corner of subdivision No. 1 made for Clementine C. Nicholson, thence N. 54° W. 4194 vars. along the East or N. E. line of said subdivision No. 1, to the N. corner of the same on the line of T. A. Graves original Survey, a stake for corner; thence N. 71° E. 1917 vars. along the North line of the T. A. Graves original Survey to a stake for the N. or N. E. corner of this Survey, it being also the N. W. cor. of subdivision N 3. Thence S. 19° E. 2312 vars along the W. line of subdivision No 3 to a stake, a corner: Thence N. 71° E. 900 vars to the East line of the T. A. Graves original survey, a stake for corner: thence S. 19° E. 1132 vars. along said line to the place

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of beginning, containing six hundred and eleven & one half acres. And if the lines above mentioned shall on accurate measurement, be found to contain a larger amount of land than 611½ acres than said America U. Smith is to pay to the other said heirs of O.B. Smith, dec'd the sum of three 37/100 coin dollars per acre for such overplus.

III. Six Hundred & Seventy Seven & One half (677½) acres, out of the N. R. league of land, granted to T. A. Moore, situated in the county of Williamson in said State of Texas, Beginning at the S. E. corner of said T. A Moore league: thence N. 19° W. 5000 vars to the N. E. Corner of the same: thence S. 71° W. 745 vars. to corner on North line of said league: thence S. 19° E. 5000 varas to corner on South line of said league: thence N. 71° E. 745 varas to the place of beginning, containing 677½ acres.

IV. Eighty acres (80) out of the 320 acre Survey in the County of Erath in the State of Texas, made for James McLaughlin, more accurately described in the patent for the same, said Patent being No. 540, Vol. 4, said eighty acres being described and bounded as follows, to wit: Beginning at the N. W. Corner of Lot No. 1 made for the heirs of Charles P. Smith; thence N. 19° E. with McKennon's S. or S. E. boundary 475 varas, to stake in said boundary for corner. thence S. 71° E. 900 varas to S. or S. E. boundary of said 320 acre tract, a stake for corner: thence S. 19° W. 475 vars. to the N. E. Corner of said Lot No. 1; thence N. 71° W. 900 vars. to the place of beginning, containing eighty acres.

V. One-fourth (¼) of the Labor Survey in the name of Stephen Jackson, & more explicitly described in the Patent therefor, the same being Patent No. 151, Vol. 7, and recorded among the Records of the Genl. Land office, and to which reference is here made. Said Survey being situate in the County of Hamilton in the State of Texas: beginning at the N. W. corner of Survey No. 1, made for the heirs of C. P. Smith; Thence S 19° W. 1053 varas with the C. P. Smith heirs' West boundary line, to S. W. corner of said Lot No. One; thence N. 71° W. 237½ vars. to a stake in the South boundary line of said labor; thence N. 19° E. 1053 varas to a stake in the N. boundary line of said labor: thence S. 71° E. 237½ varas. to the place of beginning, containing forty four and one fourth (44½) acres.

VI. One undivided one-half of Lot No Twelve (12) in Block No Twenty Seven (27) in the City of Austin, Texas: and the said America U. Smith must pay to said Nicholas T. Sneed, for the benefit of said minor heirs of Chas. P. Smith, the sum of Two 50/100 Coin dolls

We give to the said Nicholas T. Sneed, guardian &c. the following lands, to wit: Out of the said 1994 2/3 acre Survey, four hundred and ninety nine (499) acres bounded as follows: Beginning at the S. W. corner of Survey No. 2, made for Clementine C. Nicholson, in the North boundary of the 1329 3/4

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acre Survey, set apart for the heirs of W. D. Thomson by decree of the District Court of Travis county and to be found recorded among the minutes of said Court on the day of A. D. 1870: thence S. 60° W. 1106½ varas to the S. W. corner of said 1994 ⅔ acre Survey, and the N. W. corner of said Thomson Survey: thence along the West boundary line of said 1994 ⅔ acre Survey N. 30° W. 2544 varas to the N. W. cor. of said ¾ league: and the N. W. corner of said 1994 ¾ acre Survey: thence N. 60° E. 1106 vars. to N. W. corner of said sub-division No. One: thence S. 30° E. 2544 varas to the place of beginning, containing 499 acres.

II. Out of said fourteen hundred & eighty one acre tract herein before describes, One hundred and ninety one acres, more or less: and described as follows. Beginning on the E. line of T. A. Travis Original Survey at the S. E. corner of the L. P Rucker Survey & abor off said original Survey: a stake for corner: thence S. 71° W. 500 varas: along the S. line of said labor: to a stake for corner of said labor: thence N. 19° W. 2000 varas, along the W. line of said labor to the N. W. corner of said labor, it being the N. cor. of the Smith 1481 acre tract of which this is a sub division: thence S. 71° W. 400 varas, along the N. line of the original Survey to the N. corner of sub division No. 2 a stake for corner: thence S. 19° E. 2312 vars. along the E. line of sub division No. 2 to a stake for corner; thence N. 71° E. 900 varas to the place of beginning, containing one hundred ninety one acres, more or less

III. Out of the Labor Survey in the name of John M. Burton in Williamson County, in the State of Texas, more fully described in Patent No. 403, Vol. 5, recorded in the Records of the Genl. Land Office and beginning on the S. W. corner of a Survey in the name of J. C. Shaw the S. E. corner of this Survey; thence N. 19° E. 1027 varas to crosses Donahoe's creek at 1200 varas a stake, the N. E. corner of this Survey from which an Elm marked B brs. S. 45° W. 5 vars. a do. marked S brs. N. 59° E 43 vrs. Thence N. 71° W. 416½ vars. a stake in the N. boundary of said labor: thence S. 19° W. 1200 vars. to a stake in the S. boundary line of said labor: thence S. 71° E. 416½ vars. to the beginning, containing eighty eight & one half acres of land. and the said Clementine C. Nicholson must pay to said Breed, Guardian, the sum of Seventy five coin dollars, as heretofore provided, to balance their respective interests in this labor Survey.

IV. Out of a three hundred & twenty (320) acre survey, situated in the County of Hamilton in said State, more fully described in the Patent to the same, being Patent No. 37, Vol. 2, recorded among the Records of the Genl Land Office of said State, and beginning at the South West corner of Lot No. 1, made for Mr. Nicholson. Thence N. 19 East 1199 vs. along said Lot No. One (1) West boundary to a stake in the South boundary

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of a Survey made for John Foikes, the same being the North West corner of said Survey No. One (1) thence N. 71 West along said Foikes South boundary line 750 vars to the North West corner of Thompson & Co. Survey from which a mesquite bears West 3 vars. Thence South 19 W. 1199 vars. along the West boundary of said Thompson survey to the West corner of the same. Thence South 71 E. 753 to the place of beginning, containing one hundred and sixty acres, being the West half of the 320 acre Survey.

V. Out of the 320 acre Survey in the county of Erath in the State of Texas granted to O B. Smith assignee of James McLaughlin, and more fully described in Patent No. 540, recorded in Volume 4, Record of Patents in the Genl Land Office of said State. Beginning at a rock mound on the East line of a league Survey, name of McCannon, 750 vars N. 19 E. from South East corner of same, from which a Spanish Oak bears South 26 W. 12 vrs. Thence N. 19 E. with the South line of said McCannon survey 475 vars. to a stake for corner. Thence S. 71 E. 900 vars. to a stake in said 320 acre East boundary line. Thence S. 19 W. 475 vrs. to a mound from which a Live Oak bears S. 72 W. 22 2/10 vrs. Thence N. 71 W. 950 vrs. to the place of beginning containing eighty acres.

VI. Out of One Labor of Land in Hamilton county State of Texas, granted to Stephen Jackson as pr Records in Genl Land Office of the State of Texas, No. 151, Vol. 7. Beginning at the S. E. corner of a Survey made for Asa Hoxey, the N. E. corner of this the Jackson labor. Thence S. 19 W. with East boundary 1053 vars to a stake for the South East corner of said Jackson labor. from which a Live Oak marked C, bears S. 85 W. 94 vrs. Thence N. 71 W. 237 1/2 vars to a stake, thence N. 19 E. 1053 vrs corner in the North boundary line of said survey. thence S. 71° E. 237 1/2 to the place of beginning, containing 44 1/4 acres.

To Clementine C. Nicholson we give the following Lands, to wit:

I. Out of the said 1994 2/3 Survey, out of the said Survey in the name of Thos H. Mays, four hundred & ninety nine (499) acres, bounded as follows to wit: Beginning at the S. W. corner of Survey No. One, made for A. N. Smith out of said 1994 2/3 acre Survey: thence S. 60° W. 1106 1/2 vars. to a stake in the North boundary of the Survey of 1329 3/4 acres made for the heirs of W. D. Thomson, and heretofore more fully described, one-half the distance from said A. W. Smith's S. W. corner and said Thomson's N. W. corner. Thence N. 30° W. 2544 vars. corner in the W. boundary line of said 1994 2/3 Survey. Thence N. 60. E. 1106 1/2 vars. to the N. W. corner of said A. W. Smiths Survey No. 1. Thence S. 30° E. 2544 varas along the W. boundary line of said No. one Survey to the place of beginning: Four Hundred

and ninety nine acres, in trust nevertheless for the benefit of Mittie Nicholson

II. Out of the said fourteen hundred and eighty one acres tract in the name of Thomas A. Gravis, herein heretofore more fully described, Six hundred and Seventy eight acres, bounded as follows, to wit: Beginning at the S. W corner of the said 1481 acre Survey, it being on the North line of the Gardner & Hill Survey (also off the said Gravis Survey) a stake for a corner: thence N. 58½ W. 4461 vars along the S. W. line the said 1481 acre tract to a stake for a corner on the North line of said T. A Gravis original survey: thence N. 71° E. 1322 vars. along said line to a stake a corner, it being also the N. W. corner of sub division No. Two: thence S. 54° E. 4194 vars to a stake for corner on the S line of the said 1481 acre tract; thence S. 71° W. 900 vars. along said line to the place of beginning, containing six hundred and seventy seven acres Three Hundred and Seventy acres of which is to be held by said C. C. Nicholson, in trust for Mittie Nicholson.

III. Out of the labor in Williamson county in the name of John M. Burton, more fully described heretofore, the West one half of the same, being a tract of land 416½ varas wide by 1200 vars. long, the lines running parallel with the lines of the original Survey. And the said C. C. Nicholson is to pay said Sneed, Guardian &c the sum of Seventy Nine Coin Dollars, to advance the interests of said two last named parties in this Survey. as aforesaid: One half interest in said Survey to be held in trust for the benefit of Mittie Nicholson.

X IV. One-half of the 320 Survey in name of Thos. H. Mayo, situated in said County of Hamilton, heretofore more fully described, said half being the East one-half of the said three hundred and twenty acre Survey, one-half of which shall be held in trust for the benefit of Mittie Nicholson.

X X V. One-half, being the North one half of the James McLaughlin Survey in Erath county, heretofore more fully described, the lines of this subdivision of said Survey, running parallel with the Original lines of said Survey, one half of this Survey for the benefit of Mittie Nicholson.

VI. One half of the labor in the name of Stephen Jackson in Hamilton County heretofore herein more fully described, the same being the West one half of said One hundred and Seventy Seven acre Survey, the lines bounding this subdivision, running parallel with the boundary lines of said Original Survey, one half of the same to be held in trust for the benefit of Mittie Nicholson.

VII One half undivided interest in Lot No. 12 in Block No. 27, in the City of Austin, Texas, one fourth interest in the same to be held for the benefit of Mittie Nicholson.

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The above partition has been made from Surveys and plots of the respective tracts of land, made by the parties to this suit or their attys in fact, the date being sufficient to enable us to make a just partition of the property, and we respectfully recommend that the same be adopted as the basis of the decree of the Court in this cause. G. H. Burditt

R. A. Rutherford.

Sworn to and subscribed before me at office in Austin, this July 5th 1871. A. R. Morris, CCK

By Frank Brown, Dep. CCK

X And it appearing to the Court that the said Report is just, and conforms to the facts in the case, and gives to each of the respective heirs aforesaid of O. B. Smith, deceased, his just proportion of the said Estate, It is therefore ordered, adjudged and decreed by the Court that the said Report be and the same is in all things confirmed, and the title to the several tracts and parcels of land set apart by said Commissioners to the respective heirs of said O. B. Smith, deceased, is hereby divested out of all the other of said heirs and vested in severalty in the party to whom said lands are awarded by said Commissioners, and this decree shall be a muniment of title to the said heirs, to the lands so X distributed

It is further ordered, adjudged and decreed by the Court that said Nicholas J. Sneed, Guardian, do have and recover from the said America U. Smith the sum of two 00/100 Coin Dollars, for which execution may issue: and likewise the said Sneed shall have and recover of and from the said Clementine C. Nicholson the sum of Seventy five Coin dollars, for which execution may issue

It is further ordered that the plaintiffs pay one-half the cost of this proceeding, and that the Defendants pay one-half the cost of this proceeding, for which execution may issue

(Error) 2248 The State of Texas v. C. A. Burke. And now comes the District Attorney on behalf of the State, and came also the Defendant in person and by attorney and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the

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2098 The State of Texas v. Julien Gros. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the prisoner Julien Gros is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years.

2181 The State of Texas v. Sonny Meeks. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause. And the prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the prisoner Sonney Meeks is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury as aforesaid: And it is ordered that the Sheriff of this county do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years.

2181 The State of Texas v. Albert Shobe The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause. And the prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the prisoner Albert Shobe is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the jury as aforesaid: And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years.

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2183 The State of Texas v. Geo. Morris. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Geo. Morris is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of three years, as found in the verdict of the jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of three years

2185 The State of Texas v. Henry Harben. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Henry Harben is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of two years and six months as found in the verdict of the jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendant of said Penitentiary to be by him safely confined at hard labor for the space of two years and six months

2189 The State of Texas v. James M. Clark The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner James M. Clark is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years.

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2193 The State of Texas v. Lewis Taylor. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the jury who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Lewis Taylor is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of two years.

2232 The State of Texas v. Andrew Norwood. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Andrew Norwood is and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of seven years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of seven years.

The State of Texas v. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient Reason, It is ordered, adjudged and decreed by the Court that the said prisoner is, and he is hereby adjudged to be, guilty of Felony, as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of years

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The State of Texas v. The prisoner was again placed at the bar in the custody of the Sheriff; and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause: and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of years

The State of Texas v. The prisoner was again placed at the bar in the custody of the Sheriff: and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the Jury verdict of the Jury who tried his cause: and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of years

The State of Texas v. The prisoner was again placed at the bar in the custody of the Sheriff: and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the jury who tried his cause: and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner is and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of years as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent & Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of years.

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2899 J.D. McGarey v. W.C. Philips On this day came the parties by their attorneys and they waive a Jury and submit the case to the Court. And thereupon it appearing to the Court that the allegations in the petition are true, and that the said Antonio Rodriguez survey (one half of which was sold by Defendant to Plaintiff on Feb. 20, 1858, for $640.00) conflicts with and is included within the boundaries of the prior survey patented in name of Burk Trammell to the extent of one hundred and thirty one acres as shewn by the Report of the County Surveyor, and that said conflict is of great comparative value, and that the plaintiff was induced to make his purchase principally by the greater value of said part of the Rodriguez survey in conflict, and that the amount, principal and interest, of the purchase money is $1326.92 Cents, the conflict of 131 acres appearing by plat hereof as follows:

2127 The State of Texas v. Eugene Harris The Defendant being asked in open Court if he had anything to say why judgment should not be entered and sentence pronounced against him upon the verdict of the jury rendered in this case, says that he desires an appeal. Whereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

2190 The State of Texas v. Geo Gaines. The Defendant being asked in open Court if he had anything to say why judgment should not be entered and sentence pronounced against him upon the verdict of the jury rendered in this case, says that he desires to take an appeal. Whereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

2219 The State of Texas v. James Venable and Geo. Lewis. The Defendants being asked in open Court if they had anything to say why judgment should not be entered and sentence pronounced against them upon the verdict of the jury rendered in this case, say that they desire to appeal. Whereupon the said Defendants give notice, in open Court, of an appeal to the Supreme Court.

2253 The State of Texas v. Rante Moore. The Defendant being asked in open Court if he had anything to say why judgment should not be entered and sentence pronounced against him upon the verdict of the jury rendered in this case, says that he desires to take an appeal. Whereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

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Wherefore, It is considered, ordered, and decreed by the Court, that (by reason of said conflict so ascertained to exist of 131 acres of the most valuable part of said Rodriguez survey) the plaintiff do have and recover of the Defendant the sum of One thousand three hundred and twenty six $^{92}/_{100}$ do. dlars in coin, and that the said deed of date 3d Feb., 1858, executed by Defendant to Plaintiff be surrendered by Deff. to the Defendant, and that all right, title, interest and claim of the said McGary, under said deed in and to the said Antonio Rodriguez survey or any part thereof be re-vested in the Defendant, and that deft. Philips do have as against McGary all right, interest and claim in and to said Antonio Rodriguez survey: and that this decree operate in favor of Defendant as against the Plaintiff as a muniment of title. And it is further ordered that Plaintiff do have and recover all costs of suit herein expended, for which execution may issue.

Patrick Kennedy. Declaration of Intention to Become a Citizen

The State of Texas } Patrick Kennedy being duly sworn, according
County of Travis } to law, in the District Court of the County of Travis, in and for the State of Texas, doth declare that he was born in the year of our Lord one thousand eight hundred and twenty-nine in Ireland, whence he emigrates in 1870, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the said State of Texas, and renounce forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Queen of Great Britain of whom he was heretofore a subject.

Patrick Kennedy.

Sworn to and subscribed before me this July 6th 1871.

A.R. Mons Clk By Frank Brown, Dep. Clk.

3008. Phineas Buchan v. John H. Tipley. And now come the parties to the above entitled and numbered cause and waive a Jury and submit said cause to the Court, and by consent and agreement of said parties announced in open Court, It is ordered, adjudged and decreed by the Court that said Plaintiff do have and recover of and from the Defendant the following tract of land situated in Travis county on Williamsons creek being a part of the Isaac Decker League, beginning at the South West corner of said Decker league, a stone mound from which corner a Live Oak marked X old mark bears South 28° West 12 1/3 varas, and another live Oak with the same mark 10 inches in diameter bears North 60° East 10 1/2 varas and an Elm 10 inches in diameter marked X bears N. 7° W. 18 1/10 varas distant, and another Elm 5 inches in diameter with same mark

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bears S. 85½° W. 16 varas distant — the two Elm trees having been marked by James R. Pace, County Surveyor of Travis County in June, 1871 - from thence North 30° East with the West line of said Decker league at 103 varas Williamson's creek on the South margin of which stands a Live Oak about 12 inches in diameter being a fore and aft tree in this line at about 1217 varas a live Oak marked blaze stands one foot to the right of this line at 1300 varas the North East corner of the James Trammell one third league and of the John H. Zinsley four hundred and thirty two and 3/10 acre tract a cedar stake in a small Live Oak grove from which stake a Live Oak 11 inches in diameter marked X bears North 85° West 1 3/4 varas, another Live Oak 8 inches in diameter with same mark bears S. 18° West 2 2/10 varas and at 1502 6/10 varas the North West corner of P. Burchard tract, a mound on the West line of the Decker league, from which a Live Oak 12 inches in diameter mark X bears N. 13° E. 69 varas distant — this line being hereby declared to be the true line of division between said parties. Thence South 60° E. 751 3/10 varas a stake in the prairie from which a Live Oak 30 inches in diameter marked X bears S. 36° E. 110 varas. Thence S. 30° W. 1502 6/10 varas a stone mound on the South line of the Decker league from which a Post Oak 8 inches in dia. marked X bears N. 56° 30' West 10 varas: another 10 inches in dia. marked X bears S. 51° E. 9 varas. Thence N. 60° West crossing Williamson's creek 751 3/10 varas to the place of beginning

And it is further ordered by consent of said parties that said Defendant shall have the right to remove from said land any and all improvements hitherto made by him on said land at any time within six months from the date of this judgment: and that no Writ of Possession shall issue to place said Plaintiff in the possession of such portion of said tract of land as is now occupied by said defendant until the expiration of said period of six months from the date of this judgment. And it is further ordered by the Court that no right whatever is vested in said plaintiff to the use of any improvements hitherto erected by said Defendant on the tract of land aforesaid, nor shall he interfere with them in any manner, or hinder the defendant from removing them at his own pleasure, at any time during the six months given to him for that purpose. And it is further ordered by the Court that defendant pay all the costs in this cause, except such costs as have accrued at the instance of said plaintiff since the last term of this Court, and that said Plaintiff pay all the costs which have accrued at his instance since the last term of this Court, including Pace's fees for the Survey ordered by the Court, and that execution issue against said parties respectively for the

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costs herein adjudged against each of them: and that a Writ of Possession issue to place said Plaintiff in possession of said land should Defendant fail or refuse to give possession thereof at the expiration of six months from the date of this judgment.

2127 The State of Texas v. Eugene Harris. On this day appeared the parties by their attorneys: the Deft coming also in person and then came onto be heard defendants motion for a new trial heretofore filed: And the same being heard and duly considered. It is ordered that said motion be overruled. And thereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

2234 The State of Texas v. Geo. Butler. On this day came the parties by their attorneys: when came on to be heard Defendants motion for a new trial. And the same being duly considered It is ordered that the motion be overruled.

2261 City of Austin v. Wm Cunningham. Comes Geo T. Gregg and acknowledges himself justly to owe and be indebted unto The State of Texas in the sum of One hundred dollars to be levied upon his goods and chattels, lands, tenements and Estate. But to be void upon condition that the said Gregg make his personal appearance before the District Court of Travis county to be held at the Courthouse in Austin on the first Monday in October, 1871, then and there to testify on behalf of the plaintiff in the above entitled cause and that he do not depart the Court without leave.

And also comes Lizzie Daniels and Melissa Thompson and they severally acknowledge themselves respectively to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars, to be levied upon his Goods and Chattels, Lands tenements and Estate, But to be void upon condition that the said Lizzie Daniels and Melissa Thompson make their personal appearance before the District Court of Travis county to be held at the Courthouse in Austin on the first Monday in October, 1871, then and there to give evidence on behalf of the plaintiff in the above entitled and numbered Cause, and that they do not depart the Court without leave.

2049 The State of Texas v. Ed Baldwin Cause dismissed and deft discharged

2118 The State of Texas v. Ed. Baldwin. Cause dismissed and deft. discharged.

2150 The State of Texas v. Harrison & Watson. Ordered that the appeal bonds filed in this cause be quashed, and that Capias issue for the Defendants

2248 The State of Texas v. Charles A. Burke. And now on this day came the District attorney who prosecutes for the State in this behalf and came also the Defendant in person and by his attorneys and announced ready for trial. whereupon came a Jury of twelve good and lawful men of Travis County consisting of A. D. Rector and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the Jury returned in to

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Court the following verdict, to wit: "We, the Jury, find the deft. guilty and assess his punishment at two years in the State Penitentiary. A. D. Rector, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

1605. The State of Texas v. John Henry Brown. Cause dismissed

2242 The State of Texas v. Jonas Graham. Bail fixed at $600

2257 The State of Texas v Charles A. Burke. Comes L. T. Arnold and acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One hundred dollars, to be levied upon their goods and chattels, lands, tenements and Estate, But to be void upon condition that the said L. T. Arnold make his personal appearance before the District-Court of Travis county to be held at the Courthouse thereof in Austin, on the first Monday in October, 1871, then and there to give evidence on behalf of the plaintiff in the above entitled cause, and that he do not depart the Court without leave. And the cause dismissed as to the Defendant Hunter.

2248 The State of Texas v. C. A. Burke. And now come the parties and the Defendant submitted his motion for a new trial which being heard and considered, It is ordered that the same be overruled.

3067. Sampson & Hewricks vs. H. Mosson Deft. and 12 Garnishees. Whereas, On the 20th day of June of the present term of the Court, the said Sampson & Hewricks recovered judgment against the Defendant H. Mosson for the sum of $ 379273 gold. And whereas it appears that the garnishees H. Samuels, B. Swenson, Jerry Wildbahn, T. Breecher, J. L. Waggoner, S. P. Wingate, G. Schmidt, H. Chapman, R. B. Vaughn, James Underwood, Wm Penfield and Vermillion, have been duly served with writs of garnishment, and that on answer filed, that the garnishees J. L. Waggoner, T. M. Rector, Jerry Wildbahn and H. Chapman are indebted to the said H. Mosson, as follows. the said J. L. Waggoner in the sum of One hundred, twelve and 74/100 Dollars Coin: T. M. Rector in the sum of Seventeen dollars coin: Jerry Wildbahn in the sum of forty two 9/100 Dollars coin: and the said H. Chapman in the sum of Seventy & 67/100 Dolls coin. It is therefore ordered, adjudged and decreed by the Court that the Plaintiffs do have and recover of the garnishees J. L. Waggoner the sum of One hundred, twelve and 74/100 dollars coin: of T. M. Rector the sum of Seventeen dollars coin: of Jerry Wildbahn the sum of forty two and 9/100 Dollars Coin. and of H. Chapman the sum of Seventy & 67/100 Dollars coin, with lawful interest thereon until paid. And it is further ordered by the Court that when said sums are collected they be severally credited on the judgment against the Defendant Mosson. It is further ordered that the deft pay all the costs in this behalf expended, for which execution may issue.

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3073. S. Mussina v. W. G. Hale. At this term come the parties by their attorneys and the Defendant submitted the demurrer heretofore filed. And the same being heard and argued, and being well understood, It is ordered that the said demurrer be overruled.

3096 Francis H. Gregg, J. T. Gregg, William E. Gregg, Richard D. Gregg, Mrs. E. J. Bates, Frank Bates, A. B. Hill, surviving wife husband of M. B. Hill v. R. H. Leigh, Excutor of Estate of E. D. Townes, Martha C. Townes, Julia A. Townes, Mary B. Townes, John C. Townes, Mattie Townes, Virginia Townes Bibb and Robert Bibb.

And now on this day this cause coming on to be tried: and the said Defendants all appearing by counsel except the Defendant Richard H Leigh, who has been duly serves with citation, and who being called, came not in person, or by counsel, but made default. And the parties having announced themselves ready for trial, thereupon came a Jury of twelve good and lawful men of Davis county to wit: Ben. F. King and eleven others, who being empannelled and sworn well and truly to try the issues joined between the parties: And who having heard the pleadings and evidence and charge of the Court, and having considered of their verdict returned into Court the following verdict. "We, the Jury, find verdict for Plaintiffs Ben. F. King, foreman." It is thereupon ordered adjudged and decreed by the Court that all the title which vested in E. D. Townes by virtue of his purchase, and conveyance to him, by Augustus, James and Wm T. Gamble by deed dated the 24th day of May, 1854, and recorded in Book "G" page 618 of the County Records of Davis County, on the 31st day of May, 1854, in and to sixteen hundred and sixty six 2/3 acres of land out of the Amos Alexander league of land situated in Davis county, on the waters of Wilbarger's creek and being the upper half of three fourths of said league: and adjoining the lower half of said 3/4 league sold by M. H. Secrest to William Chandler. be and the same is hereby divested out of the Estate of the said E. D. Townes, dec'd and of his heirs, the Defendants herein, and that the title to said land be and the same is hereby vested in the said plaintiffs and the said R. H. Leigh as hereinafter designated and defined.

And it further appearing from the pleadings, evidence and verdict of the Jury, that all the right and title of the said R. H. Leigh in and to said tract of land (except two hundred acres thereof laid off and defined and set apart to him as his homestead, by the Agency in Bankruptcy of the said Leigh, and bounded on the West by the West boundary line of said Amos Alexander league, and on the North by the line of the railroad, and as nearly in a square form as practicable including said Leighs improvements) has been transfered and conveyed to the plaintiff Frances Gregg. It is therefore ordered, adjudged and

June Term, Thisday, July 9th 1871

decreed by the Court that all of the right and title of the said Defendant R. H. Leigh, in and to said trad of land, except the two hundred acres homestead above mentioned, be and the same is hereby vested in the said plaintiff Frances Gregg

It is further ordered, adjuged and decreed by the Court that the right and title in and to the remainder of said trad of land, be and the same is hereby vested in the heirs of William Gregg, decd in accordance with the laws of descent and distribution

It is furtha ordered and adjudged that the Plaintiffs pay all costs of this proceeding.

√ 3079. W M. Walton vs Philiann Glafscock et al. And now come the parties to
X this suit and it appearing to the Court that the Commissioners appointed at a former day of the term, viz: Thomas Anderson, John Harrell and Anderson Harrell, to partition the Lemuel Blakey three hundred and sixty nine acre trad of land situate in Travis County into two parts, one part to be allotted to the said W. M. Walton, and one part to the said Defendants, have performed the duty devolved on them and returned into Court their report as follows.

" W. M. Walton vs P. Glafscock et al. By the authority of the Court we the undersigned proceeded to partition the Lemuel Blakey 369 acre trad of land situate in Travis Co. between the Plaintiff and defendants, making two parts thereof - and allot the West or westernmost half to the said Walton and the East or Eastemmost half to the said Glasscock, et al. We find said trad of the following shape;



it being 1878 varas long and 1115 varas wide. The land is of most value because of the cedar thereon: very nearly the half of the tract has cedar on it. The only mode to divide the land into two equal parts according to quantity and quality, is to run a line midway the tract lengthwise, thus leaving two tracts 1878 varas long and 557½ varas wide, which we have accordingly done & so report our action in the premises to the Court.

Respectfully submitted Thos Anderson.
John Harrell
A. J Harrell.
Commissioners

July 5, 1871.

It is therefore ordered, adjudged and decreed by the Court that the following part of said trad of land be and the same is hereby set apart and partitioned off to the said Defendants, and the title of the said W. M. Walton divested therefrom in whole and in part and vested in the said Defendants Philiann Glasscock, Ina Glasscock, Frank Glafscock, Mary Patton and W. O. Patton, viz: In Travis County, State of Texas on the head of Cypress creek, beginning at a stone mound.

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which bears S. 17° 49 W. from the S. W. corner of a Survey made for the heirs of Richard Daly, from which a Live Oak marked X bears N. 70° W. 7 varas, another 10 inches in dia. bears S. 84° E 8 varas: thence S. 30 E. 1878 varas to a stone mound, 70 varas east from a Spring, a Live Oak bears N. 70 W. 30 varas marked X - another bears N. 46° E. 38 varas; thence S. 60 W. 55 1/2 varas for corner of this tract: thence N. 30 W. 1878 varas, for third corner of this tract: thence N. 60 E. 55 1/2 varas to the place of beginning

And it is further ordered, adjudged and decreed by the Court, that the following parcel of said land be and the same is here partitioned off to the said W. M. Walton, and the title of the said Defendants Philiam Glascock, Texas, and Frank Glascock and Mary and W. D. Patton, be and the same is hereby divested from them and each of them in whole and in part, and vested in the said W. M. Walton, viz: Beginning at a point 55 7/2 varas S. 60 W. from the second corner, of the above tract set apart to said Defendants: thence S. 60 W. in continuation of the line of the Original Survey 55 7/2 varas, a stone mound from which a Live Oak bears N. 70. E. 30 varas: another bears N. 8° W 74 varas: thence N. 30 W. 1770 varas a post of Cypress 1878 varas a stone mound from which a Live Oak bears S. 73° E. 32 varas: thence N. 60 E. 55 7/2 varas, for third corner of this tract: thence S. 30 E. 1878 to the place of beginning.

It is further ordered by the Court that the costs in this behalf be equally divided between the plaintiff and Defendants, and that each recover of the other one half the costs for which execution may issue.

It is further ordered that the case be retained on the docket for a further partition of the land herein first described between the Defendants

Clerk's Report of Jury Service

To the District Court of Travis County

The undersigned Clerk of said Court, respectfully submits the following Statement of Jury Service at the June term 1871 of the District Court of said County

Grand Jury.

1.	Giles S B.	served	10 days @ $ 2	$ 20.00
2	Malone, G W.	"	10 " " "	20.00
3	Brown, L.	"	10 " " "	20.00
4	King, W. A.	"	2 " " "	4.00
5	Jones, Robert	"	10 " " "	20.00
6	Alexander, Simon	"	10 " " "	20.00
7	Piper, Patrick	"	10 " " "	20.00
8	Burton, John W.	"	10 " " "	20.00
9	Fox, C. H.	"	10 " " "	20.00
10	Blackwell Dan	"	10 " " "	20.00

June Term, Friday, July 7th 1871

11	Maynard, W G.	served	10 days @ $2	$20.00
12	Hutchins, Albert	"	10 " "	2000
13	Barr, R. R.	"	10 " "	2000
14	Dieterich, August	"	10 " "	2000
15	McArthur, John	"	10 " "	2000

Petit Jury

1	Alexander, N J.	served	5 " "	10.00
2	Anderson Jim	"	5 " "	10.00
3	Boyd, Price	"	5 " "	10.00
4	Burditt, Tom	"	5 " "	10.00
4 1/2	Bennett, John	Term Sent	3 " "	6.00
5	Bennett, B. B	"	4 " "	8.00
6	Bell, Rufus	"	4 " "	8.00
7	Bennett, J	"	5 " "	10.00
8	Burleson Giles	"	5 " "	10.00
9	Bell, Peter	"	1 " "	2.00
10	Bouldin, Henry	"	1 " "	2.00
11	Banks, Jim	"	1 " "	2.00
12	Bowers, John	"	5 " "	10.00
13	Beadles, W.	"	3 " "	6.00
14	Black Aaron	"	3 " "	6.00
15 1/2	Cross Hagwood	"	1 " "	2.00
16	Chambers, John H.	"	3 " "	6.00
17	Clark, Hosea	"	5 " "	10.00
18	Casner, Henry	"	5 " "	10.00
19	Carrington, Nathan	"	5 " "	10.00
20	Capes, James	"	3 " "	6.00
21	Crockett C R	"	5 " "	10.00
22	David Pleasant	"	5 " "	10.00
23	Dixon W.	"	5 " "	10.00
24	Dawson, N.	"	1 " "	2.00
25	Donaldson, John	"	5 " "	10.00
26	Eaves, B. B.	"	4 " "	8.00
27	Eaves, T. J.	"	5 " "	10.00
28	Erwin, Andy	"	5 " "	10.00
29	Fonville, Wesley	"	5 " "	10.00
30	Fowler, Berry	"	5 " "	10.00
31	Fletcher, W.	"	3 " "	6.00
32	Grooms W	"	5 " "	10.00
33	Giles P B	"	5 " "	10.00
34	Grimsley Nat	"	10 " "	20.00
35	Gardner, P S.	"	5 " "	10.00
36	Green Eli	"	10 " "	20.00
37	Goodrich Clabe	"	1 " "	2.00
38	Hansbrough Scott	"	5 " "	10.00
39	Hopkins Steve	"	5 " "	10.00
40	Harris Bob	"	5 " "	10.00

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41	Herbert, Geo	5 days	10.00
42	Hill, a. b	3 "	6.00
43	Hickson John	3 "	6.00
44	Houbenque, Jacob	3 "	6.00
45	Holder, E. W.	5 "	10.00
46	Hamilton Stewart	4 "	8.00
47	Hartson L	1 "	2.00
48	Hartson J. M	4 "	8.00
49	Herbert, Sam	4 "	8.00
50	Hoffhines H.	4 "	8.00
51	Haywood, John	4 "	8.00
52	Harvin, Geo	9 "	18.00
53	Houghton	5 "	10.00
54	Hill, Tom	10 "	20.00
55	Henry. N. G.	1 "	2.00
56	Hollingsworth Henry	6 "	12.00
57	Hawes, M. C.	4 "	12.00
58	Johns, Sam	4 "	8.00
59	Johnson. N.	5 "	10.00
60	Jones, W. C.	5 "	10.00
61	Jones, John	5 "	10.00
62	Johnson, Charles	5 "	10.00
63	Jurgenson H.	5 "	10.00
64	Johnson, Green	5 "	10.00
65	King B J	8 "	16.00
66	Luckett Abek	1 "	2.00
67	Miller, L K	5 "	10.00
68	Marble, Peter	5 "	10.00
69	Milam B.	3 "	6.00
70	Musgrove A.	1 "	2.00
71	Mansfield J.M.	4 "	8.00
72	Meeks, Lewis	4 "	8.00
73	Moore A C	4 "	8.00
74	Mason Sam	5 "	10.00
75	McLaren R C	5 "	10.00
76	McLaughlin W W	8 "	16.00
77	Mercer, Joseph	5 "	10.00
78	McCaiston, J J	5 "	10.00
79	Miller Bill	5 "	10.00
80	McLennan	5 "	10.00
81	Moore, John	6 "	12.00
82	Maxwell, James	5 "	10.00
83	Norwood Elisha	4 "	8.00
84	Nailer	1 "	2.00
85	Norton Mash	5 "	10.00
86	Nitschke	5 "	10.00
87	Orr a w	1 "	2.00

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88	O'Reilley, James	5 days		$10.00
89	Organ, Bob	5 "		10.00
90	Pflugen, C.	3 "		6.00
91	Pflugen, Geo W.	4 "		8.00
92	Patterson W T	4 "		8.00
93	Perry, J B	4 "		8.00
94	Pitt, T. J.	4 "		8.00
95	Palm S. W.	5 "		10.00
96	Price, John	3 "		6.00
97	Paschal, Wm	3 "		6.00
98	Pickel John	3 "		6.00
99	Pennington Alonzo	5 "		10.00
100	Peace David	5 "		10.00
101	Rufus	5 "		10.00
102	Robinson Bill	3 "		6.00
103	Robinson Jim	4 "		8.00
104	Rector A W	5 "		10.00
105	Rector A P	3 "	(additional)	6.00
106	Romutree Jim	5 "		10.00
107	Robards, Cyrus	5 "		10.00
108	Rust, Ed	6 "		12.00
109	Rainer, H. L.	3 "		6.00
110	Rogers Lewis	3 "		6.00
111	Ramey Jacob	5 "		10.00
112	Schumann B.	3 "		6.00
113	Smith Addison	4 "		8.00
114	Steiner Henry	5 "		10.00
115	Smith Peter	5 "		10.00
116	Smith R B.	1 "		2.00
117	Townsend R R	4 "		8.00
118	Tatum J W	4 "		8.00
119	Tannehill Lee	5 "		10.00
120	Thompson M V	1 "		2.00
121	Tinnin, Abe	1 "		2.00
122	Turnipseed, Joseph	1 "		2.00
123	Tinnin, Tom	1 "		2.00
124	Tharp Alden	5 "		10.00
125	Vance, Charles	3 "		6.00
126	Williams Ed	4 "		8.00
127	Wormley Peter	6 "		12.00
128	Woods Grant	1 "		2.00
129	Walker, Page	5 "		10.00
13				

Respectfully submitted July 7. 1871
A R Morris Clk By Frank Brown Dep Clk

Approved July 7. 1871. J.P. Richardson
Judge 27th Judicial District.

June Term, Friday, July 7th 1871

Clerk $116 fee

And thereupon It is ordered that A. R. Morris, Clerk of this Court, be allowed the sum of One hundred and Sixteen dollars for extra services at this term of the Court, and that the same shall be paid by the County Treasurer upon a certified copy of this order

Sheriff $80 fees

And thereupon It is ordered that Geo. B. Zimpelman, Sheriff of Travis County, be allowed the sum of Eighty Dollars for extra services at this term of the Court, and that the same shall be paid by the County Treasurer upon a certified copy of this order

Bailiffs

And it is ordered that ~~H. Metz~~ the following named persons be allowed the sums set opposite their names for services as Bailiffs at the present term of the Court, as follows to wit.

fees issued — H. Metz, Bailiff to Grand Jury 12 days = $24.00
fees issued — Jack Pannell, Bailiff to Grand Jury 12 " = $24.00
fees issued — Parker, Bailiff to Grand Jury 12 " = $24.00
fees issued — Ed. Millican, Bailiff to District Court 28 " = $56.00
fees issued — Res. Hopkins, Bailiff to District Court 14 " = $28.00
R. B. Rush, Bailiff to District Court 6 = $12.00

and that said amounts be paid to said parties by the County Treasurer upon the Certificate of the District Clerk

3069. James Denison v. Hancock and West. Ordered, upon motion, that the Plaintiff herein have leave to amend

2899

J. D. McGarey } Plaintiff
v. } Decree
W. C. Philips } Defendant

On this day came the parties by their attorneys, and they waive a Jury and submit the case to the Court. And thereupon it appearing to the Court that the allegations in the petition are true, and that the said Antonio Rodriquez Survey (one half of which was sold by deft. to Plaintiff on Feb. 20 1858 for $640.00) conflicts with and is included within the boundaries of the prior Survey patented in name of Buck Pannell to the extent of One hundred and thirty one acres as shown by the Report of the County Surveyor, and that said Conflict is of great comparative value, and that the Plaintiff was induced to make his purchase principaly by the greater value of said part of the Rodriquez Survey in Conflict, and that the amount, principal and interest of the purchase money is $132.92 Cents, the conflict of 131 acres appearing by plat here of as follows

June Term, Friday, July 7th 1871.
Plot.

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Wherefore, It is considered, ordered, and decreed by the Court that (by reason of said conflict so ascertained to exist of 131 acres, of the most valuable part of said Rodriguez Survey) the Plaintiff do have and recover of the Defendant the sum of One thousand three hundred and twenty six & 92/100 Dollars in coin; and that the said deed of date 3d Feb., 1858, executed by Defendant to plaintiff be surrendered by pff. to the Defendant and that all right, title, interest and claim of the said McGary, under said deed in and to the said Antonio Rodriguez Survey, or any part thereof be revested in the Defendant, and that Defendant Philips do have as against McGary all right, interest and claim in and to said Antonio Rodriguez Survey: and that this decree operate in favor of Defendant as against the Plaintiff as a muniment of title. And it is further ordered that Plaintiff do have and recover all costs of suit herein expended for which execution may issue.

2248. The State of Texas v. C. A. Burke. The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause: and said prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the prisoner C. A. Burke is, and he is hereby adjudged to be, guilty of felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years as found in the verdict of the Jury aforesaid. And it is further ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of two years.

Thos. Godey & Clabe Goodrich

And thereupon It is ordered that Thomas Godey and Claiborne Goodrich be each fined in the sum of Nine Dollars, for failing to be in attendance at their places in the jury box, and that commitments issue to collect the same.

Examined and approved this 7th July 1871

J. P. Richardson
Judge 27th Judicial Dist.

List of Jurors drawn to serve at the October Term, 1871, of the District Court of Travis county, in the presence of W. Zeno Lee Esq. J. P. Beat No. 5.
By Frank Rowe, Deputy Clerk of the District Court of Travis county. Aug 31st 1871.

Monday, Oct. 2/71.

1. Jack Carrington	9. Wm O. Williams	17. Wm H. Hill
2. Alonzo Harrison	10. Henry Clark	18. Thomas Hill
3. John McKinzie	11. Geo. L. Robertson	19. Henry Fucks
4. Wm Zohn	12. Addison Chapman	20. John Wilson
5. Claiborne Lawrence	13. Alfred Hammett	21. Geo. Susmann
6. James Monroe	14. J. Seigmund	22. Frank Rowe
7. Duke Mitchell	15. John Rosengreen	23. Robert Holman
8. Geo. Dittmar	16. William Miller	24. John Hannig.

Monday Oct. 9.

1. Jo. B. Rogers	9. Booker Griffith	17. Aleck Patterson col.
2 J. R. Rogers	10 Cyrus Puckett	18. James T. Plumley
3. J. W Hannig	11. James Ray	19. C. Hamberger
4. Charles Hardeman	12. Charles Ragsdale col	20. R. G. Paris
5. Jackson Hammett.	13. Louis Green col	21. R. B. Renick
6. Al. Mensgrove	14. Aleck Piper	22. John Robb
7. Charles Klein	15. John H. Nesbitt	23. John E. Mowinckle
8. James P. McArthur.	16. Wm E. Fisher col	24 Peter Gregg col.

Monday Oct 16.

1. Wm T. Johnson	9. John Young	17. David Riley.
2. Orange Hancock	10. David Fitzhugh	18. James Hickey.
3. James Rowe	11. Friday Fridrington col	19. Joseph Holman
4. Marion P. Hall.	12. Rufus Holcomb	20. Robert Harris col
5. Frank Prepler	13. Chas McLaughlin	21. Hill Peoples col.
6. Charles Peck	14. Leslie Price	22 Francis Hancock
7. Riley Spence	15. A. R. Renick	23. Richard Elgin col.
8. A. B. Palm	16. A. O. Horne Jr.	24. W. W. Evans

Monday, Oct. 23.

1. Isaac Smith col	9. Wm H. Carr	17. C. T. Frazer
2. Frank Hamilton	10. Thos Goodey, col.	18. Caesar Hunter
3. C Rabb	11. Henry Madison col.	19. John W Cloud.
4. T B. Reed	12. Henry Darby col.	20. Jo. Luxinger
5. John G. Jolly	13. Sam Mootter	21. G. Colvin
6. T J Redd.	14. Jo Davis	22. Wilson Carey col.
7. Geo H. Bennett	15. H. H. Stanley	23. Ben. Chote.
8. W M Henry	16. James Harrington	24. Geo. W. Rose

Monday, Oct. 30.

1. R. S. Riggle.	9. Joshua Johnson	17. Jordan Diamond col
2 Wm R. Robinson	10. A. C. Duty.	18. Wm Pflueger
3. J Peterson	11. John T Jackson	19. Thos Dieterich.
4. Geo Washington	12. Ed. Christian	20. John W. Kyle
5. J. R. Billingsly	13. John Dillingham	21. Dow Phillips col.
6. T L. Norwood	14. D. A Fields	22. Henry Neely col.
7. Joshua Patterson	15. Henry Chapman	23. Hamilton Metz at Hamiltons
8. Wm Stiles	16. Hamilton Cox	24. Sam Hamilton col.

A. D. McCorvis Clk By Frank Rowe Deputy Clk

October Term, Monday, October 2d 1871.

The State of Texas } Be it Remembered, That on this 2d
County of Travis } day of October, 1871, the same being
the first Monday in October, 1871, the time fixed by law for
the meeting of the October term of the District Court of Travis
County, the said District Court of Travis County convened at
the Courthouse thereof in the City of Austin, at the hour of
10 o'clock, A. M. pursuant to law. Present the Hon.
J. P. Richardson Judge of the 20th Judicial District of the
State of Texas presiding. A. R. Morris clerk of the District
Court of Travis County, By Frank Brown, Deputy, and Geo.
D. Zimpelman, Sheriff of Travis County. Whereupon the fol-
lowing proceedings were had by said Court, to wit:

Grand Jury. The Venire for the Grand Jury of Travis County, at the October
Term of the District Court of said County, 1871, having been ex-
ecuted according to law and returned into Court, the following
named persons appearing upon said list and summoned from
among the bystanders (a sufficient number not appearing upon
the Original panel) were called, and being examined in open
Court, under oath, touching their qualifications, and found duly
qualified to serve as Grand Jurors, they were thereupon tried, sworn and
empannelled in open Court as the Grand Jury of Travis County
for and during the October term thereof 1871, as follows to wit:
A. C. Hill; J. C. Harper; Mc Darland; E. Buck; Geo. F. Lane;
D. Eppright; Wm Sneed; D. A. Todd; Phm Plummer; W. C. Bennett;
C. Zimmerman; Geo. Dittmar; Bill Miller; Tom Hill; J. S.
Williams;

And thereupon the Court appointed Mr. A. C. Hill
foreman of the said Grand Jury, and having charged them in
open Court as to the duties devolved upon them, they were ordered
to retire upon a discharge of the same.

W. A. H. Miller Comes W. A. H. Miller, and presents his application praying
to be admitted to practice as an Attorney and Counsellor at Law
in the several District and Superior Courts of this State, ac-
companied by a certificate, in form of law, that he has been a
resident citizen of the State of Texas for more than six months;
that he is more than twenty one years old, and bears a good
reputation for moral character and honorable deportment. It is
therefore ordered that said applicant be examined in open Court
touching his qualifications, and that the examination be heard
next Saturday morning. It is ordered that the following Committee
be appointed to conduct the examination, to wit: James H. Burts,
R. A. Smith & John A. Green.

Declaration of Intention to become Citizens of the United States

Declaration Sundry Mexicans. And now on this day appeared in open Court Felipe Zuares,
of Mondova, aged 29 years: Santos Hernandez, of Laredo,
aged 28 years: Erino Zuares, of Mondova, aged 20 years:

October Term, Monday, October 2nd 1871

Justiniano Campo, of San Buena, aged 27 years; Dilipe Cortez, of Monclova, aged 60 years; Jesus Cortez, of Rio Grande, aged 38 years: Rafael Salinas, of Rio Grande, aged 24 years, Ant. Alcantar, of Monclova, aged 28 years: Juan Soola, of Lampazas, aged 23 years: Dionicio Rivas, of Lampazas, aged 39 years: Genaro Hernandez, of Monterey, aged 20 years. Toribio dela Cruz, of Monclova, aged 35 years: Dario Nanez, of San Buena, aged 22 years, Carlos Garza, of San Antonio, aged 22 years: Juan Gonzales of Matamoras, aged 23 years: Eugenio Davila, of Saltillo, aged 25 years: Manuel Cortina, of Monclova, aged 25 years: Tiesto Moreno, of Monclova, aged 27 years: and they, and each of them, being duly sworn according to law in open Court, declared that they have emigrated to the United States of America, and have selected the State of Texas as the place of their intended settlement: and that it is bona fide their intention to become Citizens of the United States of America and of the said State of Texas, and that they renounce forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Republic of Mexico, of which they are subjects.

B.J. Swanson Declaration

Declaration of Intention to become a citizen
State of Texas } B.J. Swanson being duly sworn according
County of Travis } to law in the District Court of the County of Travis
doth declare that he was born in the Year of our Lord 1837.
in Gershipensland. in the kingdom of Sweeden whence he
emigrated in the year 1868. to the United States of America
and has settled in the State of Texas as the place of
his intended settlement and he further declares
that it is bona fide his intention to become a citizen
of the United States and of the said State of Texas
and renounces forever all allegiance and fidelity
to every foreign Prince Potentate State or sovereignty
whatever and particular to the King of Sweeden
Sworn to & subscribed before me B.J. Swanson
This October 2nd 1871 in open court
A.R. Morris clerk. By. Frank Brown Deputy

Carl Nauert Declaration

Declaration of Intention to become a citizen
State of Texas } Carl Nauert being duly sworn according
County of Travis } to law in the District Court of the County of
Travis in and for the State of Texas doth declare that
he was born in the year of our lord one thousand
Eight hundred and Thirty Six in Germany whence
he emigrated in the year 1860 to the United States
of America and has selected the State of Texas
as the place of his intended settlement and
he further declares that it is bona fide his
intention to become a citizen of the United States

of America and of the said State of Texas.
and renounce forever all alligaince and
fidility to every frign Prince Potentate State
or sovereignty whatsoever and particularly to the
King of Prusia of whom he is a subject
Sworn to & subscribed to in open Carl Nanert
Court this the 2nd day of October
A D 1871 A R. Morris Clerk By. Frank. Brown Deputy

Declaration of Intention to become a citizen.

Christian Nahering. Declaration

State of Texas } Christian Nahring being duly sworn
County of Travis } according to law. in the District Court
of the County of Travis in and for the State of
of Texas. doth declare that he was born in the
year of our lord One thousand Eight hundred
and Thirty in Germany whence he emigrated
in the year 1861 to the United States of America
and has selected the State of Texas his intended
place of settlement and he further declares
that it is bona fide his intention to become a
citizen of the United States of America of the
said State of Texas. and renounce forever
all allegiance and fidility to every foreign
Prince Potentate State or sovereignty whatsoever
and particularly to the King of Prusia
Sworn to & Subscribed to in open Christian Nahring.
Court this the 2nd day of Oct
A. D. 1871 A. R. Morris Clerk By Frank Brown Deputy

Declaration of Intention to become a citizen

Lebrecht Saiewitz Declaration

State of Texas } Lebrecht Saiewitz being duly sworn
County of Travis } according law. in the District Court
of the County of Travis in and for the State of
Texas. doth declare that he was born in the
year of our Lord 1823 in Germany whence he
emigrated in the year 1869. to the United States
of America and has selected the State of
Texas as the place of his intended settlement
and he further declares that it is bona fide
his intention to become a citizen of the United
States of America and of the said State of
Texas. and renounce forever all allegaince and
fidelity to every foreign Prince Potentate State or
Sovereignty and particulary to the Emperor
of Germany. of whom he is a subject
Sworn to & subscribed in open Lebrecht Saiewitz
Court this the 2nd day of
Oct A D 1871 A R. Morris Clerk
By Frank. Brown Deputy Clerk.

October Term, Monday, October 2nd. 1871.

Fredrick Krieger declaration

Declaration of Intention to become a citizen
State of Texas } Fredrick Krieger being duly sworn according
County of Travis } to law in the District Court of the County of
Travis in and for the State of Texas doth declare that
he was born in the year of our lord 1832 in Germany.
whence he emigrated in the year 1860 to the United
States of America and has selected the State of
Texas as the place of his intended settlement and
he further declares that it is bona fide his intention
to become a citizen of the United States and of
the said State of Texas and renounce forever
all allegiance and fidelity to every Foreign Prince
Potentate State or Sovereignty whatever and particularly
to the Emperor of Germany.
Sworn to & subscribed in open Court this the 2nd of October
A D 1871 A. R. Morris Clerk By. Frank. Brown. Deputy

Fredrich Krieger

Sundry Persons

Declaration of Intention to become Citizens of the United States.
And now on this day appeared in open Court, Ramon Estrada,
of Piedras Negras, aged 36 years; Manuel Saulcedo, of Saltillo,
aged 27 years; Ramon Dorado, of Spain, aged 33 years; Luiz
Martinez, of Monclova, aged 24 years: Tomas de la Fuente,
of San Luis aged 25 years: Vivians Medina, of Monclova, aged
26 years: Feliciano Valdez, of Monclova, aged 27 years: Francisco
Ramon, of Matamoras, aged 24 years; Encarnacion Ballesteros,
of Chihuahua, aged 35 years: and Guadalupe Onofre, of Monterey
aged 37 years: and being duly sworn according to law, they and each
of them, in open Court, declared that they have selected the State of Texas
as the place of their intended Settlement and that it is bona fide their
intention to become Citizens of the United States and of the said State
of Texas, and that they renounce forever all allegiance and fidelity to
every foreign Prince, Potentate, State or Sovereignty whatsoever, and par-
ticularly to the Republic of Mexico, of whom they are subjects, the
said Ramon Dorado specially renouncing his allegiance to Spain, of
which Government he was late a subject.

Ordered, that the Criminal Docket be set for hearing and trial
on the 3d Monday of the term.

3069 James Denison vs Hancock & Wist Ordered, upon motion,
that R. A. Henson be allowed to intervene in this cause.

And Court adjourned till Saturday next 9 o'clock A.M.

Court met at 9 o'clock A.M. pursuant. Present Hon J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:
And thereupon Court adjourned till Monday morning 9 o'clock when Court met: Present same as on Saturday, when following proceedings were had:

October Term, Saturday, October 9th 1871.

Albert S Roberts & Wife and others
vs. For partition of Estates of Mary W & John
1035 W L Chalmers & others G Chalmers

In this case now comes the commissioner John A Green and makes his report of sales made by him as such under the decree of this Court at the last term of this Court - which said report is as follows —

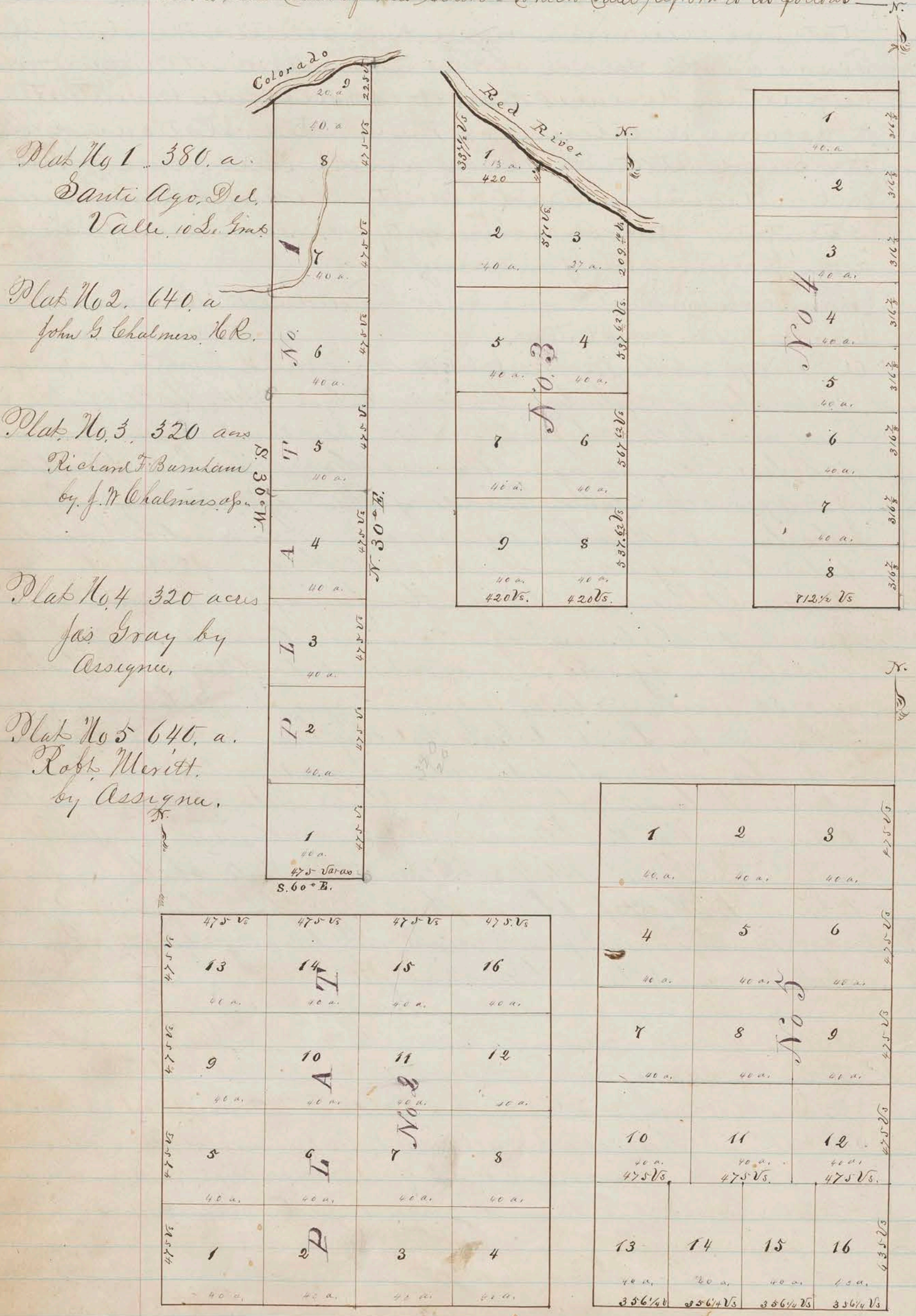
Plat No 1 380 a.
Santi Ago Del
Valle 10 L. Grat

Plat No 2. 640 a
John G Chalmers H.R.

Plat No 3. 320 acs
Richard F Burnham
by J. W Chalmers Agt.

Plat No 4 320 acres
Jas Gray by
Assigne.

Plat No 5 640 a.
Robt Merritt
by Assigne.



October Term Monday October 9th 1871

A S Roberts & Wife et al
vs
W L Chalmers et al
} For Partition of Estates of J G & M W Chalmers

/ 3035

To the Honorable District Court of Travis County.

The undersigned commissioner appointed by the decree of this Court in this cause, at the last term respectfully reports—

That in accordance with the decree of your honorable Court, authorizing and requiring your said Commissioner to sell the lands belonging to the Estates of John G and Mary W— Chalmers, he caused to be advertised the said sale, in the "State Journal" the official Journal for the 27th Judicial District, as required by law, and also caused hand bills to be printed and circulated, giving notice of said sale, & he also as required by law, caused to be subdivided the several tracts offered for sale, in tracts of forty acres and less, as shown and set forth in the accompanying plots, and that at the day of sale he sold the said tracts by the seperate subdivisions as set forth aforesaid, and that on the day of said sale to wit on the 5th September 1871 a portion of the land mentioned in the said decree of the last term, he sold the lands aforesaid as subdivided, to the following named persons, for the prices mentioned, they being the highest & best bidders, upon the terms mentioned in the decree, to wit, one half of the purchase money to be paid in cash in the gold coin of the United States, and for the remainder the note of the purchaser, with security, bearing interest at 10% per annum from date of sale, and a mortgage on the property sold to secure the same, with power of sale to the commissioner in default of payment. And further reporting your commissioner states he first offered for sale the tract mentioned in the decree, as about three hundred and sixty-five acres, about two miles below Austin, on the West side of the Colorado River part of Thirteen league grant to Santiago del Valle — and which was the property of the Estate of Mary W Chalmers — when for the following tracts the following named persons bid the following prices

No 1 of forty acres	was sold to	B A Rishu for	120.00
No 2 " forty "	" "	W McWallers	210.00
No 3 " forty "	" "	Mrs Sarah A Jones	260.00
No 4 " forty "	" "	L N Mills	240.00
No 5 " forty "	" "	A S Roberts	600.00
No 6 " forty "	" "	A S Roberts	1240.00
No 7 " forty "	" "	Henry Eddie	1640.00
No 8 " forty "	" "	R N Lane	280.00
No 9 " forty "	" "	R N Lane	84.00
No 10 " twenty "	" "	R N Lane	2.00

(A)

2 the Second tract offered was the headright of John G Chalmers for six hundred and forty acres situated in Blanco County

October Term Monday, October 9th 1871

which being offered in sixteen seperate tracts of forty acres each, the whole were bid off and sold seperately to Irene Eggleston for the aggregate sum of $169.00

3rd The third tract offered was the three hundred and twenty acre tract mentioned in the decree as being situated in Cook County on Red River and granted to Joseph W Chalmers assignee of Richard F Brenham, and which being offered in nine tracts of less than forty acres each, each of said tracts were seperately bid off and sold to J M Lindsay for the aggregate sum of $400.00

4th The Fourth track offered was the three hundred and twenty acres mentioned in the decree as having been patented to the heirs of John G Chalmers, as assignees of James Gray in Coleman County, and was divided into Eight tracts of forty acres Each, and as so divided sold, and each was bid off by, and sold to William M Walton for the use and benefit of his ward in this case the said Mary Major daughter of James R Major for the sum of $160.00

5th The Fifth track offered was the six hundred and forty acre tract mentioned in the decree as being situated in Coleman County and patented to the heirs of John G Chalmers assignee of Robert McNitt, and was divided into sixteen tracts of forty acres each, and as such sold seperately and bid off by William M Walton for the use and benefit of his ward in this case Mary Major, the infant daughter of James R Major for the aggregate sum of $330.00

And the Commissioner begs leave further to report that he offered the undivided interest of the Estate of Mary W Chalmers, in the third league headright of Richard F Brenham in Ellis County, the patent for which was issued to Mary R Bullock and Mary W Chalmers, as assignees, and that there were no bidders for the same

He further reports that the five hundred acre tract mentioned as being part of the G W Grimes headright third league in Burleson County was not offered for sale, because there was lost or mislaid a portion of the chain of title to John G Chalmers which has remained lost or mislaid to this time, and with respect to this tract, as well as the 492 acres undivided interest of the Richard F Brenham tract in Ellis County. He asks that the Court again order the sale as heretofore

Your Commissioner further reports that he has received a portion of the purchase money on the sales made and has paid out considerable sums in the Execution of the decree of the Court, and that the Estate will be liable for other sums, and he asks leave to make further report of such matters at this term

He also asks leave that the sales as reported be confirmed to the respective purchasers upon their complying with the terms of

October Term Monday October 9th 1871

the sale. All of which is respectfully submitted

John A Green
Commissioner

The State of Texas } Before the undersigned Clerk of the District Court
Travis County } personally comes John A Green who being duly sworn states that the facts set forth in the above report are true

Jno A Green

Sworn to and subscribed before me
Oct 7th 1871

H Brown Dep Clk

And there being no objection to the said report, and it appearing that the respective sales therein mentioned were fairly made, and in conformity to law, and the order of the Court, it is ordered, adjudged and decreed that the said report be in all things confirmed, and that the said John A Green proceed to make deed or deeds to the purchasers for the respective tracts purchased by them, describing the same, upon the said purchasers complying with the terms of the law, and the orders of this Court in respect to said sale

And it appearing that William M Walton Special Guardian for the minor Mary Major had bid for, and purchased for the use and benefit of his ward Mary Major one of the Heirs of John G & Mary W Chalmers, the 320 acre tract in Coleman County, Texas granted to the heirs of John G Chalmers, as assignees of James Gray, and the 640 acre tract in Coleman County granted to the heirs of John G. Chalmers as assignees of Robert Mevill for the aggregate sum of four hundred and Eighty dollars, and it further appearing that the said sum is less than the amounts coming to the said minor Mary Major under said sale, and that it is to the intent of said Mary Major that the amount thus bid upon her interest in said Estate for the said lands shall be invested in the same, It is ordered and adjudged that the bid thus made be ratified and confirmed and that the commissioner aforesaid proceed to make a deed to the said Mary Major, for said lands, and deliver the same to the said Special Guardian William M Walton, and that the said Walton proceed to take possession and the care of the same till it may be turned over by him to a regular guardian, or the further order of this Court.

It is further ordered that the said commissioner proceed to sell the land mentioned in the former decree to wit— four hundred and ninety-two acres of the headright third league of Richard G Brenham in Ellis County the same being one half of the one third league after deducting the one third thereof which by Mary W Chalmers and Mary P Bullock was by deed conveyed to Bealty and which one half interest is owned between the Heirs of Mary W—

October Term Monday October 9th 1871

Chalmers and the Heirs of John P Key
Also that he sell the five hundred acres mentioned in said former decree. out of the George W Grimes headright one third league in Burleson County. And that said sale be made in conformity to the authority and stipulations given in the said former decree
It is further ordered that all other matters not Embraced in this decree be reserved till the further order of this Court and that the adm[r] have leave to make a further report at this term.

2888 Sandy vs West } And now come the parties by their attorneys, and the Sheriff of Brazoria County having reported a sale of the property discribed in the decree rendered herein at the last term of this Court and it appearing to the Court that said sale was conducted and made strictly in accordance with law. and said decree of this Court. On motion of Plaintiff by his attorney it is ordered adjudged and decreed that said report be and the same is hereby in all this confirmed. And it further appearing to the Court that said property only sold in the aggregate for the sum of three thousand three hundred and twenty Seven dollars & 56 cents, over and above costs. leaving the sum of nineteen hundred and eighteen 19/100 dollars with interest from the 21st November 1866. Still due and unpaid the plaintiff in this case It is therefore ordered, adjudged and decreed. That the plaintiff have and recover of the Estate of said R J Townes in the hands of C S West executor under the last will and testament of said Townes, said amount And that this decree be entered and a copy thereof furnished the plaintiff or his attorneys at the costs of said Estate

W A H Miller And now comes the committee appointed to examine the applicant, W. A. H. Miller, in open Court, touching his qualifications to practice law And being satisfied of the legal qualifications of said applicant, recommend that License be granted. It is therefore ordered by the Court that said W. A. H. Miller be admitted to practice as an attorney and Counsellor at law in the several District and Inferior Courts of the State of Texas, and that a License issue accordingly.

187. Robert Mitchell vs M. C. & J. Burditt. Continued
1528 J S Thompson vs J. Dykes, et al. Continued
1844 A Thompson vs W. D. Thompson et al. Comes the attorney of the plaintiff and suggests the death of E. M. Burton, wife of John M. Burton, and upon motion It is ordered that the cause be continued to make her heirs parties. as follows, to wit: Elizabeth Jane (now wife of Henry Hons) T. J. Burton, J. A. Burton, Susan Medora (now wife of J. M. T. Webb) Laura Virginia (now wife of S. T. Norris; Mary Eliza Burton, Emma Catherine Burton, all of Washington County.
2013 E Henry et al. v. A. M. Davidson. Continued
2153 J. H. Browning v. Barthalf Manufacturing Company.

October Term, Monday, October 9th, 1871.

And now on this day came the attorney for the plaintiff, and upon his motion, It is ordered that this cause be dismissed from the docket, and that said plaintiff pay all the cost hereof to be taxed, for which execution may issue

√ 2543. Ann Hampton v. Frances Burlage, et.als. Continued

√ 2595 Amos Morrill v. Houston & Cook. Continued

√ 2596 Amos Morrill v. McGuire & Cook. Continued

√ 2598 Amos Morrill v. Moore & Cook Continued

√ 2599. Amos Morrill v. Wood & Cook Continued.

√ 2641 S. M. Swenson v. Nicholson & Paschal. Continued for service.

√ 2644 S. M. Swenson v. Herndon, et.als Continued for service.

√ 2715 Jalonick et.al v. Taylor et.als. Continued

√ 2792 Thomas Freeman v. C. & D. Trimble, Admrs. Comes the plaintiff by his attorney and upon motion It is ordered that this cause be dismissed from the docket, and that the plaintiff pay all the cost hereof to be taxed; for which execution may issue

√ 2802 William Drake v. Diana Gilleland. And now on this day came the parties to this cause by their attorneys and announced ready for trial. When came a jury of 12 good and lawful men of Travis county, consisting of J. H. Turney and eleven others. Who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel and the charge of the Court and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff, and assess the Damages at ($378) three hundred and seventy eight dollars coin. C. H. Turney, foreman." Whereupon It is ordered that the plaintiff recover of the Defendant said sum of three hundred and seventy eight dollars and all the cost hereof to be taxed, for which execution may issue.

√ 2815. H. Thompson v. D. A. Wray. Comes the plaintiff and asks a judgment by default. And because the defendant hath been duly cited by publication, and has failed to answer within the time prescribed by law and wholly made default. It is ordered that the Plaintiff have and recover of the Defendant according to the prayer of his petition and that a writ of inquiry be awarded.

√ 2850 Joseph Harrell v. R. M. Johnson. Continued by consent.

√ 2884. Geo. W. Paschal v. Chandler, et.al. Continued by consent.

√ 2891 A. Dockett v. Richard Warren. Continued by consent.

√ 2908. C. G. Keenan v. A. S. Walker. Ordered upon motion, that this cause be dismissed from the Docket, the cost being paid.

√ 2943. J. D. Coryell v. Green B. Adams, et.als. Upon motion, in open Court, It is ordered that Thomas Porter be allowed to intervene in this cause.

√ 2955 Abby Thompson, Admr. et.al. v. Barnes & Mcnell Continued

√ 2956 Abby Thompson, admr. et.al. v. R. W. Riley et.al. Continued

√ 2957 Abby Thompson, admr. et.al. v. R. A. Rutherford. Ordered that

October Term, Monday, October 9th, 1871.

the defendant herein have leave to amend: and upon motion, the cause is continued by consent of parties.

↓ 2958. Abby Thompson, Admr, et.al. v. George Saunders. Continued.

↓ 2959. Abby Thompson, Admr. et.al. v. Charles Barnes. Continued

↓ 2960 Abby Thompson, Admr et.al v. H. L. Raven. Continued by consent

↓ 2962 L.d. Crutcher v. J. H. Crutcher. Continued by the Plaintiff

↓ 2966. W. a. Morris v. Reuben Shelley et.als. Continued to make parties

↓ 2972 S. M. Berryman v. M. M. Long. Continued by the Plaintiff.

↓ 2973 S. B. Brush v. E. Raven. Continued.

↓ 2982 A. H. Cook v. Allison & Harrell. Comes the attorney for the plaintiff: and upon his motion It is ordered that the service upon the Defendant Allison in this cause be quashed, and the case continued for service

↓ 3013 Abby Thompson, Admr et.al. v. L. D. Carrington et.al. Continued

↓ 3021 W. A. Morris v. Wooldridge & Hancock. Come the parties, and by consent It is ordered that this cause be dismissed: and that the Defendant John Hancock pay all the cost here of to be taxed, for which execution may ifsue.

↓ 3060 J. H. Raymond and S. G. Haynie v. D. H. Davis. Admr et.als. Upon motion of the Plaintiffs It is ordered that this cause be dismissed from the docket and that the Plaintiffs pay all the cost here of to be taxed, for which execution may ifsue

↓ 3069. James Denison v. Hancock and West et.al. Upon motion, duly made. It is ordered that the Defendants have leave to amend

↓ 3069 James Denison v. Hancock & West. Upon motion, duly made; It is ordered that the Intervenor have leave to amend.

↓ 3076 M. a. Taylor v. A. H. Longley, et.al. Ordered, upon motion duly made, that the Plaintiff herein have leave to amend.

↓ 3103 Andrew Hamilton et.al. Geo. D. Glafcock et.al. Continued.

↓ 3104 Sampson & Henricks v. Maggie Mitchell. Come the plaintiffs by attorney and ask for a judgment by Default. And because the Defendant has been cited according to Law, and has failed to answer within the time prescribed by law, and wholly made Default, It is ordered that the plaintiffs have and recover of the Defendant according to the prayer of their petition, and that a writ of inquiry be awarded.

↓ 3112 Geo. J. Glafcock v. Jeff W. Burleson, et.als. And now comes the plaintiff and makes suggestion that there are minor defendants in this cause, and asks the appointment of a guardian ad litem to represent their interests. Whereupon It is ordered, that J. B. Wheeler, Esq, an attorney of this Court, be appointed guardian ad litem to represent the minor Defendants herein.

↓ 3116 E. P. Hill v. Thos O. Conner & Co. Deft. Comes the plaintiff and asks a judgment by default. And because the Defendants have been duly cited and failed to answer within the time prescribed by law and wholly made default, It is ordered that

October Term, Monday, October 9th, 1871.

the said plaintiff do have and recover of the said Thomas O'Conner and Vermilion according to the prayer of his petition, and that a Writ of Inquiry be awarded. And ordered, further, that the cause be continued as to the garnishee Geo. Woodley.

✓ 3117. J. M. Sitten v. I. R. Womack. Continued.

Grand Jury. And now on this day came in open Court the Grand Jury duly elected, tried, empannelled and sworn for and during the present term of this Court, and through their foreman a. b. Noel, presented to the Court the following Bills of Indictment, to wit:

2271. An Indictment against Geo. W. Barnes, Silas Kimball and Thomas Kimball for Murder and for Inciting to Murder.

2272 An Indictment against Meredith Haynes and Mary Jane Haynes for Murder.

2273 An Indictment against John Buttery for malicious mischief

2274. An Indictment against Edwin Jefferson for Theft from a house

2275 An Indictment against Edwin Jefferson for Theft from a house.

2276 An Indictment against W. S. Williams for theft of a Cow.

2277 An Indictment against Wm. C. Cain for Theft of Beef Steer.

2278 An Indictment against Isaac Ralls for theft of a Mare.

2279. An Indictment against Isaac Ralls for theft of a mare

And the Grand Jury suggesting that there is still further business requiring their attention, they were thereupon ordered to retire upon a discharge of the same.

✓ 3102 Mary Ann Stone v. Samuel T. Stone et al. Comes the plaintiff, and upon motion It is ordered that this cause be dismissed from the docket and that the Plaintiff pay the cost hereof to be taxed, for which execution may issue.

✓ 3120 Amos Morrill v. A. H. Cook. and now comes the plaintiff and claims a judgment final by default. And because the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law, and wholly made default. And plaintiff's cause of action being liquidated, as shewn by the note of hand produced in evidence, the same sued on, It is therefore considered by the Court that the plaintiff Amos Morrill do have and recover of and from the Defendant A. H. Cook, the sum of Fifteen hundred, One & 80/100 Dollars ($1501.80) together with ten per centum per annum interest thereon from date till paid, and all the cost hereof, for which execution may issue.

✓ 3122. John B. Banks v. Mary D. Moore. Comes the plaintiff and claims a judgment final by default and because the Defendant hath been cited by personal service, and has failed to answer within the time prescribed by law, and wholly made default. and plaintiff's cause of action being liquidated, as shewn by the note of hand produced in evidence,

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the same sued on, It is considered by the Court that the said John B. Banks do have and recover of and from the Defendant Mary D. Moore, the sum of One hundred, Sixty One & 75/100 Dollars, principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from date till paid, and all the cost here of to be taxed, for which execution may issue

↓ 3127 J. M. Ditten v Ed. Dimmin. And now comes the plaintiff and claims a judgment final by default and it appearing that the Defendant has been cited by personal service, and has wholly failed to answer within the time prescribed by law, and made default. And pefts cause of action being liquidated as shewn by the note of hand sued on the same sued on, It is therefore considered by the Court that the said J. M. Ditten do have and recover of and from the Defendant Ed. Dimmin the sum of One hundred, Forty one & 59/100 Dollars, principal debt and interest due upon the note sued on to date, together with ten per centum per annum interest thereon from date, and all the cost here of to be taxed, for which execution may issue

↓ 3130 L. D. Carrington & Co. v. E. R. Bracken. Come the plaintiffs, and suggesting that the subject-matter of this suit has been settled, upon their motion, It is ordered that the cause be dismissed from the docket, and that the plaintiffs pay all the cost here of to be taxed, for which execution may issue

↓ 3065 W. M. Gilleland, et als v. Charles Q. Haley, et als. And now come the plaintiffs and dismiss this suit as to the defendant Thomas Haley, who has departed this life. And the said plaintiffs claim a judgment final by default against the defendant Charles Q. Haley. And because said Charles Q. Haley hath been cited by personal service and wholly failed to answer within the time prescribed by law, and made default. And plaintiffs cause of action being based upon a note of hand, the same sued on, It is therefore ordered adjudged and decreed, that the plaintiffs, Jane Bell Gilleland, joined by her husband William M. Gilleland in their own right, and as next friend and natural guardian of Theoplilus A. Sublett & Kenneth L. Sublett, do have and recover of and from the Defendant Charles Q. Haley the sum of One thousand, Sixty-Six and 50/100 Specie Dollars, principal debt and interest due upon the note sued on to this date, and all the cost of this suit, for which execution may issue

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Tuesday, October 10th 1871.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. whereupon the following proceedings were had by said Court, to wit:

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✓ 3141 B. M. Odum v L Leyson. Comes the plaintiff, and upon motion It is ordered that the cause be dismissed, the cost being paid.

✓ 3106 National Bank of Texas v. John M. Swishes. ordered, upon motion, that the Defendant herein have leave to amend.

✓ 2760. M. Olmsted v. McKinney & Maverick. Ordered, upon motion, that the Defendant herein have leave to amend.

✓ 3021. W. A. Morris v. Wooldridge and Hancock. And now come the parties to this cause by their attorneys, and the order heretofore entered at this term is, on motion, set aside. And thereupon the cause came on for trial, and the plaintiff declining to prosecute this suit further It is ordered that the same be dismissed at plaintiff's costs, for which execution may issue.

✓ 2975 James A. Chandler v. Chism & Chandler. Continued for service.

✓ 2976 Geo. H. Gray v. M. J. Denman, et. als. Comes the plff. and asks for default against L. L. Denman. And said Denman having been cited by personal service, and failed to answer within the time prescribed by law, and made Default. It is considered that the plaintiff recover of the Defendant L. L. Denman according to the prayer of his petition: and the case is continued for service as to other Defendants.

✓ 2981 W. B. Philips v. A. A. Scroggin et.al. Continued for Service

✓ 2987 B. & M. Moore v. Frank Meeks. On this day this cause being regularly reached and called for trial, and the plaintiffs not appearing in person or by attorney to prosecute the same, It is ordered that said cause be dismissed for want of prosecution; that the Defendant go hence and recover of and from the said Charley Moore and Margaret Moore all the cost hereof for which execution may issue.

✓ 2998 M. B. Hamilton et.al. v. Thomas N. Duval et.al. Comes the pffs and upon motion It is ordered that this cause be dismissed from the docket at the cost of Defendants. And thereupon It is ordered that the plaintiffs recover of and from the defendants L. H. Luckett, Thomas N. Duval, A. J. Nicholas and W. M. Walton all the cost of this suit, for which execution may issue

✓ 3009 E. Thompson v. H. Thompson. And now on this day came the parties to this cause by their attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of R. R. Renick and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, pleadings, argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff, principal and interest one hundred and fifty three dollars and eighty-seven cents $153.87. R. R. Renick, foreman." Whereupon, It is ordered by the Court

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that the plaintiff E. Thompson, do have and recover of and from the Defendant H. Thompson, the sum of One hundred, fifty-three + 87/100 Dollars, so found to be due by the jury aforesaid, together with all the cost hereof to be taxed, for which execution may issue

3072. Hugh Barton v. J.W.D. Steen. And now comes the plaintiff and asks a judgment by default. And because the defendant hath been cited by personal service and failed to answer within the time prescribed by law, and wholly made default. It is ordered by the Court that the plaintiff do have and recover of and from the said Defendant J.W.D. Steen, according to the prayer of his petition, and that a Writ of Inquiry be awarded.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, October 11th 1871.

Court met at 9 o'clock, A.M. pursuant to adjournment. Present Hon. J.P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3111 Maria Bell v. Caesar Bell. Comes the clerk, and upon motion It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, otherwise the same will be dismissed, pltff's counsel being notified.

3113 G.A. Gibson v. E.G. Dewey. Comes the clerk, and upon motion It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, plaintiff's counsel being notified.

3116 E.P. Hill v. Thos. O'Connor & Co. Comes the clerk, and upon motion It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, plaintiff's counsel being notified.

3123 Thomas O'Connor v. Wm. Penfield. Comes the clerk, and upon motion It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, plaintiff's counsel being notified.

3124 Thomas O'Connor v. Wm. Penfield. Comes the clerk, and upon motion It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, plaintiffs counsel being notified.

3125 James M. Brown v. A.B. Burleson. Comes the clerk, and upon motion, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, plaintiffs counsel being notified.

3126. W.B. Johnston v. Scott, et. al. Comes the clerk, and upon motion, It is ordered that the plaintiff herein be required to enter into bond and security for the cost of this suit on or before the next term, plaintiffs counsel being notified

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✓ 3128 J. A. Burditt v. W. J. Davis. Comes the Clerk, and upon motion, It is ordered that the plaintiff be required to enter into bond and security for the cost of this suit on or before the next term, plaintiffs counsel being notified.

✓ 3131 Marion McKinney v. Martha McKinney. Comes the Clerk, and upon motion It is ordered that the plaintiff be required to enter into bond and security for the cost of this suit on or before the next term, plaintiffs counsel being notified.

2265. The State v. Waeters and Thompson. Special Venire ordered for forty jurors, returnable October 18th 1871.

2266. The State v. Thompson & Waeters Special Venire ordered for forty jurors returnable Oct. 18th 1871.

2271. The State v. Geo. W. Barnes, et. al. Special Venire ordered for sixty jurors, returnable Nov. 2d. 1871

2272. The State v. Meredith Haynes et. al. Special Venire ordered for sixty jurors returnable Oct. 25th 1871.

✓ 3010 D. L. Crafs v. Geo. L. Robertson. Continued by Consent.

✓ 3001. C. W. Winn v. Risher & Hall. This cause being regularly reached and called for trial, and plaintiff not appearing in person or by attorney to prosecute the same, It is ordered that the cause be dismissed for want of prosecution, and that the Defendants go hence and recover of the plaintiff all the cost here of, for which execution may issue.

✓ 3054 M. B. McAlpine et. al. v. E. M. Pease, et. al. Continued.

✓ 3064 Thomas Freeman v. R. J. Nichols. This cause being regularly reached and called for trial, and plaintiff not appearing in person or by attorney to prosecute the same, It is ordered that the cause be dismissed for want of prosecution, and that the Defendant go hence and recover of the plaintiff all the cost of this suit, for which execution may issue.

✓ 3071 D. Stuckey v. John C. Camp. Continued.

✓ 3090 Frank Matthews et. al. v. M. A. Taylor. Ordered, upon motion, that the Plaintiffs herein have leave to amend.

✓ 3125 James M. Brown v. A. B. Burleson, Ordered upon motion, that the Plaintiff herein have leave to amend.

Grand Jury. And now on this day came into open Court the Grand Jury of Travis county, duly elected, tried, empannelled, sworn and charged for and during the present term of the District Court of Travis county, and through their foreman, A. C. Hill, presented to the Court the following Bills of Indictment, to wit:

2280 The State of Texas v. Mike Brown for Disturbing the Peace.

2281 An Indictment against Berry Richardson and — Ware, for Stealing hay feeding.

2282. An Indictment against Ike Napoleon for Theft of a boat.

2283 An Indictment against Otto Hoffman for Theft from a house.

2284 An Indictment against Harper Jackson for theft from a house.

2285 An Indictment against A. H. Meeks for theft of a mule.

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2286 An Indictment against Ned. Douglas & Gabriel Kelley for theft of a Gelding.
2287. An Indictment against Ned Douglas & Gabriel Kelley for theft of a Mare.
2288 An Indictment against A. K. Meeks for theft of a Mare Colt
2289 An Indictment against Jae. Owens for theft of a Steer.
2290 An Indictment against Ed. Grooms for theft from a house.
2291 An Indictment against Solomon Williams for Burglary.
2292 An Indictment against John Walker for theft of a Gelding.
2293 An Indictment against Israel Roberts for theft from a house.
2294 An Indictment against S. H. Davis for theft of a Bay Mule.
2295 An Indictment against T. W. Nolan for theft of an Ox.
2296 An Indictment against West Craft, Erastus Craft and Elick Jacobs for theft of a heifer
2297 An Indictment against Thomas F. McKinney for wantonly wounding an Ox.
2298 An Indictment against Thomas F. McKinney for Maliciously Killing Cow.
2299 An Indictment against Thomas F. McKinney for Wantonly Killing Dumb Animal

And said Grand Jury suggesting there is still further business pending before them, they were ordered to retire upon a discharge of the same.

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Thursday, October 12th 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit

J 3116 E. P. Hill v. Thomas O'Conner & Co. And now comes the plaintiff by attorney, and upon motion the judgment entered in this cause at a former day of this term is amended so as to read as follows: and now comes the plaintiff by attorney and claims a judgment final by default. And it appearing that said Defendants have been cited by personal service, and failed to answer within the time prescribed by law and wholly made default, and plaintiffs cause of action being based upon liquidated demands, the same sued on and produced in evidence, It is ordered that the said E. P. Hill do have and recover of and from the Defendants Thomas O'Conner and Wm. Vermillion, under their firm name of Thomas O'Conner & Co. the sum of Three Thousand Three Hundred and Three Dollars, principal debt and interest due upon the instruments sued on to this date, together with acc the cost here-to be taxed, for which execution may issue.

J 2987. C. & M. Moore v. Frank Meeks. Come the parties by their attorneys and by consent It is ordered that this cause be reinstated upon the docket, and the order heretofore entered herein dismissing the cause be set aside and vacated.

J 3106 National Bank of Texas v. Jno. M. Swisher. Ordered, upon motion of the parties, that the plaintiff and defendant herein respectively, have leave to amend their pleadings

J 3118 James B. Morris v. George F. Lounsbury et al. And now on this day

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came on to be heard the above named cause: and the Plaintiff appearing in person, and the defendants Flournoy and W. A. Morris appeared by their attorneys: And the defendant Flournoy having withdrawn his plea to the jurisdiction of the Court filed in this cause, the parties waive a jury, and consent and agree that judgment be entered in this cause according to the terms of the agreement on file. And thereupon It is ordered by the Court, that said James B. Morris do have and recover of and from the Defendants George Flournoy as principal, and W. A. Morris as endorser, the sum of Four Hundred, Sixty Nine and 2/100 Dollars, with interest thereon at ten per centum per annum from date till paid; and all the cost here of to be taxed, for which execution may issue. And because the Defendant W. A. Morris is endorser, it is ordered that the execution to be issued shall first be levied upon the property of the principal Flournoy: and if a sufficient amount of property of said Flournoy be not found then execution may issue against said W. A. Morris for any amount that shall fail to be collected from the principal Flournoy: and for any amount so paid by said Morris, may be prosecuted to execution in favor of Morris as against the principal Flournoy. And further ordered, that execution be stayed four months

This judgment against Flournoy in my favor was this day satisfied in full, not only for principal and interest but also all costs — This 2 5th day of March, 1875 — James B Morris

3072 Hugh Barton v. J. B Steen. And now on this day came the Pltff by his attorney and asks that the writ of inquiry aforesaid in this cause be executed. And because the defendant has not answered, (having been duly cited and made default) came a jury of twelve good and lawful men of Travis County, consisting of J. B. Rogers and eleven others, who being tried, elected, empaneled and sworn according to law, heard the pleading, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We the jury, find for the plaintiff principal & Interest on note secured by note and mortgage, the sum of $ 412.70, and that the property mentioned in said mortgage, viz: Lot 3 in Block 1 town of Webberville, is subject to the payment of said amount — and we also find for plaintiff on hundred dollar note, principal and interest $ 110.70. J. B. Rogers, foreman." Wherefore, It is ordered that Hugh Barton do have and recover of and from J. B. Steen the sum of Four Hundred, twelve & 7/100 Dollars, ($412.70), with ten per centum per annum interest thereon from this date till paid, and all the cost of this suit. And It is ordered that the plaintiff recover the further sum of One hundred, Ten & 7/100 specie Dollars, being the amount further found to be due, upon the one hundred dollar specie note sued on in this case. And it appearing that Lot No 3 in Block No 1 in Webberville, with the improvements thereon, is subject to the payment of the said sum of Four hundred, Twelve & 7/100 dollars, It is ordered, that an order of Sale do issue to the

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Sheriff of Travis county, commanding him to sell, as under execution, the said Lot No 3 in Block No. 1, with the improvements thereon, in the town of Webberville, in the County of Travis, and the proceeds of said sale shall be applied to the satisfaction of said sum of $412.70, and the interest to grow due thereon, and the cost of this suit, and that overplus if any, shall be paid to the said Steen: and if said property shall bring an amount insufficient to satisfy said sum, interest and cost, then execution may issue against the defendant for the remainder.

↓ 3069 James Dennison v. Hancock and West, et.al. Cont'd on affidavit of pltff

↓ 3070 Raymond & Whitis v. E. B. Dewey. Continued on affidavit of Defendant

↓ 3074 Theodora Hemphill v. B. S. West, et.al. Cont'd by the plaintiff.

↓ 3075. A. W. Orr v E. B. Dewey. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of J. B. Rodgers and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleading, the evidence, argument of counsel and the charge of the Court, and retired to deliberate of their verdict. Whereupon the jury returned into Court the following verdict. to wit: "We, the jury, find for the plaintiff the full amount of Sixty two dollars gold, with interest from August the 6, 1870. J. B. Rodgers, foreman." Whereupon It is ordered that the said A. W. Orr do have and recover of and from the Defendant E. B. Dewey the sum of Sixty two Specie dollars, with interest thereon from the 6th day of August, 1870 till paid, and all the cost of this prosecution, and the further sum of Six $\frac{20}{100}$ Dollars, damages, the judgment in this Court being for an amount equal to that rendered in the Court below, for all which execution may issue. And it is further ordered that said A.W. Orr shall have and recover of the securities on the appeal bond of said Dewey, in this case, to wit: Wm. M. Wilson and T. W. Sato, the full amount of said Sixty-two specie dollars, judgment for principal, and Six $\frac{20}{100}$ Dollars, damages, and the cost of this suit, for all which execution may issue.

Grand Jury. And now on this day came in open Court the Grand Jury of Travis County, duly elected, tried, empannelled and sworn, and charged to inquire in and for the body of the County of Travis, at the present term of this Court, and through their foreman, A. B. Hill, presented to the Court the following Bills of Indictment, to wit:

2300 An Indictment against Mrs. Thomas F. McKinney for Wantonly wounding a Cow

2301 An Indictment against Mrs. Thomas F. McKinney for Wantonly wounding neat cattle.

2302 An Indictment against Faro Banks for playing at game with cards in public place.

2303 An Indictment against Jack Conner for Betting at Monte.

2304 An Indictment against Wm. Wilson for playing at game with cards in public place.

2305 An Indictment against Maroney for Betting at Faro.

2306 An Indictment against Charles Murray for playing cards in a public place

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2307 An Indictment against W. H. Sinclair for Betting at faro.
2308 An Indictment against Kinney Sneed for Illegal Registration
2309 An Indictment against Jo Wadsworth for playing game of cards in a public place
2310 An Indictment against George Davis for playing game of cards in a public place
2311 An Indictment against Aaron Billingsley for Illegal Registration
2312 An Indictment against Charles Johnson for maliciously Killing Dog.
2313 An Indictment against Archie Moore for Illegal Registration
2314 An Indictment against Billy Brennan for Exhibiting Monte
2315 An Indictment against Hayette Cotton for playing cards in a public place
2316 An Indictment against Sam Williams for Betting at Monte.
2317 An Indictment against Wm C. Cain for unlawful butchering & selling animals
2318 An Indictment against Maroney for Betting at faro
2319 An Indictment against Wiley Craft for Betting at Monte.
2320 An Indictment against David Wills for playing at game with cards in public place
2321 An Indictment against Wm C Cain for unlawful sale & butchering of animals
2322 An Indictment against Charles Murray for playing cards in public place
2323 An Indictment against Dock Thompson for playing cards in a public place
2324 An Indictment against Isaac Smith, col. for Betting at Monte.
2325 An Indictment against Matt. Woodlief for playing cards in a public place
2326 An Indictment against Matt. Woodlief for playing cards in a public place
2327 An Indictment against Watt Good for Betting at Monte.
2328 An Indictment against Bob Fields for playing at game with cards in public place
2329 An Indictment against N. B. Mitchell for Betting at Monte.
2330 An Indictment against Jack Wilson for Betting at Monte.
2331 An Indictment against Bill Fleming for playing at cards in public place
2332 An Indictment against Frank Cotton for playing at cards in public place
2333 An Indictment against Billy Haynes for playing at cards in public place
2334 An Indictment against Billy Brennan for playing at cards in public place
2335 An Indictment against Charles Fugett for playing cards in public place.
2336 An Indictment against Nolan for playing cards in public place
2337 An Indictment against Dock Thompson for playing cards in public place.
2338 An Indictment against Sam Evans for playing cards in a public place

And said Grand Jury suggesting that there was no further business pending before them, they were ordered to retire be discharged.'

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Friday, October 13th 1871.

Court met at 9 o'clock A M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3023 The State of Texas v. Wm Beard, et. al. Continued
3061 The State of Texas v. A. T. Rose, et. al. Cause dismissed.
3062 The State of Texas v. C. B Meeks Come the parties by their attorneys, and upon motion, It is ordered that the judgment nisi entered in this cause be set aside upon payment of costs, and for

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which execution may issue and a capias may issue

↓ 3064 Thomas Freeman v. L. J. Nichols Come the parties by their attorneys
X and by consent It is ordered that this cause be reinstated upon the docket, and that the order entered dismissing the same be set aside and vacated.

~~JH~~ ↓ 3073 Simon Mussina v. Wm G. Hale. Continued by the Plaintiff.

↓ 3068 The State of Texas v. Frederick W. Stokes, et.als. And now on this day
X came the District attorney on behalf of the State, and asks that judgment be entered by default also against the Dft. Stokes. And it appearing that said Stokes has been cited by publication, and failed to answer within the time prescribed by law, and wholly made default, It is ordered that the Plaintiff recover according to the prayer of his petition, and that a Writ of inquiry be also awarded as to him. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of J.B. Rodgers and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. Whereupon said jury returned into Court the following verdict, to wit: "We, the jury, find for the Plaintiff, principal and interest in the sum of three thousand twenty two dollars sixty eight cts. 3022.68 3/4 cts. J. B. Rodgers, foreman." Whereupon It is ordered, adjudged and decreed by the Court that the plaintiff, the State of Texas, do have and recover of and from the Defendants Frederick W. Stokes, Wm H. Johnson and John Summers the sum of Three Thousand and twenty two $\frac{68}{100}$ dollars so found to be due by the jury aforesaid, together with all the cost herein to be taxed, for which execution may issue.

↓ 2760. M. Olmsted v. McKinney and Maverick. And now on this day
X came the parties to this cause by their attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of C. H. Tunney, foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of Counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find for the Plaintiff 100 00 Coin against
" the estate of Louis Maverick and Thomas McKinney, and $1300 00/currency, against ad a Waldert & Thos McKinney. C. H. Tunney, foreman"
Wherefore It is ordered that the Plaintiff M. Olmsted do have and recover of and from the estate of Louis Maverick, deceased, and from Thomas F. McKinney the sum of One hundred and fifty Coin dollars and all the Cost hereof to be taxed, for which execution may issue as against the said McKinney. And it is ordered that said sum of One hundred and fifty dollars, specie, and the cost, may be certified to the District Court of the County where administration is pending upon the estate of said Louis Maverick, as a just and established claim against the Estate of said Louis Maverick, to be paid in due course

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of administration. And it is ordered that said M. Olmsted do have and recover of and from the Defendants Thomas F. McKinney and ada Waelder the further sum of thirteen hundred currency dollars and all the cost hereof to be taxed, for which execution may issue.

✓ 3084 S. Maylehm et al v. W. M. Burton et al. Upon motion duly made It is ordered that the entry of default in this case at the June term 1871 of this Court be set aside and vacated.

✓ 3086 A. B. Burleson v Martha Ann Burleson. Continued for service.

✓ 3088 Martin Buck v. C. S. Frazer, et al. It appearing that at the last term of this Court a Rule for cost was entered herein requiring the plaintiff to furnish bond and security: and said Rule not being complied with, It is ordered that the said cause be dismissed for want of compliance with the Rule, and that Defendants recover of the Plaintiff all the cost of this suit, for which execution may issue.

✓ 3093 Wm. M. Grumbles v. John Matter and Sam Matter. In this case now came the Plaintiff as well as the Defendants by their attorneys, and a jury being waived the matters in controversy were submitted to the Court. Whereupon it appearing that the debt claimed by the plaintiff was a liquidated demand, and that it was due and unpaid, It is ordered, adjudged and decreed that the said Plaintiff have and recover of the Defendants the sum of Seventy Six 60/100 dollars in the gold or silver currency of the United States, together with ten per centum per annum interest thereon till paid. And it appearing that the said note was the remainder of the purchase money due from the Defendants for the following tract of land in the County of Travis, viz: Part of a tract of land purchased of Albert C. Horton by B. D. Bassford, commencing on Onion creek at the upper corner of the Bassford tract, and running North 30° East with the line dividing Bassford's from Golden's land 304 varas to a stake from which a Hackberry 6 inches in dia. marked X bears North 70° West 1 vara and a Live Oak 10 inches in dia. marked 6 and blazed, bears South 30° West 2 varas. thence South 70° East 921 varas to a stake in the prairie: thence South 30° West 424 varas to a point in the bed of Onion creek from which an Elm marked C bears North 12 varas. thence up said Onion creek with its meanders to the place of beginning, containing fifty acres of land: also one other tract of land lying adjacent to the above described tract and conveyed to Isabella Gonzales Cruz by Joseph Wanslow, more particularly described as follows. Commencing at the North East Corner of said Isabella G Cruz tract conveyed to her by Albert C Horton on the 12 July, 1852 and conveyed by said Cruz to Adkins and running South to the center of a big Rock in the prairie, and thence to Onion creek in a straight line from the corner, and thence west with the creek to said Cruz corner in the bed of said creek, containing four or five acres also one other lying adjacent to the first above described tract

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commencing on the north West corner of Isabella Cruz tract and Joseph Wamslows South West corner: from thence runs West one hundred and ten yards thence South to Orion creek: thence with the meanders of said creek to Isabella Cruz's South West corner to which it is adjacent and contains six acres, more or less

It is therefore adjudged that the plaintiff has a lien upon the said lands for the purchase money as aforesaid, and that his lien be foreclosed, and that an Order of sale do issue within the terms of the law authorizing the sale of the said lands, or so much as is necessary to pay the said debt, interest and costs of this cause.

3098. Henry Ochiltree v. Rebecca Ochiltree. This cause being called, and because the plaintiff has failed to comply with the Rule for Security for cost granted at the last term of this Court, It is ordered that this cause be dismissed from the docket for want of compliance with said Rule and that the Defendant recover of the plaintiff all the cost of this suit, for which execution may issue

3104 Sampson and Hennicks v. Maggie Mitchell. On this day came the plaintiffs by their attorney and asked that a jury be empannelled to assess the damages according to the default judgment entered herein at a former day of the term. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of J. B. Rodgers and eleven others, who being tried, elected, empannelled, and sworn according to law, heard the pleadings, the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff in the sum of One hundred and Sixty two dollars, eighty nine cts $162.89 gold. J.B. Rodgers, foreman." Whereupon It is ordered that said Geo. W. Sampson and Ben. F. Hennicks, under their firm name of Sampson & Hennicks, recover of the defendant the sum of One hundred, Sixty two + 89/100 Specie dollars, according to the verdict of the jury aforesaid, together with all the cost hereof to be taxed, for which execution may issue. And it is further ordered adjudged and decreed by the Court that the Sheriff of Travis County, proceed to advertise and sell the following property, levied upon by attachment in this case, as the law directs - viz: 2 Bureaus 2 Washstands, 2 little Tables, 3 Mattresses, 8 Window Curtains and 2 Spreads: 9 chairs: 1 Cooking Stove and Cooking Utensils: Carpet: 2 Pillow Cases and 4 Pillows: 2 Underskirts: 1 pr of Drawers: 1 Shot: 1 Shawl and 1 Puncushion.

and apply the proceeds of such sale in the manner following - 1st. to the payment of the cost in this case 2nd A sufficient Sum to pay off & discharge this judgment & 3rd the remainder pay over to the defendant.

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✓ 3106. National Bank of Texas v. John McSwisher. Continued on affidavit of plff

✓ 3107. A. G. Mitchell v. Risher + Hall. Comes the plaintiff and asks a judgment by default. As to the Defendant Hall. And it appearing that said Hall has been cited by personal service, and failed to answer within the time prescribed by law and wholly made default, It is ordered, that the plaintiff A.G. Mitchell, do have and recover of and from said Defendant E. K. Hall, the sums of according to the prayer of his petition, and that a writ of inquiry be awarded. And it is further ordered that the cause be continued.

✓ 3109 Wm Chapman v. W. A. Davis. Continued for service.

✓ 3072 Hugh Barton v. J.W.B. Steen. On motion the judgment in this case entered of record at this term, is corrected so as to include a statement of the facts proven on the trial thereof, which statement is as follows:

1. It appears that the brief statement was duly made, in accordance with law, giving notice of the pendency of this suit, to the defendant.
2. The plff then read a note for $350 as follows: "$350^{00} On or before the first day of January eight hundred and seventy, I promise to pay to Hugh Barton, or order, three hundred and fifty dollars in coin with interest at the rate of ten per cent per annum, value received. J.W.B. Steen. Webberville, Texas, June 25th 1869."
3. The plff. then read a note for $100 as follows: " On the first day of September, I promise to pay H. Barton one hundred dollars Specie for value received. June 13th 1870. J.W.B. Steen."
4. The plaintiff then read the mortgage as follows: " The State of Texas, County of Travis. Know all Men by these presents that I, J.W.B. Steen, of the County of Travis and State of Texas for and in consideration of the sum of three hundred and fifty dollars to me in hand paid the receipt of which is hereby acknowledged, and for the further consideration herein after stated, I have this day and by these presents given, granted, bargained, sold and transferred, conveyed and delivered to Hugh Barton of the County & State aforesaid, all of my rights, title, interest and claims upon my store house and lot in the town of Webberville. and I further bind myself not to sell, remove or dispose of my interest in the same without the written consent of said Hugh Barton The condition of the foregoing mortgage lien is to secure my promissory note due on the first day of January in the year of our Lord Eighteen hundred & Seventy, bearing 10 per cent. interest per annum, said note being for borrowed money. Now if I fail to pay said note at its maturity, or sell, remove, or otherwise dispose of my interest in said house and lot, I acknowledge myself liable to the under the penal laws of this State. Witness my hand and Seal this the 25 day of June, 1869, using scroll in place of seal. J.W.B. Steen" [Seal]
I certify the foregoing to be a true and correct Statement of the facts given in evidence on the trial of the above stated case. J.P. Richardson, Judge of the 27th Judicial District. Oct. 14th, 1871.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

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Saturday, October 14th, 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J.P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

3111 Maria Bell v. Caesar Bell. And now on this day the above entitled cause coming on to be heard, and the plaintiff, by her attorneys, messrs Smith & Harris, comes and announces ready for trial: and the Defendant having been cited to appear, comes not. And thereupon B.H. Davis, Esq., a practicing attorney of this Court, is appointed to represent the interest of society in this cause. and thereupon comes a jury of twelve good and lawful men of Travis county, to wit: S.C. Granberry and eleven others, and having been tried, empanneled and sworn according to law, and heard the pleadings in said cause read, the evidence, the argument of counsel, and charge of the Court, retired to consider of their verdict: and after mature consideration returned into Court the following verdict, to wit: "We, the jury, find the allegations as made in plaintiff's petition to be true: and we, the jury, find the Defendant now has two (2) lots as described worth three hundred dollars coin, each, including the fence, two thousand first class shingles, worth twenty dollars coin, five hundred feet of lumber worth thirty five (35) coin dollars, and one ambulance worth eighty dollars in coin. S.C. Granberry, Foreman."

It is, therefore, ordered, adjudged and decreed by the Court: that the marriage heretofore existing between the said plaintiff and Defendant be and the same is hereby dissolved and annulled: that said Plaintiff, in compliance with her prayer, do henceforth have the care, custody and control of the children, the issue of such marriage. and it further appearing to the Court that said Defendant owns and is possessed of the following described property, the same being community property between the said plaintiff and Defendant, that is to say, of two Lots or Parcels of Land situate, lying and being in the State of Texas, and in the County of Travis, and more particularly described as portions of Out Lot No One in Division "B" of the City of Austin, the one lot beginning at the S.W. corner of a tract of land formerly sold by one Fred. Carleton to William Scott, freedman; thence N. 19 E. 170 feet to a stake for the N.E. corner of this tract: thence N 67° W. 64 feet to a stake for the N.W. corner of this tract: thence S. 190° West 170 feet to a stake for the S.W. corner of this tract: thence S. 67° E. 64 feet to the place of beginning, and known as Lot No (5) five of said Out Lot No One: and the other being a portion of the said Out Lot No One (1) in said Division "B", beginning at the S.W. corner of the tract or parcel of land which one William Scott purchased from the said Fred Carleton, on the 26th day of October, 1868, and the deed to which is recorded in Book R, on page 457, of the Deed Records of Travis County, a stake on said corner: thence East to a point one half of the South line of said lots: thence N. across said lots at right angles to the said S. line to a stake in the fence: thence west with said fence to the S.E. corner of said lot: thence S. with said fence to the place of beginning: and the following personal property, to wit: two thousand first class shingles: five hundred

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feet of lumber, and one ambulance: all of said property being of the value of $735.00 coin, and being community property between the said Plaintiff and Defendant. It is further ordered, adjudged and decreed by the Court that the said Real Estate above described be partitioned into two equal moieties, equal to each other in quantity and value, if the same can be so partitioned without materially injuring the value of the whole, and that Ridge Paschal, G.B. Zimpelman and Thomas E. Breed, good and reliable citizens of Travis county, be and they are hereby appointed Commissioners to partition said property under this decree: and to set apart to the said Plff and Deft their respective portions of said lands, share and share alike: But if it shall appear to said Commissioners that such partition can not be made as above provided, or that the proceeds of the sale of the personal property above described be insufficient to pay the expenses with which it is charged hereafter in this decree, then the same is to be sold by said Commissioners, in the manner provided by law, for Sheriffs sales of Real Estate, and the proceeds of such sale to be equally divided by said Commissioners between the said Plaintiff and Defendant: that the personal property above described be sold at public sale by the said Commissioners in the manner and after such public notice as is required by law for the sale of personal property at Sheriffs sale: and the proceeds of such sale be disbursed and disposed of as follows: by said Commissioners to wit: they shall first pay to said Plaintiff one half the said proceeds: secondly, all the costs in this cause incurred, to the Clerk of this Court: 3d the sum of thirty two $\frac{05}{100}$ coin dollars to the said plaintiff or her attorney of record as alimony, according to the prayer of said plaintiff: and the sum of $20 to B.H. Davis, the attorney appointed by the Court: and the balance, if any, shall be paid over to said Commissioners: provided, always that if the sale of said personal property shall not produce a sufficient sum of money to pay all the costs in this cause incurred and the said sum of thirty two $\frac{05}{100}$ coin dollars, and the said $20 to B.H. Davis, then such deficit shall be paid by such Commissioners out of the proceeds of the sale of the land herein before provided to be set apart to the said Defendant: and the said Commissioners shall make report to this Court, under oath, at its next term, of the manner in which they have executed the duties herein imposed upon them.

3084 S. Mayblum et al. v. W. M. Burton et al. Now come the parties, and the Defendants submitted their plea to the jurisdiction, which being heard and argued by Counsel, and well understood by the Court, It is ordered that said plea be sustained, that the cause be dismissed: that the Defendants go hence, and recover of and from the plaintiffs, Sophia Mayblum and Nathan Mayblum all the cost hereof, for which execution may issue.

3030 Giles N. Burditt vs W. B. Burditt et al. In this cause now comes the administrator and Commissioner appointed at last term of the Court, and makes his Report of the sale of the property of the Estate of Jesse Burditt, and concerning other matters, as

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follows: Report:

" Giles H Burditt } Dist Court Travis county. For partition of Est of
vs } Jesse Burditt, Senior.
W. B. Burditt, et. al } To the Honorable District Court of Travis County.

The undersigned Giles H. Burditt, administrator of the Estate of Jesse Burditt, and Commissioner appointed by this Court at its former term in this case, to sell the property of said estate named, and divide the proceeds among the heirs and distributees respectfully shews.

That in obedience to, and in accordance with the decree of the last term in this case, he caused the lands named therein, to be subdivided into tracts of forty acres and less for sale, as shewn by the accompanying plats of subdivisions, which are hereto attached and made a part of this Report: and that he caused the sale thereof to be advertised according to law, and in addition caused handbills of said sale to be struck off and widely circulated in Travis and in many other Counties of the State: and that in accordance with the said advertisement, and with the law and Order of the Court, he on the 5th day of September, 1871, at the South East corner of Block No 70 in the City of Austin, within the hours prescribed by law, offered the said lands in separate tracts as subdivided, to the highest bidder, on a credit of six months, that is, to be paid six months after the date of sale, in the gold coin of the United States, with ten per cent. per annum interest thereon from date, and the further terms that the purchasers were to give their notes with good security, and execute a mortgage with power of sale to the undersigned, when the following of said lands were sold to the persons named for the following prices:

1st: The tract mentioned in the decree as the Wallace tract, being five hundred acres off the James P. Wallace headright in Travis county on the Georgetown road, about six miles North of Austin, being the same which by James Rogers was deeded to M. C. Burditt, and by him exchanged to the intestate, was subdivided into twelve tracts of forty acres each, and two tracts of ten acres each, and as subdivided was sold, which is shown in the plat accompanying this Report as follows:

Tract No 1 of	forty acres	sold to James Manor for	880.00
Tract No 2 "	forty acres	" " James Manor for	1080.00
Tract No 3 "	forty acres	" " James Manor for	1280.00
Tract No 4 "	forty acres	" " James Manor for	1000.00
Tract No 5 "	forty acres	" " James Manor for	600.00
Tract No 6 "	forty acres	" " James Manor for	640.00
Tract No 7 "	forty acres	" " E. W. Holler, for	500.00
Tract No 8 "	forty acres	" " E. W. Holler, for	300.00
Tract No 9 "	forty acres	" Francis B Foster for	290.00
Tract No 10 "	forty acres	" " James Mann for	300.00
Tract No 11 "	forty acres	" " James Manor for	230.00
Tract No 12 "	forty acres	" " James Manor for	360.00
Tract No 13 "	ten acres	sold to R. G. Smith	52.50

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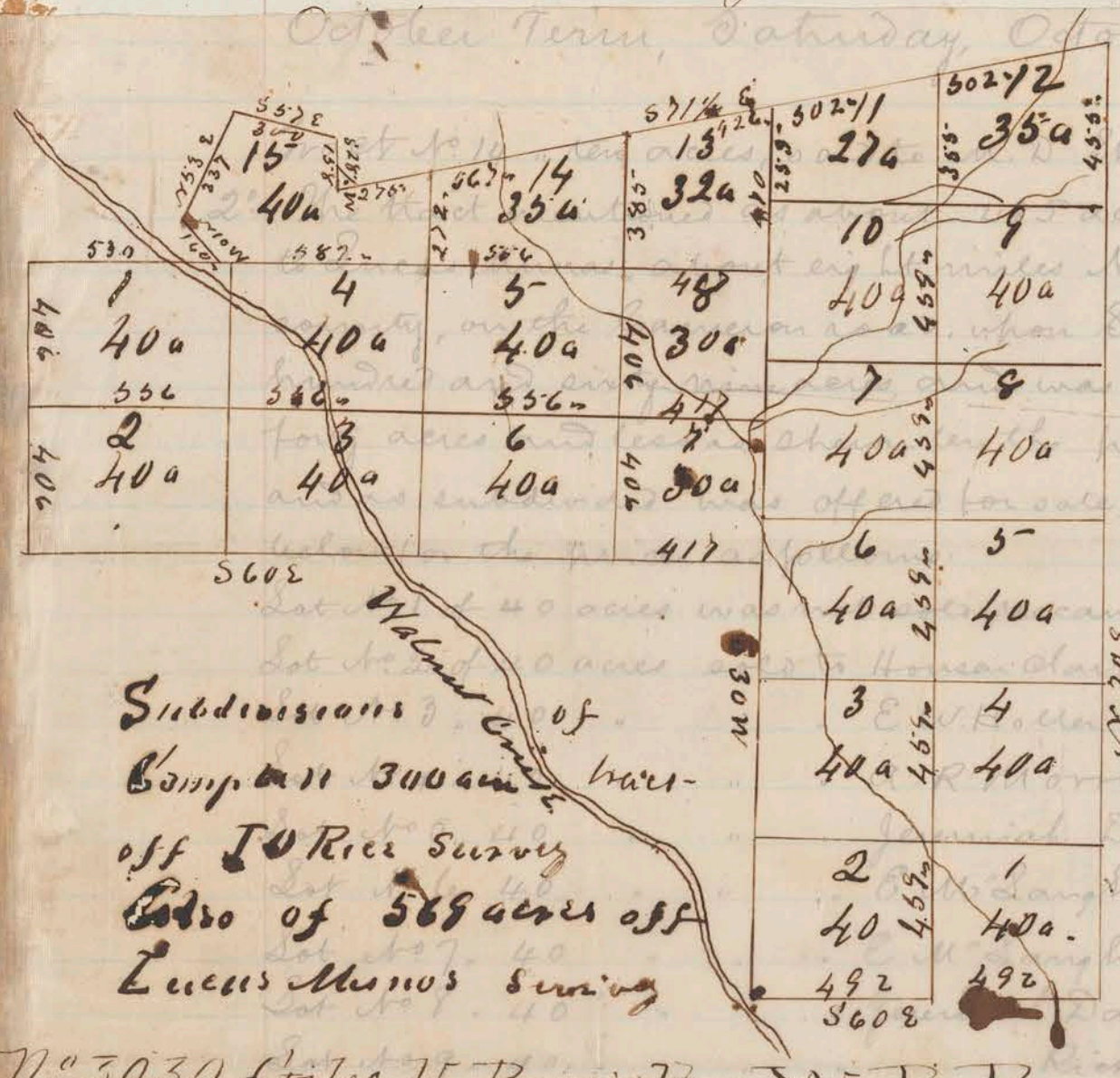
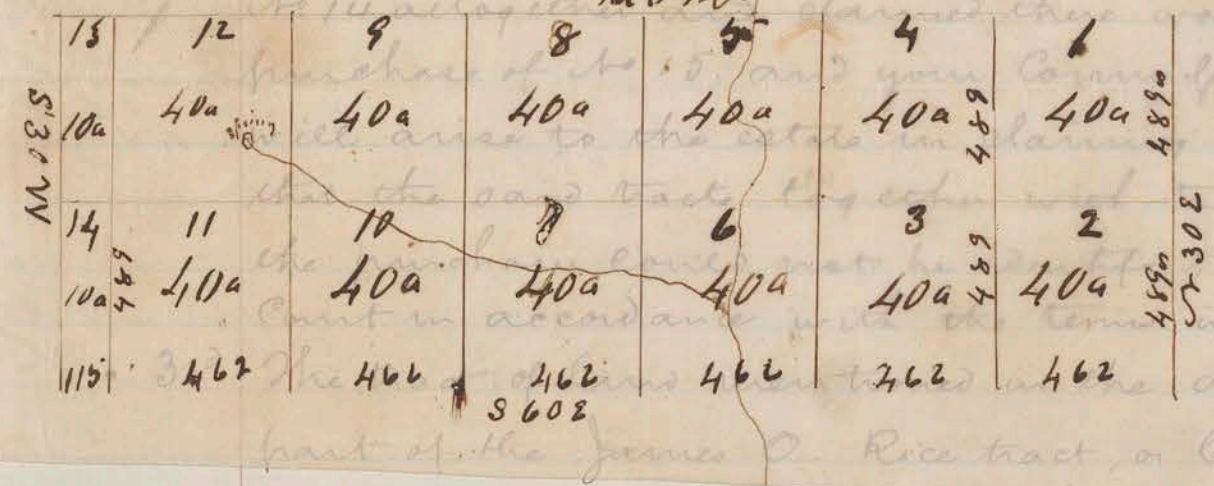


No 3030. Giles H Burditt v. W. B. Burdett, et. als. Travis District Court.

Subdivisions of 600 acres off J P Wallas 1/3 League



Subdivision of 568 acres off the James O. Rice tract, or Campbell tract, was subdivided into six tracts of forty acres each, and two tracts of thirty acres each, as shewn by the plat of said land hereto attached, the said land lying in Travis county about seven miles North East of Austin on the Camron road, and as thus subdivided was offered and sold to the persons named below for the prices following:

X Lot No. 1 of forty acres was sold to Giles H. Burditt for 340.00
" " 2 " forty " " " E. W. Holler for 280.00
" " 3 " forty " " " S. L. Jamon " 1240.00
" " 4 " forty " " " S. L. Jamon " 1400.00
" " 5 " forty " " " Newton Collins (sold) 440.00
" " 6 " forty " " " Newton Collins " 1220.00
" " 7 " thirty " " " Newton Collins " 135.00
" " 8 " thirty " " " Newton Collins 120.00

The administrator further reports that he } 5.175.00

Sherman 75.00
granted } 7.587.50
East of Austin in Travis
proved to contain nine
subdivided into fifteen tracts of
of subdivision hereto attached,
sold to the persons named

the bidder therefor could not be identified.

(sold)	104.00
	70.00
	82.00
sold (sold)	116.00
	40.00
	72.00
son (sold)	70.00
	80.00
tt	120.00
tt	175.50
(sold)	43.75
	224.00
Total	$1197.20

by the auctioneer as having
Collins denied his purchase of
a mistake concerning the
now believing that no benefit
the sale to said Collins asks
t No 1 of forty acres, where
be sold by the Order of the
the former decree
decree as three hundred acres
Campbell tract, was subdivided

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Tract No 14 " ten acres, sold to M. D. Sherman 75.00

2d The tract mentioned as about 485 acres granted } 7.587.50
to Lucas Munas, about eight miles North East of Austin in Travis county, on the Cameron road, upon Survey proved to contain five hundred and sixty nine acres, and was subdivided into fifteen tracts of forty acres and less as shewn by the plat of subdivision hereto attached, and as subdivided was offered for sale and sold to the persons named below for the prices as follows:

Lot No 1 of 40 acres was not sold because the bidder therefor could not be identified.
Lot No 2 of 40 acres sold to Housen Clark (Col?) 104.00
Lot No 3 " 40 " " " E. W. Holler 70.00
Lot No 4 " 40 " " " A. R. Morris 82.00
Lot No 5 " 40 " " " Jeremiah Davidson (Col'd) 116.00
Lot No 6 " 40 " " " E. McLaughlin 40.00
Lot No 7 " 40 " " " E. McLaughlin 72.00
Lot No 8 " 40 " " " Jeremiah Davidson (Col'd) 70.00
Lot No 9 " 40 " " " Richs 80.00
Lot No 10 " 40 " " " Giles H. Burditt 120.00
Lot No 11 " 27 " " " Giles H. Burditt 175.50
Lot No 12 " 35 " " " Housen Clark, (Col'd) 43.75
Lot No 13 " 32 " " " Giles H. Burditt 224.00
Lot No 14 of 35 acres and } Total $1197.20
Lot No 15 " 40 acres } were marked by the auctioneer as having been sold to Newton Collins (Col'd) but Collins denied his purchase of No 14 altogether, and claimed there was a mistake concerning the purchase of No 15. and your Commissioner believing that no benefit will arise to the estate in claiming the sale to said Collins asks that the said tracts together with tract No 1 of forty acres, where the purchaser could not be identified, be sold by the Order of the Court in accordance with the terms in the former decree

3rd The tract of land mentioned in the decree as three hundred acres part of the James O. Rice tract, or Campbell tract, was subdivided into six tracts of forty acres each, and two tracts of thirty acres each, as shewn by the plat of said land hereto attached, the said land lying in Travis county about seven miles North East of Austin on the Cameron road, and as thus subdivided was offered and sold to the persons named below for the prices following:

Lot No. 1 of forty acres was sold to Giles H. Burditt for 340.00
" " 2 " forty " " " E. W. Holler for 280.00
" " 3 " forty " " " S. L. Jamon " 1240.00
" " 4 " forty " " " S. L. Jamon " 1400.00
" " 5 " forty " " " Newton Collins (Col'd) 440.00
" " 6 " forty " " " Newton Collins " 1220.00
" " 7 " thirty " " " Newton Collins " 135.00
" " 8 " thirty " " " Newton Collins 120.00

The administrator further reports that he $5.175.00

October Term, Saturday, October 14th 1871.

sold the one hundred acres of land mentioned in the Inventory as one hundred acres in Bastrop county, granted to John Ditten without any diorsion of the same into smaller tracts, to A. D. Houston, at the same time and place, and under same circumstances, for the sum of $12.50 The reason for selling in this way was that he caused to be examined the Records of Bastrop county, and also searched in all places where the same might be found, and he could find no deed to the intestate. He reports that the purchase by the intestate was for the purpose of using the cedar timber on the land for Rails, and for other purposes: that the same was taken off before the intestates death, and he doubts whether there was ever any writing in the possession of the intestate concerning the same. And because he could find no written evidence of right, and could not identify the land, he caused the right of the estate in the one hundred acres as named in the inventory, and the decree of last term, to be sold, and prays that the sale may be confirmed. And the administrator as Commissioner having fully reported the sales aforesaid, prays that his Report be confirmed, and that he may be ordered to make title to the various purchasers upon their complying with the law and the terms of the sale

He further reports that M. D. Sherman and R. G. Smith, mentioned as purchasing ten acres each of the Wallace 500 acre tract, have paid the purchase money: also, that there are others who desire to pay the said purchase money or parts thereof, and he asks that the Court may allow him, upon payment thereof, instead of the execution of mortgage and note as required, to receive the same with the abatement of all the interest accruing thereon.

And he further asks that in case the terms of the sale aforesaid be not complied with by the respective parties purchasing within thirty (30) days from the entry of the decree confirming this Report, that adm^r may be authorized to re-sell the lands bought by them upon the terms and conditions of the former decree All of which is respectfully submitted. G. H. Burditt.

The State of Texas } Before the undersigned personally came Giles H.
Travis County } Burditt, adm^r & Com^r as aforesaid, and being duly sworn, states that the facts stated in the above Report are true.

G. H. Burditt

Sworn to and subscribed before me Oct. 14, 1871.

F. Brown, dep. Clk.

And it appearing to the Court that the sale of the property of said Estate was fairly made, in accordance with law, and the former order of this Court, It is ordered, adjudged and decreed that the said Report be in all things confirmed. And it is ordered and adjudged that if within thirty days from the date of this decree the respective purchasers of the separate tracts of land mentioned shall comply with the terms of the sale that the adminis-

October Term, Saturday, October 14th, 1871

trator as such, and as Commissioner of this Court in this case, execute to the purchaser or purchasers deeds for the lands so purchased. It is further ordered that in case they any of the purchasers shall fail to comply with the terms of the sale as aforesaid, that the said Giles H. Burditt admr. and as Commissioner, shall proceed to resell the lands bid for by them, together with Lots No 1 of forty acres, and lots 14 of thirty five acres and lot No 15 of forty acres, of the Lucas Munos tract mentioned in said decree. the said sale to be governed by the law and the former orders of this Court.

It further appearing that a portion of the purchasers, to wit: M. D. Sherman and R. G. Smith had paid the whole of the purchase money of the tracts bought by them. It is ordered that the Administrator execute to them deeds for their purchases.

It being represented that there are a portion of the purchasers who wish to pay down the amount of their bids or portions thereof, instead of executing note and mortgage, It is ordered that the Administrator be authorized to receive the same and allow a rebate of all interest upon the amount so paid.

It further appearing that Giles H. Burditt, the Administrator and Commissioner of Sale, had bought several tracts of land at the sale, and that said Sales were made for their fuel value, and that it is the interest of the Estate that they should stand, and it also appearing that the said Giles H. Burditt is entitled to three shares of said Estate, and that the amount bid by him is less than his interest in said Sales, It is ordered and adjudged that said Sales be confirmed, and that he be charged with the sum of said bids on account of his interest in said estate, and that the Clerk of this Court execute to him a deed for said purchases.

And it further appearing that there is not enough money in the hands of the Administrator to require a pro rata distribution; it is ordered that an account in relation thereto - as well as all other matters in connection with the final settlement of the Estate of Jesse Burditt be continued until the further order of this Court.

3069 Denison v. Hancock and West, et als. Come the parties, and then came on to be heard the motion for security for cost filed by the Defendants, which is disallowed as to the Plaintiff, but allowed as to the Intervenor. And it is ordered that the Intervenor enter into bond and security for the cost of this suit on or before the next term, otherwise his intervention will be dismissed.

And Court thereupon adjourned till Monday morning 9 o'clock.

October Term, Monday October 16th 1871.

Monday, October 16th 1871.

Court met at 9 o'clock, a. M. pursuant to adjournment. Present-Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

Declaration James Beckway.

Declaration of Intention to Become a Citizen.

State of Texas } James Beckway being duly sworn according to law,
County of Travis } in the District Court of the County of Travis in and for the State of Texas, doth declare that he was born in the year of our Lord one thousand eight hundred and forty three in the Kingdom of Great-Britain, whence he emigrated in the year 1867, to the United States of America, and has selected The State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the said State of Texas and renounce forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Queen of Great Britain, of whom he is a subject. James Beckway,
Sworn to & subscribed in open Court this the 16th day of Oct, 1871.
A. R. Morris, By A. J. Harrell, Dept. Clk.

2191. The State of Texas v. John Moore. And now on this day came the District attorney who prosecutes for the State in this behalf and came also the Defendant in person and by attorneys, and announces ready for trial. whereupon the Defendant pleads not guilty. And then came a jury of 12 good and lawful men of Travis county, consisting of J. H. Fitzhugh and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the Indictment, the evidence, argument of counsel, and the charge of the Court, and retired to deliberate of their verdict. And the jury thereupon returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty as charged, and sentence him to five (5) years in the Penitentiary. Nov. 16/71. J. H. Fitzhugh, foreman." whereupon, It is ordered by the Court that the Defendant stand committed to the county jail to await judgment and sentence.

2993. Roger Blount v. Margaret Blount, Defendant: & Jessie Meade and C. L. Dewey, Cros Defendants. And now on this day came the parties to the above entitled cause by their attorneys and announce themselves ready for trial. Whereupon came a jury, to wit: S. L. Granberry, foreman, and eleven others, twelve good and lawful men of Travis county, who being duly elected, empannelled and sworn according to law to try the issues joined between said parties, after hearing the evidence and argument of counsel, retired under the charge of the Court to consider of their verdict: and in response to the special issues submitted to them, returned into Court their verdict, in which they found the following facts to be true in said cause, viz:

1. That the allegations in plaintiff's petition are true
2. That the allegations in Defendants cross bill are not true.
3. That Plaintiff Roger Blount and Defendant Margaret Blount now own as community property one wagon and a pair of horses worth

one hundred and fifty dollars in coin, and also the North half of Lot No. 11 in Block No. 4 in the City of Austin, and improvements thereon, of the value of Seven hundred and fifty dollars in coin

4. That Plaintiff has possession of said wagon and horses
5. That Defendant E. B. Dewey has has possession of said North half of Lot No. 11 in Block No. 4 and improvements since the 17th day of April, 1871, and that the rent of said property has been worth twenty-five dollars in coin per month during that time, the rents amounting to one hundred and forty five dollars and fifty cents in coin.
6. That the deed from Roger Blount to Jessie Meade conveying Lot No. 11 in Block No. 4 in Austin City, was intended by both parties to it as a lease, and not as a sale
7. That E. B. Dewey had notice at the time of his purchase of Lot No. 11 in Block No. 4, in Austin, from Jessie Meade, that the conveyance from Roger Blount to said Meade, of the same, was intended by both parties to it as a lease, and not as a sale: It is therefore considered, adjudged and decreed by the Court that the bonds of matrimony hitherto existing between said Roger Blount and Margaret Blount be and the same are hereby vacated, dissolved and annuled, and the said Roger recover from said Margaret all the costs in this cause, except such costs as have accrued by reason of E. B. Dewey and Jessie Meade being made parties to this suit, for which (1) execution shall issue: And it is further ordered that said Margaret recover from said Roger the sum of Seventy Five Dollars in coin, the same being one-half the value of the wagon and pair of horses now owned in community by said Roger and Margaret, and now in possession of said Roger, and that said wagon and horses be seized and sold, as under execution, to satisfy this part of this decree, and unless said Roger shall pay said Margaret said sum of Seventy five dollars in coin or unless said Roger shall deliver said wagon and horses to the Sheriff of Travis county for sale under this decree, then that execution shall issue against said Roger for the collection of said sum of seventy five dollars in coin. And it is further ordered, adjudged and decreed that the deed from Roger Blount to Jessie Meade to Lot No. 11 in Block No. 4 in the City of Austin, dated July 11th 1870 and also the deed from Jessie Meade to E. B. Dewey to same lot, dated the 17th day of April, 1871, and also the $300 note executed by Jessie Meade on the 11th day of July, 1870, to Roger Blount and due on the 16th day of June, 1871, be and they are each and all of them hereby vacated, cancelled and annuled, and declared void from the dates thereof respectively: and it is further ordered and decreed that Margaret Blount do recover from E. B Dewey and Roger Blount an undivided half interest in and to the North half of Lot No. 11 in Block No. 4 in the City of Austin and improvements thereon, and that a Writ of Possession do issue to put said Margaret

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(2) in possession of said half lot. And it is further ordered that said Margaret recover from said Dewey the sum of Seventy two dollars and seventy five cents in coin, that being one-half of the value of the rents of said half lot and improvements as found by the jury since said Dewey took possession thereof, for which execution may issue. And it is further ordered that said Margaret recover from said Dewey and Jessie Meade all the costs which have accrued in this cause by reason of said Dewey and Meade being made parties thereto. And it is further ordered and adjudged that said Roger Blount recover from said Dewey the remaining undivided half interest in and to said North half of Lot No. 11 in Block No 4 in said city and improvements thereon, and that a writ of Possession do issue to put said Roger in the possession of said half lot as a joint owner with said Margaret. And it is further ordered that

(3) said Roger recover from said Dewey the sum of Seventy two dollars and fifty cents in coin, the remainder of the rents due from him on said half of said lot, and for which execution shall issue

3069 James Denison v. Hanecekand West, et.al. Upon motion It is ordered that the Plaintiff herein have leave to amend his petition answer to the petition of intervention.

2274. The State of Texas v. Edwin Jefferson. And now on this day came the District attorney who prosecutes for the State in this behalf: and came also the Defendant in person and by his attorneys, and announced themselves ready for trial. Whereupon the Defendant being arraigned pleads not guilty to the Indictment Whereupon came a jury of twelve good and lawful men of Travis county, consisting of- J.E. Mowinckle and eleven others, who being tried, elected, empannelled and sworn according to law hear the plea. the evidence, argument of Counsel and the charge of the Court, and retired to consider of their verdict. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defft. guilty and assess his punishment at two years in the State Penitentiary. J.E. Mowinckle, Guardian foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

2275 The State of Texas v Edwin Jefferson. Come the parties by their attorneys and announce ready for trial. And the Defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county, consisting of J.H. Fitzhugh and eleven others, who being tried elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict to wit: "We, the Jury, find the Defendant not guilty. J.H. Fitzhugh, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted of the charge contained in the Indictment.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

October Term, Tuesday, October 17th 1871.

Tuesday, October 17th, 1871.

Court met at 9 o'clock, A.M. pursuant to adjournment. Present Hon. J.P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2276 The State of Texas v. W.S. Williams. Comes W.S. Williams, as principal, and G.W. Costley and J.C. Pierce as his securities, and they acknowledges themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of three hundred dollars to be levied upon their goods and chattels, lands tenements and estate, But to be void upon condition that the said W.S. Williams make his personal appearance before the District Court of Travis County now in Session, and there remain from day to day and from term to term thereafter, to answer the indictment preferred against him by the Grand Jury of Travis county at the October term thereof, 1871. for the Theft of a Cow, and that he do not depart the Court without Leave.

2283 The State of Texas v. Otto Hoffman. And now on this day comes the District Attorney who prosecutes for the State in this behalf: and came also the Defendant in person and by attorney, and announced ready for trial. whereupon the Defendant pleads not guilty. And then came a jury of twelve good and lawful men of Travis county, consisting of J.E. Mowinckle and eleven others, who being tried, elected, empaneled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find the Defft. guilty and assess his punishment at two years in the State Penitentiary. J.E. Mowinckle, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

2287 The State of Texas v Ned. Douglas. Come the parties and announce ready for trial. And the Defendant pleading not guilty, came a jury of 12 good and lawful men of Travis county, consisting of A. B. Palm and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, and after retirement, returned the following verdict, to wit: "We, the jury, find the Defendant not guilty. A. B. Palm, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

2943 J.R. Lowell, Plaintiff v. Green B. Adams, et.als. Defts and Thomas Porter, Intervenor.

In this case now come the parties by their attorneys, and upon motion of the plaintiff the cross bill of the Defendants Green B. Adams and others against Wood be dismissed at the cost of the Defendants. And the Intervenor Thomas Porter having in vacation filed an intervention in this cause claiming the land in controversy and now desiring to file an amendment to his

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petition the said Thomas Porter is permitted to intervene, and his petition and amendment thereto are allowed. And thereupon the parties to this cause waive a jury and submit the matters in controversy both of law and of fact to the Court. And the Court having heard the evidence and argument of counsel, does adjudge and decree that the law is with the intervenor, and that the said Intervenor Thomas Porter have and recover of the Plaintiff and the Defendants the land in controversy, which is described as follows, to wit: " In the County of Travis, Texas, being six hundred and forty acres of land, known as Survey No 10, on the East side of the Colorado River, about 14 miles from Austin, on the head waters of Wilbarger's creek. Beginning at the North East corner of Survey No 8, and South East corner of this Survey, from which a Cotton wood 24 in. dia. marked X bears North 68° East 200 varas. thence North 30° East, one thousand nine hundred varas to a stake and mound for the North East corner of this Survey: thence North sixty degrees West one thousand nine hundred varas to a stake from which a hackberry marked X bears North 44° West 5 varas for the N. W. corner of this Survey: thence South 30° West 1900 varas to a stake and mound for the South West corner of this Survey: thence South 60 degrees East 1900 varas to the place of beginning, the same being the headright originally granted to John Bray" and that he have a Writ of Possession therefor.

It is further adjudged that the claim set up by the Plaintiff to said land is a cloud upon the title of the Intervenor Thomas Porter thereto, and that as to said Intervenor it be declared void.

It is further adjudged that the Plaintiff pay all cost in this behalf expended, with the exception of the costs of the cross bill of the defendants Adams and others filed in this cause, which shall be paid by the said defendants, and that the parties respectively have and recover the said costs of each other.

2287 The State of Texas v. Gabriel Kelley. On this day came the District Attorney who prosecutes for the State in this behalf: and came also the Dft. Gabriel Kelley in person and by attorney, and announced ready for trial. And the Defendant plead not guilty. And the jury, having (being) heard the plea, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: " We, the jury, find a verdict of guilty against the deft. and assess as punishment of 5 years imprisonment at the State Penitentiary. John E. Mowmckle, foreman." Whereupon It is ordered that the defendant stand committed to the county jail to await judgment and sentence.

2286 The State of Texas v. Ned Douglas. Disimissed as to Ned. Douglas.

1317. The State of Texas v. J. H. Esmond. Continued for service.

1352. The State of Texas v. Jesse Graham et al. Continued for service.

1382. The State of Texas v. A. Chamberlain Continued for service.

1468 The State of Texas v. John Martin. Continued for service.

1691. The State of Texas v. Aurora Alexander. Continued for service.

1699 The State of Texas v. Sampson Murry. Disimissed

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1700 The State of Texas v. Sampson Murry. Dismissed
1713 The State of Texas v. Crawford Kimbro Dismissed
1714 The State of Texas v Crawford Kimbro. Dismissed
1847 The State of Texas v. Robert Brown Dismissed
1925 The State of Texas v. C.C. Clark, et als. Dismissed
1926 The State of Texas v. C.C. Clark, et. al. Dismissed
1927 The State of Texas v C.C. Clark, et als Dismissed
1928 The State of Texas v. C.C. Clark et als Dismissed
1929 The State of Texas v. Green. Continued for Service.
1931 The State of Texas v Ara Carpenter et al. Continued for servi ce.
1938 The State of Texas v Charles Sublett continued for service
1939 The State of Texas v Charles Sublett. Continued for servi ce
1940 The State of Texas v. T. B. Walker. Continued for servi ce.
1941 The State of Texas v. C. W. Bryant. Continued for service
1942 The State of Texas v. Gatlin and Gatlin. Continued for servi ce.
1944 The State of Texas v. Jim Hamilton Continued for service.
1947 The State of Texas v. Burnie & Bell Continued for servi ce.
1948 The State of Texas v. Burnie & Bell. Continued for service
1949 The State of Texas v. Burnie & Bell. Continued for servi ce.
1950 The State of Texas v. Burnie & Bell. Continued for service.
1951 The State of Texas v Burnie & Bell. Continued for service.
1952 The State of Texas v. Burnie & Bell. Continued for servi ce.
1954 The State of Texas v. A. J. Green. Continued for service.
2002 The State of Texas v. Bursby. Continued for servi ce.
2008 The State of Texas v. J. M. Neal. Continued for servi ce.
2040 The State of Texas v. Pleasant Saunders Continued for service.
2048 The State of Texas v. Harry Johnson. Dismissed
2054 The State of Texas v. Alonzo T. Ross. Dismissed
2066 The State of Texas v. R. A. Brownd Dismissed
2088 The State of Texas v. S. Mulsett. Dismissed
2090 The State of Texas v. Charley Moore. Continued for Service.
2095 The State of Texas v. Geo Cravens. Continued for servi ce.
2104 The State of Texas v. David Lane. Continued for service.
2291 The State of Texas v. Sol. Williams. continued on affidavit of Dft. Bail $800.
2292 The State of Texas v. John Walker. And now on this day came the District Attorney who prosecutes for the State in this behalf: and came also the Defendant in person and by attorney and announced ready for trial, And the Defendant pleads not guilty. And then came a jury of twelve good and lawful men of Travis County, consisting of A. B. Palm and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the defendant guilty and assess the punishment by confinement in the Penitentiary for five (5) years. A. B. Palm foreman." Whereupon, It is or-

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dered that the Defendant stand committed to the county jail to await judgment and sentence

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Wednesday, October 18th 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present Hon. J.P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2285. The State of Texas v. Geo. Thompson. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant George Thompson in person and by attorneys, and announced ready for trial. And the Defendant being arraigned pleads not guilty. Whereupon came a jury of twelve good and lawful men of Travis county, to wit: Charles Pecht, A. B. Palm, J.H. Fitzhugh, Riley, J. Holman, C. Puckett, Toney Kimball, Charles Reifenstall & Blumentritt, W. M. Gilleland and J. M. Hamilton, who were tried, elected, empannelled and sworn according to law. And the jury having heard the evidence, argument of counsel, and the charge of the Court retired to deliberate of their verdict: whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant not guilty. foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

2289. The State of Texas v. Joe Owens. And now on this day came John Vann, Thomas Vann, A. A. Hughes, William Clements & James Graham, witnesses, and thereupon each of them acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One hundred dollars, to be levied upon his goods and chattels, lands, tenements and estate, But to be void upon condition that said witnesses be and remain in attendance upon the District Court of Travis county, now in sefsion at the Courthouse there of in the City of Austin, then and there to remain from day to day and from term to term thereafter, to give evidence on behalf of the Plaintiff in the above entitled cause, and that they do not depart the Court without leave.

2288. The State of Texas v. A. H. Meeks. Comes A.H. Meeks as principal, and R. F. Meeks and N. E. Moore, as securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Five hundred dollars to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that said A. H. Meeks make his personal appearance before the District Court of Travis county now in sefsion at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to answer the Indictment preferred against said A. H. Meeks by the Grand Jury of Travis county, at the October term, 1871, of the District Court of

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said County, for the theft of a mare and colt, and that he does not depart the Court without leave.

2285. The State of Texas v. A. H. Meeks. Now comes A. H. Meeks as principal, and Leyms Puckett and N. E. Moore as his securities and acknowledge themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the sum of five hundred dollars, to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that the said A. H. Meeks be and remain in attendance upon the District Court of Travis county now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to answer the indictment preferred against him, the said A. H. Meeks, by the Grand Jury of Travis County, at the October term, 1871, of the District Court of said County for the theft of a Mule, and that he do not depart the Court without leave.

2278 The State of Texas v. Isaac Ralls. Comes Isaac Ralls as principal, and D. Corwin, Wm. Timmin and Cato Edwards as his securities, and they acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the sum of five hundred dollars, to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that the said Isaac Ralls be and remain in attendance upon the District Court of Travis county now in session, at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, But to be void upon condition that the said Is to answer the indictment preferred against him by the Grand Jury of Travis county, at the October term, 1871, of the District Court of said County, and that he do not depart the Court without leave.

2279. The State of Texas v. Isaac Ralls. Comes Isaac Ralls as principal, and D. Corwin, Wm. Timmin and Cato Edwards as his securities, and they acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of five hundred dollars, to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that the said Isaac Ralls be and remain in attendance upon the District Court of Travis county now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to g answer the Indictment preferred against the said Isaac Ralls by the Grand Jury of Travis county, at the October term, 1871, of the District Court of said county, for the theft of a Mare, and that he do not depart the Court without leave.

And Court adjourned till to-morrow morning at 9 o'clock.

Thursday, October 19th, 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

2112 The State of Texas v. Aleck Fowler. Dismissed & Defft. discharged.

2120 The State of Texas v. William Lofton. Continued for service.

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2126 The State of Texas v. Geo. W. Allen. Continued for service.
2133 The State of Texas v. Tidwell Gathin. Continued for service.
2134 The State of Texas v. Thomas Barnes. Continued for service.
2139 The State of Texas v. Miller. Continued for service.
2142 The State of Texas v. Peter Kenner. Continued for service.
2146 The State of Texas v. Jace Wilson. Cause dismissed
2150 The State of Texas v. Harrison & Watson. Continued for service
2151 State of Texas v. John Barnhart Cause dismissed and deft. discharged
2152 The State of Texas v. Thomas Stephens Continued for service.
2153 The State of Texas v. E. Winkerley Continued for service
2155 The State of Texas v. James Sneed Cause dismissed
2156 The State of Texas v. James Sneed. Come the parties by attorney and submit the cause to the Court, waiving a jury, announcing ready for trial. And the Court hearing the plea of guilty, fixes the fine at ten dollars. Whereupon It is ordered that the State of Texas recover of the said James Sneed the sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same
2157 The State of Texas v. William Sneed. Come the parties by attorney and announce ready for trial, and waiving a jury submit the cause to the Court. And the Defendant pleading guilty the Court fines the Deft. ten dollars. Whereupon It is ordered that the State of Texas recover of said William Sneed said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.
2158 The State of Texas v. Bill Sneed. Cause dismissed
2167. The State of Texas v. Jack Lyons. Continued for Service.
2168. The State of Texas v. Sam. Burditt et al. Cause dismissed.
2192 The State of Texas v. A. W. Orr. Cause dismissed
2199 The State of Texas v. J. M. Swisher Cause dismissed
2200 The State of Texas v. Jace Wilson Cause dismissed
2202 The State of Texas v. Wiley Craft. Cause dismissed
2203 The State of Texas v. Wiley Craft. Cause dismissed
2204 The State of Texas v. Wiley Craft. Cause dismissed.
2209 The State of Texas v. Matt. Woodlief Come the parties by attorney and announce ready for trial, and waiving a jury submit the case to the Court. And Deft. pleading guilty the Court fixes the fine at ten dollars Whereupon It is ordered that the State of Texas recover of the Deft. Matt. Woodlief the said sum of ten dollars and all the cost of this prosecution and that a capias issue to collect the same.
2210 The State of Texas v. Matt. Woodlief Cause dismissed
2211. The State of Texas v. Geo. H. Slaughter. Continued for service.
2218 The State of Texas v. Tom Bowles. Come the parties by attorney and announce ready for trial, and waiving a jury submit the case to the Court. And deft. pleading guilty the Court here fixes the fine at ten dollars Whereupon It is ordered that the State of Texas recover of the Defendant Tom Bowles said sum of ten dollars and all

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the cost of this prosecution, and that a capias issue to collect the same.

2221 The State of Texas v. Strode & Shelton cause dismissed

2222 The State of Texas v. Ike Napoleon. cause dismissed

2228 The State of Texas v. Ed. Grooms Continued for service

2229 The State of Texas v. Allen McFarland Continued for service

2221 The State of Texas v. Fowler and Craft. Comes the District attorney and dismisses this prosecution as to the Defendant Fowler. And it is ordered that said Fowler go hence discharged. And said plff and the deft. Craft announce ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleads guilty. Whereupon the Court places the fine at one dollar. Whereupon It is ordered that the State of Texas do have and recover of and from the said Wiley Craft the sum of One dollar and all the cost of this prosecution and that a capias issue to collect the same.

2237. The State of Texas v. Al. Rust. Continued for service.

2241. The State of Texas v. Wash. Wilson. Continued by the State.

2243 The State of Texas v. Jas Wadsworth. Come the parties by attorney and announce ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleading guilty It is ordered that the State of Texas recover of the Defendant Jas Wadsworth the sum of ten dollars. fine fixed by the Court, and all the cost of this prosecution, and that a capias issue to collect the same.

2257 The State of Texas v. L. A. Burke. Continued.

2260 The State of Texas v. Dan Gallagher On this day came the City of Austin parties by their attorneys and announce ready for trial. And the defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county, consisting of John E. Mowinckle and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the complaint, the evidence, argument of counsel and the charge of the Court and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict to wit: "We, the jury, find the Deft. guilty, and assess the fine at Seven dollars and fifty cents. John E. Mowinckle, foreman." Whereupon It is ordered that the City of Austin do have and recover of the Defendant Dan P. Gallagher the sum of Seven dollars and fifty cents and all the costs of this prosecution, and that a capias ifsue to enforce the collection of the same.

2259 The State of Texas v. Claibe Goodrich. Cause dismissed

2263 The State of Texas v. P. Brainer Cause dismissed.

2267. The State of Texas v. Nat. Moore. Come the parties by their attorneys and announce ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleads guilty to an affidavit. And the Court here fixing the fine at one dollar, It is ordered that the State of Texas do have and recover of the Defendant Nat. Moore, said sum of One Dollar and all the cost of this prosecution, and that a capias ifsue to collect the same.

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2268 The State of Texas v. Nat. Moore. Cause dismissed
2269 The State of Texas v. Wooley & Talmidge. Cause dismissed
2273. The State of Texas v. John Buttery. Continued for service
2278 The State of Texas v. Isaac Ralls Continued by the State.
2280 The State of Texas v. Mike Brown. Exceptions to the Indictment in this case, upon argument of the same, being sustained, It is ordered that the cause be dismissed and defd. stand discharged.
2303 The State of Texas v. Jack Conner. Come the parties by attorney and announce ready for trial. and waiving a jury submit the Case to the Court. And Defd. pleads guilty. And the Court here fixing the fine at ten dollars, It is ordered that the State of Texas do recover of said Jack Conner said sum of ten dollars and all the cost of this prosecution, and that a capias ifsue to collect the same.
2304. The State of Texas v Wm. Wilson. Come the parties by attorney and announce ready for trial. and waiving a jury submit the case to the Court. And Defd. pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the said Wm. Wilson said sum of ten dollars and all the cost of this prosecution, and that a capias ifsue to collect the same.
2305 The State of Texas v. Maroney. Come the parties by attorney and announce ready for trial: and waiving a jury submit the case to the Court. And defd. pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the Defendant Maroney the sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.
2306 The State of Texas v. Charles Murray. Come the parties by attorney and announce ready for trial, and waiving a jury submit the case to the Court. And defd. pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the Defendant Charles Murray said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.
2307 The State of Texas v. W. H. Sinclair. Cause dismissed.
2309 The State of Texas v. Jo. Wadsworth Cause dismissed
2310 The State of Texas v. Geo. Davis. Cause dismissed
2314 The State of Texas v. Billy Brennan. Cause dismissed
2315 The State of Texas v. Fayette Cotton. Come the parties by attorney and announce ready for trial, and waiving a jury submit the case to the Court. And defd. pleading guilty, the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the Defendant Fayette Cotton said sum of ten dollars and the cost of this prosecution, and that a capias ifsue to collect the same.
2318 The State of Texas v. Maroney. Cause dismissed.

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2319 The State of Texas v. Wiley Leraft. Come the parties by their attorneys and announce ready for trial: and waiving a jury submit the case to the Court And the Defendant pleads guilty. And the Court here fixing the fine at ten dollars, It is ordered that the State of Texas do have and recover of the Defendant Wiley Leraft said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2320 The State of Texas v. David Wills. Come the parties by their attorneys and announce ready for trial: and waiving a jury submit the case to the Court. And the Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the Defendant David Wills said sum of ten dollars and all the cost of this prosecution and that a capias issue to collect the same.

2322 The State of Texas v. Charles Murray. Cause dismissed

2323 The State of Texas v. Dock Thompson. Come the parties by their attorneys and announce ready for trial: and waiving a jury submit the case to the Court: And the Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of and from the Defendant Dock Thompson said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2325. The State of Texas v. Matt Woodhef. Cause dismissed

2326 The State of Texas v. Matt Woodhef. Cause dismissed.

2327 The State of Texas v. Watt Good. Come the parties by their attorneys and announce ready for trial: and waiving a jury submit the case to the Court. And the Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of and from the Defendant Watt Good said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2328 The State of Texas v. Bob. Fields. Come the parties by their attorneys and announce ready for trial. And waiving a jury submit the case to the Court. And the defendant pleading guilty the Court here fixes the fine at ten dollars. And it is ordered that the State of Texas do have and recover of the Defendant Bob Fields said sum of ten dollars and all the cost of this prosecution, and that a capias issue to collect the same.

2329 The State of Texas v. A. B. Mitchell. Come the parties by their attorneys and announce ready for trial, and waiving a jury submit the case to the Court. And the defendant pleading guilty the Court here fixes the fine at ten dollars. And it is ordered that the State of Texas do have and recover of the said A. B. Mitchell said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same

2330 The State of Texas v. Jace Wilson. Come the parties by their attorneys and announce ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleading guilty the Court

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here fixes the fine at ten dollars. And it is ordered that the State of Texas do have and recover of the defendant Jace Wilson said sum of ten dollars and the cost of this prosecution, and that a capias ifsue to collect the same.

2332. The State of Texas v. Frank Cotton. Come the parties by their attorneys and announce ready for trial, and waiving a jury submit the case to the Court. And defendant pleading guilty, the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the said Frank Cotton said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2333. The State of Texas v. Billy Haynes. Come the parties by their attorneys and announce ready for trial, and waiving a jury submit the case to the Court. And defendant pleading guilty, the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the said Billy Haynes said sum of ten dollars and the cost of this prosecution, and that a capias ifsue to collect the same.

2334. The State of Texas v Billy Brennan. Come the parties by their attorneys and announce ready for trial, and waiving a jury submit the case to the Court. And Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the Defendant Billy Brennan said sum of ten dollars and the cost of this prosecution, and that a capias ifsue to collect the same.

2335. The State of Texas v. Charles Fugett. Come the parties by their attorneys and announced ready for trial, and waiving a jury submit the case to the Court. And Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the said Charles Fugett said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2336 The State of Texas v. Nolan. Come the parties by their attorneys and announced ready for trial, and waiving a jury submit the case to the Court. And Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of the said Nolan said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same

2337. The State of Texas v. Dock Thompson. Cause dismissed

2338. The State of Texas v. Sam Evans Come the parties by their attorneys and announce ready for trial. and waiving a jury submit the case to the Court and Defendant pleading guilty the Court here fixes the fine at ten dollars. And it is considered that the State of Texas do have and recover of and from the Defendant Sam Evans said sum of ten dollars and the cost of this prosecution, and that a capias issue to collect the same.

2178 The State of Texas v. Ed. Williams Continued by the State, and ordered that attachments ifsue for the States witnesses returnable at next term

2212 The State of Texas v. Andrew Campbell. Continued by the plaintiff and attachment ordered for the witness Lockhart, returnable at next term.

2213 The State of Texas v. Byron Glasscock. Continued by the State and attach-

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ment ordered for the witness Jacob Lockhart.

2214. The State of Texas v. Silas Rawles Continued by the State and attachment ordered for the witness J Lockhart.

2230. The State of Texas v Josh Eagle. Continued by the State, and attachment ordered for John Chambers.

2238. The State of Texas v. W. C. Cain, et.al. Continued by the State and attachment ordered for States witnesses.

2279 The State of Texas v. Isaac Ralls. Continued by the State, and attachment ordered for defendants witnesses returnable at next term.

And Court adjourned till to-morrow morning at 9 o'clock.

Friday, October 20th 1871.

Court met at 9 o'clock A. M. pursuant to adjournment. Present Hon. J.P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2266 The State of Texas v. Geo. Thompson. It appearing that in the above entitled cause, in the District Court of Bastrop county, on the 8th August, 1871, Sum Ward as principal, and Jackson Busch, Ruffin Sanders and George Meek as his securities, entered into Recognizance in open Court in the sum of two hundred dollars, to be levied upon their goods and chattels, lands and tenements, But to be void upon condition that said with Sum Ward make his personal appearance at the District Court of Travis county on the 1st Monday in October, 1871, and there remain from day to day and from term to term, to testify in behalf of the State in the above entitled cause wherein The State of Texas is plaintiff and George Thompson is Defendant, charged with Murder and that he do not depart the Court without leave: and said cause being called for trial, and said witness being distinctly called at the door of the Court-house of Travis county, and failed to appear and testify as he was bound to do by said recognizance, said Recognizance is forfeited: And it is considered that the State of Texas do have and recover of the said Sum Ward, as principal, and Jackson Busch, Ruffin Sanders and George Meek as his securities, the sum of two hundred dollars, the amount of said Recognizance, and that Scire facias issue to said parties returnable at the next term of this Court commanding them then and there to appear and shew cause, if any they can, why said judgment nisi shall not be made final, and why said witness Sum Ward did not appear.

2266 The State of Texas v. Geo. Thompson Continued by the State and bail fixed at two thousand dollars

2242 The State of Texas v. Jonas Graham. Come the parties and announce ready for trial: and Defendant pleading not guilty: came a jury of twelve good and lawful men of Travis county, consisting of A.D. Palm and eleven others, who being tried, elected, empannelled and sworn, heard the plea, the evidence, argument of counsel and the charge of the Court, after retirement, returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. A.D. Palm foreman." Whereupon It is ordered that the Defendant go hence acquitted and discharged.

2289. The State of Texas v. Joe Owens. And now on this day came the District attorney on behalf of the State, and also the Defendant in person and

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by attorney and announced ready for trial. And the Defendant pleads not guilty whereupon came a jury of twelve good and lawful men of Travis county, consisting of J.C. Mowinckle and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, and retired to deliberate of their verdict. And thereupon the jury returns into Court the following verdict, to wit: "We, the jury, find the defendant guilty, and assess the fine at 2 years imprisonment in the State Peintentiary. John C Mowinckle, foreman." Whereupon It is ordered that the Defendant be committed to the county jail to await judgment and Sentence.

2294 The State of Texas v. D. H. Young. And now comes the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney, and announced ready for trial. And the Defendant pleads not guilty. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of A. B. Palm and eleven others who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. Whereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty, and sentence him to imprisonment in Penitentiary (5) five years. A. B. Palm, foreman." Whereupon It is adjudged that the Defendant stand committed to await judgment and sentence.

2238 The State of Texas v. W. C. Cain and Albert Boyce. Ordered, upon motion, that the cause be dismissed as to the Defendant Boyce, who is permitted to go hence discharged, the continuance heretofore entered herein being set aside. And comes the District attorney and the Defendant W. C. Cain and announce ready for trial, and waiving a jury submit the case to the court. And the Defendant pleading guilty, the Court here fixes the fine at five dollars. And it is ordered that the State of Texas do have and recover of the said W. C. Cain said sum of five dollars and the cost of the prosecution, and that a capias issue to collect the same.

2265 The State of Texas v. Dan Gallagher. Ordered, upon motion, that this cause be dismissed and the judgment rendered herein at a former day of the term set aside and vacated, because it appears that the defendant has complied with the judgment rendered in the Mayors Court and has withdrawn the appeal.

2317 The State of Texas v. W. C. Cain. Cause dismissed.

2321 The State of Texas v. W. C. Cain. Cause dismissed.

3144 Rachael Norris v. Benjamin Norris. And now on this day came the plaintiff by her attorneys, and the defendant came not. And said defendant having accepted service of plaintiff's petition as required by law, and having failed to appear and make default. And then came a jury of twelve good and lawful men of Travis county, consisting of A. B. Palm and eleven others, who being tried, elected, empannelled and sworn according to law.

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heard the pleadings, the evidence, argument of counsel, and the charge of the Court and retired for deliberation. Whereupon said jury returned into Court the following verdict, to wit: "No. 3144. Rachel Norris v. Benj. Norris. Verdict. "We, the Jury, find the allegations in the Peff's petition to be true. A. B. Palm, foreman." And thereupon it is ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Plaintiff and the Deft. Rachel Norris and Benj Norris, be, and the same are hereby vacated, set aside, and forever annulled and dissolved, and that the Plaintiff recover her cost in this behalf incurred.

And Court adjourned till to-morrow morning at 9 o'clock.

Saturday, October 21st 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present Hon J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

✓ 3069. James Denison v. Hancock and West et al. Comes the Plaintiff and, on motion It is ordered that said Plaintiff have leave to amend his petition.

✓ 2802 Wm. Drake v. Diana Gilleland. Come the parties by their attorneys - when came on to be heard the motion for a new trial heretofore filed by the Defendant. And said motion being duly heard and considered, after argument of counsel, It is considered that said motion be overruled whereupon the said Defendant gives notice in open Court of an appeal to the Supreme Court.

✓ 2993 Roger Blount v. Margaret Blount, et al. Come the parties hereto by attorneys: and thereupon came on to be heard the motion for a new trial filed at a former day - which being heard and argued by counsel, It is ordered that said motion be overruled. And thereupon the said Defendants give notice in open Court of an appeal to the Supreme Court.

✓ 2760 M. Olmsted v. McKinney and Maneick. Come the parties by their attorneys: and thereupon came on to be heard the motion for a new trial filed at a former day, which being heard and argued by counsel It is ordered that said motion be overruled. Whereupon the Defendants give notice, in open Court, of an appeal to the Supreme Court.

✓ 3111 Maria Bell v. Caesar Bell. Comes B. H. Davis, appointed in this case and presents a motion for a new trial, which being heard and considered It is ordered that the same be overruled.

✓ 2987 Charles and Margaret Moore v. Frank Meeks. And now on this day came the partees to this cause by their attorneys and announced themselves ready for trial, and waiving a jury agree to submit the case to the Court. And the Court having heard the pleadings, the evidence & argument of counsel, and is of opinion that the law and facts are with the Plaintiffs. And thereupon It is ordered that the plaintiffs have and recover of the Defendant Frank Meeks the sum of Ninety-five dollars, the amount here fixed by the Court, and all the cost, for which execution may issue.

October Term, Monday, October 23d. 1871.

And thereupon Court adjourned till Monday morning at 9 o'clock

Monday, October 23d. 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the same as on Saturday Whereupon the following proceedings were had by said Court, to wit.

1998 The State of Texas v. Wm Beard. On this day comes Wm L. Hancock, L. T. Vann, Floyd Russell, and Salem Hancock, witnesses, and acknowledged themselves, each for himself, to owe and be indebted unto The State of Texas in the sum of One hundred dollars each, to be levied upon himself, his goods and chattels, lands, tenements and Estate. But to be void upon condition that the said witnesses, each for himself, make his personal appearance before the District Court of Travis county, now in session at the Courthouse thereof, in the City of Austin, and there remain from day to day, and from term to term thereafter, to give evidence on behalf of the plaintiff in the above entitled cause of The State of Texas v. Wm Beard, charged with the Theft of Animals and that he do not depart the Court without leave.

2187 The State of Texas v. Pole Caviness. This cause being called for trial the Defendant Pole Caviness, failing to appear and answer to the indictment in this case, he and his securities G. G. Haynes, B. M. Odum and A. B. Palm, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant Pole Caviness, with the said G. G. Haynes, B. M. Odum and A. B. Palm as his securities, did enter into recognizance in open Court in this case, substantially as follows: Dated 28th day of June, 1871, payable unto The State of Texas in the sum of two hundred dollars, conditioned that the said Defendant Pole Caviness, make his personal appearance at the District Court of said County of Travis, then in session, at the Courthouse thereof in the City of Austin, to answer the Indictment preferred against the said Defendant Pole Caviness, by the Grand Jurors of Travis County, at the June term, 1871, for the theft of an Ox, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court; which said bond is forfeited. And it is considered by the Court, that The State of Texas do have and recover of the said Pole Caviness and the said G. G. Haynes, B. M. Odum and A. B. Palm said sum of two hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Pole Caviness did not appear. and further ordered that citations do issue to the said sureties.

2187. The State of Texas v. Pole Caviness. alias capias ordered to Caldwell and Travis counties, and bail fixed at $600.

3126 W. B Johnston v. Scott, Sawyer & Ficklin. Ordered, upon motion, that this cause be dismissed, and that the Plaintiff pay all the cost hereof, for which execution may issue.

October Term, Tuesday, October 24th 1871

And thereupon Court adjourned till to-morrow morning 9 o'clock

Tuesday, October 24th 1871.

Court met at 9 o'clock, A.M. pursuant to adjournment. Present Hon. J.P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

√ 3145. The Houston and Great Northern RailRoad v. Jacob Kenchler, Com'r of the General Land Office. And now on this day came the parties to the above entitled cause, by their attorneys and announced ready for trial. And the parties submit to the Court the questions of law arising upon the demurrer interposed by the Defendant to the petition, and the Court having heard the pleadings, the argument of counsel, and having well considered the points of law arising thereon, Doth order, and adjudge, that the demurrer in this case be sustained, and the Mandamus prayed for be refused. that the petition be dismissed. that the Defendant go hence and recover of the said Plaintiffs all the cost of this proceeding, for which execution may issue. And thereupon the plaintiff gives notice, in open Court, of an appeal to the Supreme Court.

2344 The State of Texas v. Milly Epson. And now comes the District attorney on behalf of the State, and came also the Defendant in person and by attorney, and announced ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of S. J. Redd and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant not guilty. S. J. Redd, foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

1998 The State of Texas v. William Beard. And now on this day came the District attorney who prosecutes for the State in this behalf and came also the Defendant in person, and by attorney, and the parties thereupon announced ready for trial. And the Defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county, consisting of A.B. Burleson and eleven others who being tried, elected, empannelled and sworn according to law, hears the plea, the indictment, the evidence, argument of counsel and the charge of the Court, and retired for deliberation. Whereupon the jury returned into Court the following verdict, to wit: "State of Texas, County of Travis. We, the jury, find the Defendant guilty and assess his punishment at fifteen years in the State Penitentiary. A. B. Burleson, foreman." Whereupon It is ordered that the Defendant stand committed to the county jail to await judgment and sentence.

2312 The State of Texas v. Charles Johnson. And now on this day comes the District attorney on behalf of the State, and came also the

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defendant in person and by attorney and announced ready for trial. And the Defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county, consisting of S. J. Redd and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of Counsel, and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant not guilty. S. J. Redd, foreman." Whereupon, It is ordered that the Defendant go hence fully acquitted and discharged.

2261. City of Austin v. Wm. Cunningham. And now come the parties by their attorneys, and the Defendant submitted his exceptions to the sufficiency of the complaint, which being heard and argued by counsel, and being well understood by the Court, It is ordered that the exceptions be sustained and the cause dismissed from the docket, and the Defendant go hence discharged.

2276 The State of Texas v. W. S. Williams. This State cause being called for trial, the Defendant W. S. Williams failing to appear and answer to the Indictment in this case, he and his securities G. W. Costley and J. B. Pierce being distinctly called at the door of the Courthouse of Travis county: and the Defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant W. S. Williams, with the said G. W. Costley and J. B. Pierce, as his securities, did enter into recognizance in open Court, in this case, substantially as follows: Dated 17th day of October, 1871, payable unto The State of Texas in the sum of three hundred dollars, conditioned that the said Defendant W. S. Williams, make his personal appearance at the District Court of said County of Travis then in session at the Courthouse thereof in Austin, to answer the Indictment prefered against the said Defendant W. S. Williams, by the Grand Juros of Travis county, at the ~~June~~ October Term, 1871, for the theft of a Cow, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Recognizance is forfeited: and it is considered by the Court that the State of Texas do have and recover of the said W. S. Williams and the said G. W. Costley and the said J. B. Pierce, the said sum of three hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant W. S. Williams did not appear. And further ordered that citations do issue to the said securities.

2276. The State of Texas v. W. S. Williams. Ordered that bail in this case be fixed at $800. and that capias issue to Williamson and Hays counties.

2284 The State of Texas v. Harper Jackson. Continued on affidavit of Defendant.

October Term, Wednesday, October 25th 1871.

Wednesday, October 25th 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to-wit:

2272 The State of Texas v. Meredith Haynes. And now on this day came the District Attorney who prosecutes for the State in this behalf and came also the Defendant Meredith Haynes in person and by his attorneys and announced ready for trial. the Defendant Mary J. Haynes not going to trial, the parties having severed And said Meredith Haynes being arraigned, pleads not guilty. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Sam Matter, b. S. Frazer, Joseph Lucksinger, Joseph Bitter, Geo. Rose, Leon Vanzant, A. W. Orr, H. M. Metz, Lacy McKenzie, Roger Blount, A. Musgrove and N. B. Metz, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. And thereupon said jury returned into Court the following verdict, to wit: "We, the jury, find the Deft. guilty of Murder in the 1st degree A. Musgrove, Foreman." Whereupon It is ordered that the Defendant stand committed to the County jail to await judgment and sentence.

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Thursday, October 26th, 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

2272 The State of Texas v. Mary Jane ~~Haynes~~ Haynes. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by her attorneys, and announced ready for trial. And the Defendant being arraigned, pleads not guilty. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of John G. Jolly, H. H Stanley, James Dieterich, A. B. Parleson, James Dorsey, Francis Glasscock, Jas Davis, John W. Cloud, George Haynie, Phil Jobe, A. A. Campbell and Geo Castley, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "State of Texas v. Mary Jane Haynes. We, the jury, find the Defendant guilty of murder in the second degree, and assess the punishment at Seven (7) years in the Penitentiary. Geo. O. Haynie, Foreman." Whereupon It is ordered that said Defendant stand committed to the county jail to await judgment and sentence.

2282. The State of Texas v. Ike Napoleon. And now come the parties by

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their attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of Frank Hamilton and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "Not guilty. Frank Hamilton, Foreman." And thereupon It is ordered that the Defendant go hence fully acquitted and discharged.

And thereupon Court adjourned till 9 o'clock A.M.

Friday, October 27th 1871

Court met at 9 o'clock, A. M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 2nd Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2284. The State of Texas v. Harper Jackson. And now comes Harper Jackson as principal, and Claiborne Stovall and Fergus Kyle as securities, and acknowledges themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Five Hundred Dollars to be levied upon their Goods and Chattels, Lands, Tenements and Estate, But to be void upon condition that the said Harper Jackson make his personal appearance before the Hon. District Court of Travis county, to be held at the Courthouse thereof in Austin, on the first Monday in February, 1872, and there remain from day to day and from term to term thereafter, to answer the Indictment preferred against the said Harper Jackson by the Grand Jury of Travis county, at the October term, 1871, of the District Court of said County, for theft from a House, and that he do not depart the Court without leave.

2220 The State of Texas v. Geo Cosley. And now on this day came the District Attorney who prosecutes for the State in this behalf, and came also the defendant in person and by attorney, and announced ready for trial. And the Defendant being arraigned pleads not guilty. And then came a jury of twelve good and lawful men of Travis county, consisting of F. Hamilton and Seven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel, and the charge of the Court retired to consider of their indict. And thereupon the jury returned into Court the following Verdict, to wit: "not guilty. Frank Hamilton, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

3112 Geo J Glasscock v Jeff W Burleson et al. Ordered, upon motion, that W L Glasscock, S C Glasscock, and J W Burleson and John J. Ochs, defendants herein, have leave to amend.

2884 Geo. W. Paschal v Chandler et al. Ordered, upon motion, that the continuance entered in this cause at a former day of the term, entered through mistake, be set aside, and the Case is Continued for Service.

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2341 The City of Austin Mrs. P. Brass. On this day came the parties by their attorneys, and the Defendant's motion for certiorari to the Mayor to send up a more perfect record, coming on to be heard, was overruled. And the motion of the Defendant to quash the complaint was also overruled. And the parties thereupon announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of Frank Hamilton and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "Guilty and assess his fine at twelve dollars and costs. Frank Hamilton, Foreman." Whereupon It is ordered that the City of Austin do have and recover of the Defendant Mrs. P. Brass said the securities on her appeal bond, to wit:
the sum of Twelve $^{00}/_{100}$ Dollars and the cost of this proceeding, and that execution may issue therefor. And it is considered that a capias may issue to collect the fine and costs.

2281. The State of Texas v. — Ware, et al. Comes the District attorney and dismisses this suit as to the Defendant Perry Richardson. And it is ordered that said Richardson go hence discharged. And the District attorney and the Defendant Ware, alias Drew, thereupon announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of A. B. Burleson and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "State of Texas, County of Travis. We, the jury, find the Defendant guilty and assess his punishment to imprisonment in the State Penitentiary fifteen (15) years. A. B. Burleson, Foreman." Whereupon It is ordered that the Defendant stand committed to the County Jail to await judgment and sentence.

2288. The State of Texas v. A. H. Meeks. And now on this day came the District Attorney on behalf of the State, and came also the Defendant in person and by attorney and announced ready for trial. And the Defendant plead not guilty. Thereupon came a Jury of twelve good and lawful men of Travis County, Consisting of Frank Hamilton and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of Counsel and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant not guilty. Frank Hamilton, foreman." Whereupon It is ordered that the Defendant stand committed to the County Jail to await judgment go hence discharged.

And Court adjourned till to-morrow morning 9 o'clock

Saturday, October 28. 1871

Court met at 9 o'clock A. M. pursuant to adjournment.

October Term, Saturday, October 28th 1871

Present the same as on yesterday Whereupon the following proceedings were had by said Court, to wit:

2700 Phelps & Johnston v S. A. Nichols. Come the parties to this cause by their attorneys and agreed that judgment should be entered in accordance with the agreement on file in this case. And thereupon, It is ordered by the Court, that the plaintiffs herein, John Phelps and Wesley Johnston, under their firm name as Phelps and Johnston, do have and recover of and from the defendant, S. A. Nichols, the sum of Two Hundred, Two and 47/100 Dollars ($202 47), with ten per centum per annum interest thereon from this date until paid, and all the costs of this suit, in accordance with said agreement, for which execution may issue, at the expiration of ten months

1998 The State of Texas v Wm Beard. And now on this day came the parties to this cause by their attorneys, and then came on to be heard the Defendants motion for a new trial, which being argued by counsel. It is considered that said motion be overruled. And thereupon the Defendant gives notice in open Court of an appeal to the Supreme Court

3112 Geo J Glascock vs Jeff. W. Burleson, et als. And now on this day come the parties Plaintiff and Defendants by their attorneys and the minor Defendants J. Thomas Glascock, W. F. Glascock and J. B. Pierce by their guardian ad litem T. B. Wheeler, Esq. And all the parties Plaintiff and Defendants waived a Jury and agreed to submit the matters in dispute to the Court. After hearing the pleadings, evidence, and the argument of counsel, it appearing to the satisfaction of the Court that the note sued on in this cause, was made, executed and delivered by the Defendant Jeff. W. Burleson as part of the purchase money of the following described real estate situated in the County of Travis and State of Texas, to wit: Tract of Land situated in Travis county, Texas, containing four hundred acres of Land out of the headright of Thomas Toulson, and described as follows: Beginning at the N. W. corner of a tract deeded Wm Glascock, a stake from which a Post Oak marked + W. bro S 30: W 3 vrs. Thence S. 30 W. with Wm Glascocks line about 3000 vrs to Gilelands creek, thence up said creek with its meanders to the upper line of the Toulson grant. Thence N. 30° E with said line to the S. W. corner of the tract deeded to Peter Kerr. thence S 60° E with the S. W. line of the Peter Kerr tract to the place of beginning. Also two hundred acres adjoining the above described tract, out of the headright of James Gilleland and described as follows: Beginning at Gilelands creek, at the crossing of the upper line of George J. Glascocks quarter of a League purchased of Toulson an Elm 12 in dia another Elm 12 in dia bears N. 30° East. Thence with the meanders of said creek as follows. North 33° West 72 vrs (2nd) N. 9° West 132 vrs (3d) N. 20° W. 152 vrs (4th) N. 30° E. 60 vrs (5th) N. 85° E. 129 vrs (6th) N. 54°

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E. 192 vs (17ch) N. 16° W 246 vs (8ch) N. 12° W 139 vs (9ch) N. 16° W. 134 vs (10ch) N. 50 W. 143 vs (11ch) S. 80° W 157 varas (12ch) S 87° W 157 vs (13ch) N. 60° 140 vs (14ch) S. 88° W 85 vs (15ch) S. 57° W. 180 vs to the South West corner an Elm 6 in dia bears N. 50° E 2 varas. another Elm 12 in dia bears N. 87° W. 3 vs. Thence N. 30 E. 1388 varas to the N. W. corner an Elm 8 in dia. bears S 48° E. 2 vs another Elm 10 in dia. bears South 34° East 12 varas. Thence S. 60° E 920 varas to the N. E. corner an Elm S 18° W. 5 varas. Another Elm N. 84° E 10 varas Thence S 30° W. 1968 vs to place of beginning

And it further appearing to the satisfaction of the Court that the said Land was the community property of the plaintiff Geo. J. Glasscock and of his wife Ann P. Glasscock, now deceased; that the Plaintiff George J. Glasscock has already received in cash his one half of the proceeds of the sale of said land, and that the note sued on in this cause is therefore the property of the other heirs of said Ann P. Glasscock, Dec'd

And it further appearing to the satisfaction of this Court that the Defendants W. L. Glasscock, S. C. Glasscock, J. D. A. Glasscock, and M. A. Anderson as heirs of said Ann P. Glasscock, Dec'd and the Defendant M. A. Anderson as the assignee of the Defendant G. D. Glasscock, who is one of the heirs of Ann P. Glasscock and the said Defendants B. A. Glasscock, J. T. Glasscock, W. F. Glasscock and J. B. Pierce as the legal representatives of T. W. Glasscock, now deceased who was one of the heirs of said Ann P. Glasscock dec'd And the said Defendant John T. Ricks, as one of the heirs of Virginia E. Ricks, who was one of the heirs of said Ann P. Glasscock, Dec'd are each and all entitled to a distributive share of the one half of the land herein before described, and for which said one half portion the note sued on in this cause was given which said shares are not alike in amount (And the Plaintiff George J. Glasscock as one of the legal representatives of B. F. Glasscock and V. E. Ricks, both deceased both of which last named parties were heirs at law of said Ann P. Glasscock, Dec'd.)

And it further appearing to the satisfaction of the Court that the Defendant Burleson is only liable for interest upon the note sued on in this cause upto January 1st 1871, which, with the principal thereof makes the sum of Five Thousand Six hundred and Fifty Seven Dollars in gold ($5657.)

And it further appearing to the satisfaction of the Court, that the parties entitled to and owning said note as hereinbefore set out, are respectively entitled to the following amounts, out of same viz: The Plaintiff George J Glasscock, to the sum of Five Hundred Forty Two 92/100 Dollars in gold; the Defendants W. L. Glasscock, J. D. A. Glasscock and Stephen C. Glasscock each to the sum of Seven Hundred Eighty Nine 8/100 Dollars in gold; the Defendant M. A. Anderson to the sum of Fifteen Hundred, Seventy Eight 20/100 Dollars in gold: the Defendant J. T. Ricks to the sum of three

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Hundred Seventy Eight & 9/100 Dollars in gold; and the Defendants B A Glasscock, J Thomas Glasscock, W. F. Glasscock and James B. Peirce each in the sum of One Hundred and Ninety Seven & 4/100 Dolls in gold. It is therefore ordered adjudged and decreed by the Court that the Plaintiff George J. Glasscock, do have and recover of and from the Defendant Jeff. W. Burleson, the sum of $42 9/100 Dollars in gold, for which execution may issue. that the Defendants W. L. Glasscock, J D. A. Glasscock and Stephen C. Glasscock, do each have and recover of and from the Defendant Jeff. W. Burleson the sum of Seven Hundred Eighty Nine & 1/100 Dollars for which execution may issue in favor of each one of said parties respectively: that the Defendant J. T. Ricks do have and recover of and from the Defendant Jeff. W Burleson the sum of three hundred Seventy Eight & 70/100 Dollars in gold for which execution may issue: that the Defendant M. A. Anderson do have and recover of and from the Defendant Jeff W. Burleson the sum of Fifteen Hundred Seventy Eight & 2/100 Dollars, for which execution may issue. And that the Defendants B. A. Glasscock, J. Thomas Glasscock, W F Glasscock and J B Pierce, do each have and recover of and from the Defendant Jeff. W. Burleson the sum of One Hundred Ninety Seven & 4/100 Dollars, for which execution may issue in favor of each party respectively together with interest thereon from date at the rate of ten per Cent. per Annum

It is further ordered, adjudged and decreed by the Court that all the right, title, interest and claim of the Defendants W L. Glasscock, J D A Glasscock, M. A Anderson, Wash. Anderson J. T. Ricks Eliza J Glapcock, B A Glapcock, J. T. Glasscock, W. F. Glasscock, J B Pierce and George Pierce in and to the above described real estate, situated in Travis County, Texas, be and the same is hereby fully divested out of them the said Defendants, and fully vested in the said Defendant Jeff. W. Burleson

It is further ordered, adjudged and decreed that T. B. Wheeler, Esq. Guardian ad litem for the minor Defendant J. T. Glasscock, W. F. Glasscock and J. B. Peirce, be and he is hereby allowed the sum of Twenty Five Dollars in gold, to be paid pro rata out of the shares of said minors

And Court adjourned till Monday 9 o'clock am

Monday, October 30th 1871

Court met at 9 o'clock A. M. pursuant to adjournment Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit

2772. A. Townsend's Executors v. Wash Henry. Come the parties by their attorneys, and upon motion It is ordered that this cause be dismissed from the Docket and that the Defendant pay the cost here of to be taxed, for which execution may issue.

2760. M. Olmsted & McKinney and Maverick & Andrews on this day comes the Plaintiff by his attorneys, and by leave of the Court

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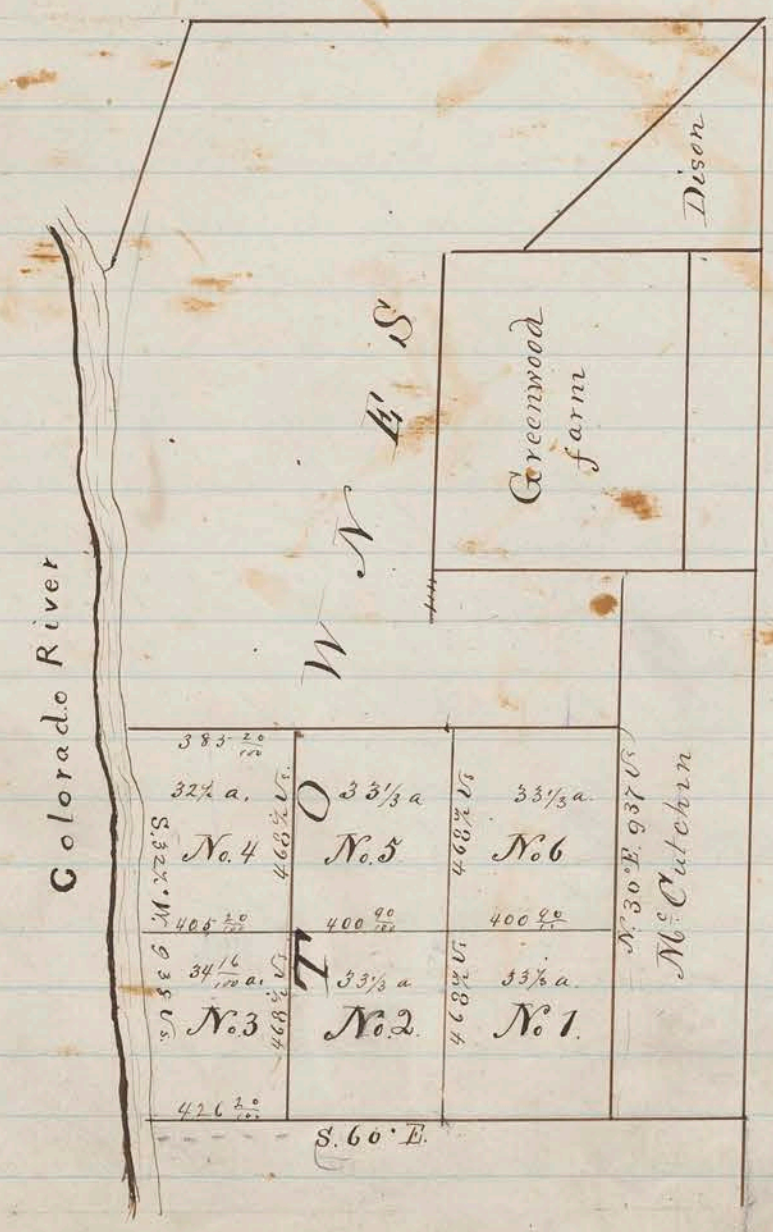
sue enters a Remittitur for the sum of One Hundred and Fifty Dollars in Coin, as shewn by the verdict and judgment entered in this cause at a former day of this term. And it is ordered that said judgment be reduced accordingly

2293. The State of Texas v. Israel Roberts. And now on this day comes the District Attorney who prosecutes for the State, and came also the Defendant in person and by attorney; and the parties announced ready for trial. And the Defendant pleading not guilty, came a Jury of twelve good and lawful men of Travis County, consisting of H. Metz. and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, the argument of counsel and the Charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. H. Metz. Foreman." Whereupon It is ordered that the Defendant go hence acquitted and discharged

2844. J. J. Tharp & C. S. West, Excrs of R. J. Jones et al. On this day came the parties by their attorneys, when came on to be heard the motion of Plaintiff to confirm the Report of the Commissioners Darius Cowin, A. R. Morris and John A. Green, appointed at last term of this Court: And no objections to said motion being made, and it appearing that the action of said Commissioners is just and correct, It is ordered that their Report be confirmed and approved, and that Order of Sale do issue, thereon as provided for in the Original decree rendered herein on June 30th 1871 to satisfy said judgment. Sale to be made in lots as set forth in said Report, which is as follows:



J. J. Tharp, Jeff as C. S. West, Exc. of R. J. Jones & others. 2844. District Court Travis County October Term 1871. The undersigned Commissioners appointed by the Honorable District Court of said and in this case by its Decree of 30th June, 1871, beg leave to Report, that they have performed the duty assigned them in said Decree, and have set apart the following tract of two hundred acres out of the tract named in said Decree, upon which the lien of the Judgment of the Plaintiff rests, viz:

Beginning at the lower corner on the River, of said tract, a pecan tree 20 inches

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in chaineta, from which a Hackberry bears S. 36° West, 4 varas. Thence South 60° East 1228 varas to the South corner of said tract a stake from which a Black Jack 16 inches in dia. bears South 78° West 21 varas, and a Post Oak 18 inches in dia. bears South 66½ varas. Thence North 30° East 937 varas: thence North 60° West 1187 varas to the Colorado River. Thence down the Colorado with meanders S. 33½ West 938 varas to the beginning. They further report that the said Two Hundred Acres has been divided into six Lots numbered from One to Six, all of less than forty acres, as follows: Lots No. 1. 2. 5 & 6, containing each thirty three and one third acres. Lot three contains thirty four 16/100 acres, and Lot Number Four contains thirty two ½ acres All of which is more particularly shown by the plat of said Survey and Subdivisions hereto attached as part of this Report, which is respectfully submitted

Dennis Cowin, Jno. A. Green, A.R. Morris

Sworn & Subscribed to before me Oct 27th 1871. A.R. Morris Clk Dist. Ct. J. Harrell, Dep. Clk

3144. Denmark Walton et al. v. A.H. Waterman et al. Ordered, upon motion, that the Plaintiffs herein have leave to amend

2280. The State of Texas v. A.K. Meeks. Continued by the State.

2270. The State of Texas v. Silas Dean. And now on this day came the parties by attorney and announced ready for trial. And the Defendant pleading not guilty came a Jury of twelve good and lawful men of Travis County, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict to wit: "We, the Jury, find the Defendant not guilty. S.C. Granberry, Foreman." Whereupon It is ordered that the Defendant go hence fully acquitted and discharged.

2186 The State of Texas v. Wm Reed. And now on this day came the District Attorney on behalf of the State, and came also the Defendant in person and by attorney, and announced ready for trial. And the Defendant pleading not guilty, came a jury of twelve good and lawful men of Travis county consisting of H. Metz and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty and assess the punishment at the State Penitentiary for five years. H. Metz, Foreman." Whereupon It is ordered that the Defendant stand committed to the County jail to await judgment and Sentence.

And thereupon Court adjourned till 9 o'clock tomorrow morning.

Tuesday, October 31st 1871.

Court met at 9 o'clock, A.M. pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings

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were had by said Court, to wit.

2245 The State of Texas v J C Pierce, Geo Castley and Ernst Krohn. Dis now comes the District Attorney and dismisses this suit as to the Defendant Krohn. And thereupon It is ordered that said Krohn go hence acquitted and discharged. And thereupon the District Attorney and the Defendants Geo Castley and J C Pierce announced ready for trial. And said Defendants pleading not guilty, came a Jury of twelve good and lawful men of Travis county, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit. "We, the Jury find the Defendants not guilty. E. Metz, Foreman." Whereupon It is ordered that said Defendants go hence without day fully acquitted and discharged.

2104 The State of Texas v Davis Law. Ordered that the Bond taken in this case be quashed and Capias ordered.

2113 The State of Texas v Silas Rawles. Case Continued by the State and attachment ordered for State witnesses returnable next term.

2271 The State of Texas v Geo. W. Barnes, et al. Continued by agreement.

2290 The State of Texas v Ed Groves. Continued for Term and capias to Bastrop Co.

2295 The State of Texas v T. W. Nolan. Cause Dismissed.

2296 The State of Texas v West Craft et al. Continued for Term.

2297 The State of Texas v Thos F. McKinney. Continued on affidavit of Deft.

2298 The State of Texas v Thos F. McKinney. Continued on affidavit of Defendant.

2299 The State of Texas v Thos F. McKinney. Continued on affidavit of Defendant.

2300 The State of Texas v Thos. McKinney. Case Dismissed.

2301 The State of Texas v Thos. McKinney. Case Dismissed.

2308 The State of Texas v Kinney Sneed. And now comes the Defendant Kinney Sneed as principal, and Luke Sneed, Hiram Sneed, Alfred Overton and John Bowen as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars to be levied upon their Goods and Chattels Lands, Tenements and Estate. But to be void upon condition that the Kinney Sneed make his personal appearance before the District Court of Travis County to be held at the Courthouse thereof in Austin on the first Monday in February, 1872, there to remain from day to day and upon term to term thereafter, to answer the Indictment preferred against him by the Grand Jury of Travis County, at the October term of the District Court of said County, 1871, for Illegally Registering as a Voter in said County, and that he do not depart the Court without leave. And the cause is continued by the Defendant.

2311 The State of Texas v Aaron Billingsley. Comes Aaron Billingsley and acknowledges himself to owe and be indebted unto The State of Texas in the sum of Two Hundred Dollars to be levied upon his Goods and Chattels, Lands, Tenements and Estate. But to be void upon condition that the said Aaron Billingsley make his personal

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appearance before the District Court of Travis County to be held at the Courthouse thereof in Austin on the 1st Monday in February 1872 then and there to answer the Indictment preferred against the said Aaron Pelling by the Grand Jury of Travis County at the October Term 1871 of the District Court of said County, for Illegally Registering as a Voter in said County, and that he do not depart the Court without leave. And the case is continued

2313 The State of Texas v. Archie Moore. And now comes Archie Moore, as principal, and J. H. Peter and Green Edwards as his securities, and they acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the Sum of One hundred Dollars, to be levied upon their Goods and Chattels Lands Tenaments and Estate / But to be void upon condition that the said Archie Moore make his personal appearance before the District Court of Travis County, to be held at the Court house thereof in Austin on the first Monday in February 1872, then and there to answer the Indictment preferred against said Archie Moore by the Grand Jury of Travis County at the October Term 1871, of the District Court of said County, for Illegally Registering as a Voter in said County and that he do not depart the Court without leave. And the case is continued by the Defendant.

2316 The State of Texas v. Sam Williams Continued for Service

2324 The State of Texas v. Sam Smith, Col. Continued for Service

2302 The State of Texas v. Faro Banks. This cause being called for trial the Defendant Faro Banks, otherwise called C. A. Fairbanks, failing to appear and answer to the Indictment in this case he and his securities John H. Conner and T. S. Thompson being distinctly called at the Door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time still failed to appear. And it appearing to the Court that the Defendant Faro Banks otherwise called C. A. Fairbanks with the said John H. Conner and T. S. Thompson as his securities did enter into the Bail Bond in this case, substantially as follows: Dated 28th day of October 1871, payable unto The State of Texas in the Sum of Two Hundred Dollars, conditioned that the said Defendant Faro Banks otherwise called C. A. Fairbanks, make his personal appearance before the District Court of said County of Travis then in session, to answer the Indictment preferred against the said Defendant Faro Banks, otherwise called C. A. Fairbanks, by the Grand Jurors of Travis County at the October Term, 1871, for playing at a game with cards in a public place, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Faro Banks, otherwise called C. A. Fairbanks, and the said John H. Conner and T. S. Thompson the said sum of two

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hundred dollars, and that this Judgment will be made final unless good cause be shewn at the next term of this Court why the said Defendant did not appear: And further ordered that Citations do issued to the said Sheriffs.

1 2425 John A. Scroggin v. Nancy Jane Scroggin. On this day came the parties by their attorneys. And thereupon came a Jury to wit: H. Metz and eleven others good and lawful men duly empannelled, who after hearing the pleadings evidence and Charge of the Court and after deliberation returned into Court their verdict, as follows: "We, the Jury, find the allegations in Plaintiffs petition to be true. H. Metz Foreman." And the Court being satisfied therewith and ordering accordingly as prayed for It is therefore considered and adjudged by the Court that the said John A. Scroggin do have a Divorce from the said Nancy A. Scroggin, and that the Bonds of Matrimony heretofore existing between the said Parties be and the same are hereby in all things dissolved. And it appearing to the Court that the said Plaintiff is the better qualified for the custody and guardianship of said Children Wm. Edward Scroggin and Geo Washington Scroggin, It is further ordered by the Court that the said John A. Scroggin do have the custody and guardianship of the said children. And that the plaintiff pay the cost of this suit for which execution may issue. And that a fee of $20 be taxed in the Bill of Cost for the benefit of T. D. Wheeler, representing the Defendant.

And Court adjourned till to-morrow morning 9 o'clock

Wednesday, November 1st 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. And thereupon the following proceedings were had by said Court, to wit:

2302 The State of Texas v. Faro Banks. Come the parties and upon motion duly made, It is ordered that the Forfeiture entered herein be and the same is hereby set aside, vacated and held for naught.

2302 The State of Texas v. Faro Banks. And now come the parties and announce ready for trial; and waiving a Jury submit the case to the Court. And the Defendant pleading guilty, the Court here fixes the fine at ten dollars. And it is ordered that the State of Texas do have and recover of the Defendant said sum of Ten Dollars and the cost of this prosecution and that a Capias issue to collect the same.

2339 City of Austin v. O. F. Fuik. And now on this day came the City attorney for the Plaintiff, and came also the Defendant in person, and announced ready for trial. And then came a Jury of twelve good and lawful men of Travis county, consisting of H. Metz and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel, and the charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We the Jury, find the Defendant not guilty and assess the fine at One Hundred Dollars H. Metz, Foreman." Whereupon it is ordered that the City of Austin do have and recover of the said O. F.

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Jinks, and the securities on his appeal bond, to wit: Johns Quast and J. W. Haining said sum of One Hundred Dollars and the cost of this proceeding, for all which execution may issue. And further ordered that a capias may issue to collect the same.

2340 The State of Texas v. O. D. Jinks. Ordered that this cause be dismissed

2342. The State of Texas v Cad. Pearce. Cause continued

2343 The State of Texas v. Fred Schmidt. Cause dismissed.

And Court adjourned till 9 to-morrow morning 9 o'clock

Thursday Nov. 2d 1871.

Court met at 9 o'clock A.M. pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

2182 The State of Texas vs Sarah Williams

The prisoner was again placed at the bar in the custody of the Sheriff and being asked if she had anything to say why Judgment should not be entered and sentence pronounced against her according to the verdict of the Jury who tried his cause; and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Sarah Williams is, and she is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of three years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of three years.

2184 The State of Texas vs James Stephens alias William Jones

The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the said prisoner James Stephens is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of five years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years.

2186 The State of Texas vs Wm Reid

The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the

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Jury who tried his cause, and said prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the said Prisoner Wm Reid is, and he is hereby adjudged to be guilty of Felony, as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years as found in the verdict of the Jury as aforesaid. And it is further ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of five years.

2190 The State of Texas vs Geo Gaines

The prisoner was again placed at the Bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause and said Prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner George Gaines is, and he is hereby adjudged to be, guilty of Felony as in the indictment against him in this behalf is alleged, And it is further considered by the Court that the Said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of four years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of four years

2191 The State of Texas vs John Moore

The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had anything to say why judgment should not be entered and Sentence pronounced against him, according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed that the said Prisoner John Moore is, and he is hereby adjudged to be guilty of Felony as in the indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent & Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of five years

2219 The State of Texas vs James Venable

The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had any thing to say why judgment should not be entered and Sentence pronounced against him, according to the verdict of the Jury who tried the cause; and said prisoner giving no

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sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner James Venable is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of his natural life, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of his natural life.

2279 The State of Texas vs George Lewis.
The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause. And said Prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said Prisoner George Lewis is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of his natural life, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner, and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of his natural life.

2253 The State of Texas vs Raute Moore.
The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause; and said Prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said Prisoner Raute Moore is, and he is hereby adjudged to be guilty of Felony, as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner, and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of two years.

2281 The State of Texas vs Ware, alias Drew.
The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment

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should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause, and said Prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court, that the said Prisoner Ware, alias Dewis, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged, And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of fifteen years as found in the verdict of the Jury as aforesaid: And it is ordered that the Sheriff of this county do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary to keep him safely confined at hard labor for the space of fifteen years.

2292 The State of Texas vs. John Walker

The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause, and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner John Walker is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of five years.

2294 The State of Texas vs. S. H. Young

The prisoner was again placed at the bar, in the custody of the Sheriff, and being asked if he had any thing to say why judgment should not be entered and Sentence pronounced against him according to the verdict of the Jury who tried his cause: and said Prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said Prisoner S. H. Young is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court, that the said Prisoner be punished by Confinement in the Penitentiary of the State of Texas for the period of five years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said prisoner and deliver him to the Agent or Superintendent of said Penitentiary to be by him safely confined at hard labor for the space of five years.

2272 The State of Texas vs. Mary Jane Haynes

The prisoner was again placed at the Bar in the custody of the Sheriff, and being asked if she had any thing to say why judgment

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should not be entered and sentence pronounced against hem according to the verdict of the Jury who tried his cause: and said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner May Jane Haynes is, and she is hereby adjudged to be guilty of Felony, as in the Indictment against her in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of Seven years, as found in the Verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver her to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of Seven years.

2283 The State of Texas vs Otto Coffman.

The prisoner was again placed at the bar in the custody of the Sheriff, and being asked if he had anything to say why judgment should not be entered and sentence pronounced against him, according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said Prisoner Otto Coffman is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of two years

2289 The State of Texas vs. Joe Owens

The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause. And said prisoner giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Joe Owens is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of two years, as found in the verdict of the Jury as aforesaid. And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of two years.

2287 The State of Texas vs Gabriel Kelley

October Term, Thursday Nov. 2d 1871.

The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had any thing to say why judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause, and said Prisoner giving no sufficient reason It is ordered, adjudged and decreed by the Court that the said Prisoner Gabriel Kelley is, and he is hereby adjudged to be guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner be punished by confinement in the Penitentiary of the State of Texas for the period of five years, as found in the verdict of the Jury as aforesaid: And it is ordered that the Sheriff of this County do forthwith take the said Prisoner and deliver him to the Agent or Superintendent of said Penitentiary, to be by him safely confined at hard labor for the space of five years.

2272 The State of Texas v Meredith Haynes

The prisoner was again placed at the bar in the custody of the Sheriff and being asked if he had anything to say why Judgment should not be entered and sentence pronounced against him according to the verdict of the Jury who tried his cause. And said Meredith Haynes giving no sufficient reason, It is ordered, adjudged and decreed by the Court that the said prisoner Meredith Haynes is, and he is hereby adjudged to be, guilty of Felony as in the Indictment against him in this behalf is alleged. And it is further considered by the Court that the said Prisoner, in the trial degree in guilty of Murder be punished with Death, as the sentence penalty for the crime, of Murder in the first degree, of which he hath been found guilty. And it is hereby ordered that the Clerk of this Court shall issue a Warrant of Dr for the execution of the Sentence of Death upon the said Defendant, in the manner prescribed by law, reciting the fact of conviction. And the said Meredith Haynes is hereby required to be hung by the neck until he is Dead, Dead, Dead, by the Sheriff of Travis County, at any time after 11 o'clock and before sun set, on Friday, the 15th day of December, 1871, within the precincts of the County jail

2290 The State of Texas v. Ed Grooms. Bail fixed at $400

2331 The State of Texas v. Bill Fleming. Continued for Term

✓ 2987 C. & M. Moore v. Frank Meeks. On this day came the parties to this cause by their attorneys, when came on to be heard the motion for a new trial heretofore filed by the Defendant. And the same being argued by Counsel and duly considered by the Court. It is ordered that the same be overruled. And thereupon the Defendant gives notice, in open Court of an appeal to the Supreme Court.

✓✓ 2341 The City of Austin v. P. Brass. On this day came on to be heard the motion for a new trial filed herein, which being argued and duly considered It is ordered that the same be overruled. And thereupon the Defendant gives notice in open Court, of an appeal to the Supreme Court.

✓ 2341 The City of Austin v. P. Brass. On this day came on to be heard the motion in arrest of the Judgment, filed herein, which being

October Term, Friday, November 3rd 1871

heard and argued by counsel. It is ordered that the same be overruled. And thereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

1844 A. Thompson v. W. D. Thompson et als. Upon motion duly made, It is ordered that J. S. Burton be appointed Guardian ad litem for the minor defendants herein, and that he execute bond in the sum of One thousand dollars.

913/8 Marion McKinney v. Martha McKinney. On this day came the parties to this cause by their attorneys and announced ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, consisting of S. C. Granberry and eleven others who being tried, elected, empanelled and sworn according to law, heard the evidence, argument of counsel and the charge of the Court, and after retirement returned into Court the following verdict, to wit: "We, the jury, find that the parties have been separated two or three years." It is therefore considered that the Divorce sought herein be denied. And thereupon, by agreement of parties It is ordered that the cause be continued and a new trial awarded.

And thereupon Court adjourned till 9 o'clock tomorrow morning.

Friday, November 3rd 1871.

Court met at 9 o'clock, A. M. pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

Jury Service. To the Hon. Judge of the District Court of Travis County:
The undersigned Clerk of said Court, respectfully submits the following Statement of Jury Service at the October Term, 1871

Grand Jury.

1	A. C. Hill	served	9 days	$18.00
2	M. D. L. McFarland	"	9 "	18.00
3	E. Buck	"	9 "	18.00
4	Geo. F. Larue	"	9 "	18.00
5	D. Epperright	"	9 "	18.00
6	Wm. J. Sneed	"	9 "	18.00
7	D. A. Todd	"	9 "	18.00
8	J. C. Harper	"	9 "	18.00
9	Phin Shummer	"	9 "	18.00
10	D. C. Bennett	"	9 "	18.00
11	C. Zimmermann	"	9 "	18.00
12	Geo. Dithmar	"	5 "	10.00
13	Wm. Miller	"	9 "	18.00
14	Tom Hill	"	9 "	18.00
15	J. S. Williams	"	9 "	18.00
16				

Petit Jury.

17	Hart, A.	served	5 days	10.00
28	Barr, R.	"	9 "	18.00
39	Bonaparte, N.	"	5 "	10.00
40	Bowles, Tom	"	5 "	10.00
51	Blount, Roger	"	6 "	12.00

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6	Bell, Caesar	served	9 days	$18.00
7	Blumenstill, Louis	"	1 "	2.00
8	Bairer, John	"	1 "	2.00
9	Burleson, A. B.	"	5 "	10.00
10	Bitter, Jacob	"	8 "	16.00
11	Baughn, John	"	1 "	2.00
12	Bratton, Peter	"	1 "	2.00
13	Bennett John	"	1 "	2.00
14	Billingsly J R	"	2 "	4.00
15	Bennett, B. C.	"	6 "	12.00
16	Bell, Rufus	"	1 "	2.00
17	Carter, Joseph	"	5 "	10.00
18	Crafs. W.	"	5 "	10.00
19	Cramer	"	4 "	8.00
20	Colvin Geo	"	5 "	10.00
21	Coard John W.	"	5 "	10.00
22	Casto, Jo.	"	1 "	2.00
23	Campbell, A. A.	"	1 "	2.00
24	Castley, Geo.	"	2 "	4.00
25	Chambers, John H.	"	1 "	2.00
26	Dunson, Wm	"	5 "	10.00
27	Dickey, J. W.	"	5 "	10.00
28	Dieterich, James	"	5 "	10.00
29	Doxey James	"	10 "	20.00
30	Davis, Jo	"	5 "	10.00
31	Dieterich, Tom	"	4 "	8.00
32	Dillingham, John	"	4 "	8.00
33	Diamond, Jordan	"	1 "	2.00
34	Duty, T. O.	"	4 "	8.00
35	Eakes, W. C.	"	11 "	22.00
36	Eagle, Josh	"	1 "	2.00
37	Egell, J. W.	"	1 "	2.00
38	Fitzhugh, J. M.	"	5 "	10.00
39	Fields, Austin	"	1 "	2.00
40	Frazer, C. S.	"	5 "	10.00
41	Green, Louis	"	5 "	10.00
42	Gridenington, F.	"	5 "	10.00
43	Ingraham, S. C.	"	9 "	18.00
44	Gregg, Peter	"	9 "	18.00
45	Gilleland, Wm	"	2 "	4.00
46	Godley, Thos.	"	2 "	4.00
47	Glascock, Francis	"	5 "	10.00
48	Gachin, Mack	"	1 "	2.00
49	Gill, Peter	"	1 "	2.00
50	Glascock, Wm	"	3 "	6.00
51	Hornberger C.	"	5 "	10.00

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52	Hammett, J.	served 5 days	10.00
53	Hickey, James	" 5 "	10.00
54	Hohlan, Joseph	" 5 "	10.00
55	Harris, Robert	" 5 "	10.00
56	Horne, A. O. Jr.	" 1 "	2.00
57	Hancock, O.	" 5 "	10.00
58	Harris, Henry	" 5 "	10.00
59	Hartson, J. M.	" 3 "	6.00
60	Hamilton, J. M.	" 1 "	2.00
61	Hamilton, Hawk	" 5 "	10.00
62	Hunter, Caesar	" 5 "	10.00
63	Harrington, James	" 5 "	10.00
64	Haynie, Geo.	" 1 "	2.00
65	Hardy, A.	" 1 "	2.00
66	Hudson, Wm	" 4 "	8.00
67	Hamilton, Sam	" 4 "	8.00
68	Hamilton, Stewart	" 1 "	2.00
69	Hubert, Sam	" 1 "	2.00
70	Hoffhines, Henry	" 1 "	2.00
71	Haywood, John	" 1 "	2.00
72	Harbin, Geo.	" 1 "	2.00
73	Jolly, J. J.	" 5 "	10.00
74	Johnson, J. W.	" 1 "	2.00
75	Pohe, Phil	" 1 "	2.00
76	Johnson, Joshua	" 4 "	8.00
77	Johns, Sam	" 1 "	2.00
78	Kennel, Tovey	" 5 "	10.00
79	Kelley, Wm	" 1 "	2.00
80	King, Dick	" 1 "	2.00
81	Kyle, J. W.	" 5 "	10.00
82	Lowry, J. D.	" 5 "	10.00
83	Lockinger, Jo.	" 5 "	10.00
84	Langford, M. L.	" 1 "	2.00
85	Moore, A. E.	" 1 "	2.00
86	Musgrove, A.	" 11 "	22.00
87	McRimels, B.	" 5 "	10.00
88	Meeks, S.	" 5 "	10.00
89	Mitchell, Duke	" 1 "	2.00
90	Metz, Pole	" 6 "	12.00
91	Mownickle, J. E.	" 5 "	10.00
92	McArthur, J. S.	" 5 "	10.00
93	Marble, Peter	" 6 "	12.00
94	Madison, Henry	" 5 "	10.00
95	Matter, Sam	" 5 "	10.00
96	McCashin, Neal	" 5 "	10.00
97	McCristion, John	" 1 "	2.00

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98	McDaniel David	served	1 day	2.00
99	Metz, H. M.	"	5 "	10.00
100	McKenzie, Lacy	"	1 "	2.00
101	Mitchell, T. F.	"	1 "	2.00
102	Metz, Col.	"	1 "	2.00
103	Morris, Elijah	"	4 "	8.00
104	Martin, Enoch	"	1 "	2.00
105	Moore, Minter	"	5 "	10.00
106	Mansfield, J. M.	"	1 "	2.00
107	Meeks, Louis	"	1 "	2.00
108	Neely, Henry	"	4 "	8.00
109	Norwood, Elisha	"	1 "	2.00
110	Orr, A. W.	"	1 "	2.00
111	Pitt, T. J.	"	1 "	2.00
112	Piper, Alick	"	5 "	10.00
113	Paschal, Wm	"	5 "	10.00
114	Packard, Jo.	"	5 "	10.00
115	Pecht, Chas	"	5 "	10.00
116	Palm, A. B.	"	5 "	10.00
117	Puckett, Leyms	"	5 "	10.00
118	Platt R	"	1 "	2.00
119	Pierce J. C.	"	4 "	8.00
120	Patterson, Joshua	"	4 "	8.00
121	Patterson, Alick	"	4 "	8.00
122	Pfluger, Gus	"	1 "	2.00
123	Patterson, W. T.	"	1 "	2.00
124	Perry, J. B.	"	1 "	2.00
125	Rogers, J. B.	"	5 "	10.00
126	Renick, R. B.	"	5 "	10.00
127	Robinson, Wm	"	5 "	10.00
128	Risher, Wm	"	5 "	10.00
129	Riley, David	"	5 "	10.00
130	Rufenstall, C.	"	1 "	2.00
131	Robb, Kilt	"	5 "	10.00
132	Redd, S. J.	"	5 "	10.00
133	Rose, Geo.	"	5 "	10.00
134	Rentfro, Geo.	"	1 "	2.00
135	Robinson, Geo	"	1 "	2.00
136	Smith, R. B.	"	9 "	18.00
137	Spence, Riley	"	5 "	10.00
138	Smith, Isaac	"	4 "	8.00
139	Stanley, H. H.	"	5 "	10.00
140				
141	Smith, Ed	"	5 "	10.00
142	Smith, James col.	"	4 "	8.00
143	Turney, Charles	"	5 "	10.00

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144	Timms, Abe	served 4 days	$ 8.00
145	Townsend, B.R.	" 1 "	2.00
146	Tatum, J. W.	" 1 "	2.00
147	Van Zandt, L.	" 5 "	10.00
148	Webster, Daniel	" 5 "	1000
149	Walker, J. H.	" 2 "	4.00
150	Wood, Charles	" 1 "	2.00
151	Washington, Geo.	" 4 "	8.00
152	Walton, Denmark	" 4 "	8.00
153	Williams, Ed.	" 1 "	2.00

Respectfully submitted
A R Morris clk
By Frank Rowan Deputy clerk.

Examined and approved. J.P. Richardson, Judge 27th Judicial District

2274 The State of Texas v. E.C. Jefferson. On this day came the parties to this cause by attorney: and then came on to be heard the motion to a new trial heretofore filed: which being argued by counsel and duly considered, It is ordered that said motion be overruled. And thereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court.

2841 J. J. Tharp v. C. S. West, Executor of R. J. Townes et. al. Come the parties herein by attorneys. And it is further ordered by the Court that the decree herein rendered at this term be amended by adding thereto as a part thereof, as follows:

"And it is further ordered that the Defendants, from this date, be enjoined from cutting timber, quarrying Rock, or otherwise trespassing upon the said two hundred acres so ordered to be sold."

3035 A. S. Roberts, et. al. vs W. L. Chalmers et. al. Came now at this day in the above entitled cause, comes B. A. Risher, guardian of the said minor heirs of Nannie Risher, deceased, to wit: Alicia Harvey, Ada, Laura and Kate Risher, and W. L. Chalmers by his attorney, and both parties announced themselves ready for trial as to all the matters in controversy between them in said cause as appears from their pleadings: and a Jury being waived and the matters of law and of fact being submitted to the Court: And the Court having heard the pleadings, the evidence and the argument of counsel: and it appearing to the Court that the law is with Defendant B. A. Risher, as Guardian aforesaid: It is consudered, adjudged and decreed by the Court, that the said John A. Green, Commissioner, do pay over to the said B. A. Risher, as Guardian aforesaid, that portion of the proceeds of the sale of the said tract of three hundred and sixty four acres in Travis county, being part of the Del Valle grant and described in the pleadings in said cause which, under the partition herein would have fallen to the share of the said W. L. Chalmers, as one of said heirs, had he not sold his interest therein, which said amount the said Commissiona

October Term, Saturday, November 4th, 1871.

will report, together with other matters, to the next term of this Court. It is further ordered that the said B. A. Rosher, as Guardian aforesaid, do have and recover of W. L. Chalmers all the costs occasioned by the litigation between them herein, and that the same be taxed herein by the clerk and execution issue therefor. It is further ordered that this cause stand continued on the docket of said Court for further proceedings herein.

Issued Order for Clerk $104 — Ordered that the Clerk, A R Morris be allowed One Hundred and Four Dollars, for extra Services at this term of the Court, to be paid out of the County Treasury upon presentation of a certified copy of this Order to the County Treasurer.

Bailiffs — Ordered that the following named persons be allowed the sums set opposite their names for Services as Bailiffs at the present term of this Court, to be paid by the County Treasurer upon the Certificate of the Clerk:

Delivered to Z. Nov. 10/71.
Delivered to Z the Nov 7/71
Paid by Z. + oo cash
Delivered Nov 9/71

	Robbins,	for 28 days	=	Fifty Six Dollars
W. C.	Giles	for 28 "	=	Fifty Six Dollars
W.	Fletcher	for 28 "	=	Fifty Six Dollars
Jack	Carmichell	for 28 "	=	Fifty Six Dollars
W. C	Curry	for 12 "	=	Twenty Four Dollars

And Court adjourned till to-morrow morning 9 o'clock.

Saturday, November 4th, 1871.

Court met at 9 o'clock A. M. pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

Fi. James Phinley — Ordered that James Phinley be fined Twenty Dollars for failing to attend as a Juror at this term of the Court, after being summoned to do so, and that Scire Facias issue to him, returnable to the next term, commanding him to appear and shew cause, if any he can, why judgment final should not be entered against him.

Fi. W. W. McLaughlin — Ordered that W. W. McLaughlin be fined Twenty Dollars for failing to attend as a Juror at this term of the Court, after being summoned to do so, and that Scire Facias issue to him, returnable to the next term, commanding him to appear and shew cause, if any he can, why judgment final should not be entered against him.

Copies issued — A. R. Renick, J. H. Walker — Ordered that A R Renick and J. H. Walker be fined each in the sum of Five Dollars, for failing to be in attendance upon the Court when called as jurors, and said persons being present in Court, and offering no sufficient excuse, It is ordered that said fines be made final, and that capiases issue to collect the same.

2605 L. Eiles vs Isaac Jaborick, et als } Consolidated.
2806 J. J. Myers vs John L Canes &

On this day came the parties to the two above entitled causes, consolidated, by their attorneys. And the Plaintiff having at a previous term of the Court dismissed his suit as to defendant John L Canes &. And thereupon J. J. Myers dismisses his plea in reconvention and his petition against L Canes &

October Term, Saturday Nov. 4th 1871

And it being agreed that there is due from the other Defendants at this date to the Plaintiff on the claim in this behalf sued on the sum of One thousand and fifty four 7/100 Dollars in American gold, and that Judgment may be rendered in favor of said Plaintiff against said Defendants for said amount, with interest thereon from this date at the rate of ten per cent. per annum, It is therefore ordered, adjudged and decreed by the Court that the Plaintiff L. Eikes do have and recover from the Defendants Isaac Jaloniek, John Smith and J. J. Myers the sum of One thousand and Fifty-four and 7/100 Dollars, in American gold, with ten per cent. interest per annum thereon until paid, together with all costs in this behalf expended, for which execution may issue.

✓ 3133 Jose Maria Garcia Villareal v. The State of Texas
✓ 3134 Isidro Martinez et als v. The State of Texas
✓ 3135 Jose Maria Canales et als v. The State of Texas
✓ 3136 Roberto Garza et. als v. The State of Texas
✓ 3137 Francisco Cuellar and others v. The State of Texas
✓ 3138 Roberto Garza et. als v. The State of Texas
✓ 3139 Tabas Fuentes et. als v. The State of Texas
✓ 3140 Eulalio Gonzales et. als v. The State of Texas

And now comes the Clerk, and upon motion duly entered it is ordered that the Plaintiffs in the above entitled eight causes be required to enter into bond and security for the costs in said causes respectively on or before the next term of this Court, otherwise the same will be dismissed at the cost of said Plaintiffs.

G B Zumpelman (Issued & Deliv'd) Ordered that G B Zumpelman be allowed Eighty Dollars for Extra work at this term of the Court, payable out of the County Treasury on out of the Certificate of the County Clerk.

Examined and approved,
J. P. Richardson,
Judge 27th Judicial District.

Feberuary Term, Monday, Feberuary 5th 1872.

The State of Texas County of Travis Monday, Feberuary 5th 1872
Be it Remembered, That at a Term of the District Court begun and held at the City of Austin, within and for the County and State aforesaid, on Monday, Feberuary 5th 1872, the same being the time fixed by law for the meeting of the Feberuary Term, 1872, of the District Court of Travis County Present Hon J. P. Richardson, Judge 27th Judicial District of the State of Texas presiding: A. R. Moore, Clerk of the District Court of Travis County By Frank Brown, Deputy, And George D. Jamieson Sheriff of Travis County. Whereupon the following proceedings were had by said Court, to wit

Grand Jury

And thereupon the Court ordered the Sheriff to call the names of those persons appearing upon the Venire for the Grand Jury at this term of the Court, and a sufficient person number not appearing It is ordered that the Sheriff summon a sufficient number of bystanders to complete the panel And thereupon it was ordered that the persons so summoned as aforesaid be examined in open Court touching their qualifications to serve as Grand Jurors, which being done in open Court, under oath, and said persons being found duly and legally qualified were ordered to be sworn And thereupon the following named persons, so found, under oath, to be duly and legally qualified, and being in all respects, duly tried, elected, empannelled and sworn according to law, were empannelled and charged by the Court as such Grand Jury for and during the present term of the District Court of Travis county, as follows to wit: J. H. Burdett; J. H. Houghton: L. Brown. W. H. Gayner: John C. Wallace: Henry Reed: Robert Nichols: R. T. Wright: Richard Luckett: James Madison. Ed. Walker. J. H. Coleman. S. T. Meeks. James Pickel. W. S. Johnson. Wm Leigon

And thereupon the Court appointed J. H. Burdett Foreman of the Grand Jury. Whereupon the said Grand Jury were ordered to retire upon a discharge of their duties.

And Ordered that the Criminal Docket be set for hearing and trial for the 3d Monday of the term of this Court.

And thereupon

3133 Jose Maria Garcia Villareal v. The State of Texas Come the parties by their attorneys, when came on to be heard the demurrer interposed by the Defendant herein: which being heard by the Court and argued by counsel, and the points of law arising thereon being duly considered, It is ordered that the same be in things overruled

3145. John and Ann Eliza Holland v. John H. Conner. Ordered upon motion, that the plaintiffs herein have leave to amend their petition

And thereupon Court adjourned till to-morrow morning at 9 o'clock.

Febeuary Term Tuesday, February 6th 1872

Tuesday, Febeuary 6th 1872.

Court met at 9 o'clock A.M. pursuant to Adjournment Present Hon. J. P. Richardson, Judge 27th Judicial District Presiding. Whereupon the following proceedings were had by said Court, to wit:

187 Robert Mitchell v. M. C. & J. Burditt. Cause continued

1528 J. L. Thompson v. J. Dyches et als Cause continued

2013 E. Henry et al v. A. M. Davidson Cause continued

2595 Amos Morrill v. Houston & Cook. Cause continued

2596 Amos Morrill v. McGuire & Cook Cause continued

2598 Amos Morrill v. Moore & Cook Cause continued

2599 Amos Morrill v. Wood & Cook Cause continued

2641 S. M. Swenson v. James Nicholson et al Continued for service.

2644 S. M. Swenson v. J. H. Herndon et als Continued for service.

2745 Headley Peck v. T. F. McKinney et al. Continued

2777 N. Townsend v. John T. Miller. And now on this day came the parties to this cause by their attorneys. and upon motion and by consent It is ordered that this cause be dismissed from the docket and that the Defendant John T. Miller pay all the cost of this suit, for which execution may issue

2803 B. R. Townsend et al v. McKinney & Bayles Cause continued

2850 Joseph Harrell v. R. M. Johnson. Come the parties by their attorneys and upon motion It is ordered that this cause be dismissed from the docket: that the Defendant go hence and recover of and from the plaintiff Joseph Harrell, all the cost of this suit to be taxed, for which execution may issue.

2884 Geo. W. Paschal, surviving Partner &c v. Chandler et al Cont'd for service.

2891 A Lockett v. Rich'd Warren. Continued by consent.

2905 F. H. Arlett v. S. B. Bush. Continued.

2931 T. F. McKinney v. A. M. Cox. Continued.

2955 Abby Thompson Admr et al v. A. H. Barnes et al Continued.

2956 Abby Thompson Admr et al v. R. W. Riley et al. Continued

2957 Abby Thompson Admr et al v. R. A. Rutherford. Continued for service.

2958 Abby Thompson, Admr et al v. Jes. Saunders Cause Continued

2959 Abby Thompson Admr et al v. Charles Barnes Cause Continued

2962 L. A. Crutcher v. J. H. Crutcher. Comes the parties by their attorneys and upon motion duly made It is Ordered that this Cause be dismissed from the docket and that the Plaintiff pay all cost hereof To be taxed for which execution may issue.

2966 W. A. Monks vs Reuben Shelby et als. Ordered that this Cause be continued to make Parties.

2975 J. A. Chandler vs J. E. Chism et als Continued for service.

3013 Abby Thompson et als v. L. D. Carrington et al. Cause Continued

3069 James Dennison vs Haines & West et als. Ordered upon motion that the plaintiff herein have leave to amend their pleadings.

3117. J. M. Sitton v. J. R. Worrall. Comes the plaintiff by attorney and Suggests death of the Defendant Worrall

February Term, Tuesday, February 6th 1872

No 3222 Sarah J. Glasscock et als minors, by their Guardian Geo W. Glasscock Jr
And now on this day came on to be heard the petition for partition of land
of Sarah J. Glasscock, Annie E. Glasscock and Andrew J Glasscock, minors
who sue by their legal guardian George W. Glasscock Jr. and Albert H.
Glasscock. and service of citation having been accepted in this case
by the Defendants George W. Glasscock Jr., Monzo J Logan and Elizabeth
J. Logan, his wife, and the said Defendants having answered said
plaintiffs petition that they have no cause to shew why said land should
not be partitioned as prayed for in said petition: and all of said parties being
represented here in Court, this case was submitted to the Court. And it
appearing to the Court that the said George W. Glasscock Jr guardian
of said minors is a party interested in his own right, and adverse to that
of his said wards, therefore it is ordered by the Court that B.H. Davis
be, and he is hereby appointed a special guardian to represent said
minors in this case, in the partition of land herein after described, and
that said guardian give a bond in the sum of five hundred dollars and
take the oath prescribed by law: and the Court having ascertained what
land is to be partitioned, and the proportion to which each of said parties
is entitled in and to the same: the premises duly considered and by
the Court fully understood, It is therefore ordered and decreed by
the Court that John J. Stubblefield, Richard Radliff and W. C. Dal-
rymple, householders of the county of Williamson, be and they are
hereby appointed Commissioners to appraise and divide according to
quantity, quality and value, setting apart to each of said parties the
share hereinafter mentioned in and to the following described tracts
of land situated in the county of Williamson, State of Texas, being
4108 acres of land the same being a part of the league of land granted
to George W. Glasscock Sr. by patent dated August 17th 1844 to which
Patent reference is here made for a more full description of said land
(3200 acres of said league having been heretofore sold out of the S.W.
corner of said league) setting apart by metes and bounds 684 2/3 acres to
each, the said Sarah J. Glasscock, Annie E. Glasscock, Andrew J.
Glasscock, George W. Glasscock jr., Albert H. Glasscock and Elizabeth
J. Logan, formerly Elizabeth J. Glasscock, out of the said 4108 acres of land,
being the same tract that was set apart in the Partition of their
fathers estate jointly: and also to appraise and divide according to
quantity, quality and value, the tract of land of 1583 acres, said
tract being a part of the Survey made for John W. Queen situated
in said Williamson county, the following are the field notes of said
1583 acres, less 70 acres heretofore sold: Beginning at the N E cor.
of the W. Hornsby Augmentation: thence N. 19° W. along Harrells west
boundary line 3160 vs to his N. W. corner: thence S. 71 W 1439 varas
to the N. E. corner of Quarter No 9: thence S. 19 E. 2000 vs to the S. E.
corner of said Quarter No 9: thence S. 71 W. 442 vs the N E corner of
Quarter No 3: thence S 19 E. 2500 vs to the S. E. corner of Quarter
No 4. Thence S. 71 W. 887 vs a stone mound on the S. boundary

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line of Quarter No 4: thence S 19 E. 2500 vs to a stone mound. thence N. 71 E. 2870 vs. to the S W. corner of William Hornsby third. thence N. 30 E. 2000 vs the N. W. corner of said Hornsby's third. thence N. 60 W. 100 vs. the N. W. corner of P. Allen's labor. thence S. 71 W. 100 vs the S. W. corner of W. Graham's Augmentation: thence N 19 W 2890 vs in the N. W. corner of Wm Hornsby Augmentation. thence N. 71 E. 1445 vs. to the place of beginning setting apart one half to Elizabeth J. Logan, one fourth to Sarah A. Glasscock and one fourth to Annie E Glasscock.

It is further ordered by the Court that said Commissioners take the oath that they will faithfully and impartially discharge their duties in making said Partition, which oath shall be endorsed on the back of a certified copy of this Order and Decree of Partition, signed by them: and that they make due report of their action in the premises to this Court: and the Clerk of this court will issue a writ of Partition, directed to said Commissioners, with a certified copy hereof, as the law directs, and that the case stand open for the reception and confirmation of the Commissioners Report.

And Court adjourned till to-morrow at 9 A. M.

Wednesday, February 7th 1872.

Court met at 9 o'clock a. m. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court to wit:

↓ 2960 Abby Thompson adm etal. v. H L. Raven. Cause continued.

↓ 2973 S B Brush v. E. Raven. Cause continued

↓ 2981 W b Philips v. A A Scroggin etal. Continued for service

↓ 3019 Philip and Cynthia Golden v Jane & Sophia Golden Come the parties by their attorneys and upon motion duly made It is ordered that this cause be dismissed from the docket, and that the Defendants go hence and have and recover of and from the said Philip Golden and Cynthia Golden all the cost hereof to be taxed for which execution may issue.

↓ 3069 James Dennison v. Hancock and West Ordered upon motion that the Intervenor herein have leave to file amended exceptions

↓ 3074 Theodora Hemphill v. C. S. West etal. And now on this day came the parties to this cause by their attorneys, and upon motion and by consent, It is ordered that this cause be and the same is hereby dismissed from the docket according to the terms of the agreement filed herein, and that the Defendants pay all the cost of this suit, for which execution may issue. The said agreement is in words and figures following to wit:

(Duplicate $2.00 Revenue Stamps put on the other and cancelled.)

State of Texas } Know all Men by these presents that I, Theodora
Davis County } Hemphill, of said County and State for and in consideration of the sum of Seventeen Hundred Dollars gold, to me in hand paid by Charles S. West Agent &c have this day bargained, sold and conveyed, and do by these presents bar-

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gain, sell and convey, unto the said Charles S. West, all my right, title, and interest in the Estate of John Hemphill, deceased, of all kind whatsoever and hereby vest the same in the said Charles S. West as Agent aforesaid. It is further agreed, that the said Charles S West is fully authorised hereby to control and dismiss the suit No 3074, now pending in the District Court of Travis county, styled Theodora Hemphill vs C. S. West et. als. on his paying the costs and also my attorneys fees in said cause. It is, however, agreed, that nothing in this instrument shall be construed to prevent the said Theodora from asserting any right that she may have under any will of John Hemphill, that may hereafter be found and duly proved. In witness whereof I have hereunto set my hand and seal (using scroll for seal) this the first day of February 1872 Theodora Hemphill (seal)
Signed, sealed and delivered in the presence of us
John D. Costa William T. North."

3103 Andrew Hamilton et al v. Geo. D. Glasscock et al Ordered upon motion that the plaintiffs herein have leave to amend

3232 W. M. Walton v. A. J. Dutton et al. Continued

3157 Rosina Kupfer et al. v. J. J. Strodr. And now on this day came the parties to this cause by their attorneys and upon motion and by consent It is ordered that this cause be dismissed at that the said plaintiffs pay one half the cost and the Defendant pay one half the cost of this suit, for which execution may issue

And thereupon Court adjourned till to-morrow morning at 9 o'clock

Friday February 9th 1872

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court to wit:

2982 A. H. Cook v. Allison & Hamell. Ordered, upon motion, that the plaintiff herein have leave to file an amended petition.

3103 Andrew Hamilton et al. v. Geo. D. Glasscock et al. Ordered, upon motion, that the Sheriff have leave to amend his return made upon the attachment issued in this case.

3143 Wm Penfield v. A. H. Waterman et al. comes the Clerk, and upon motion duly made It is ordered that the Plaintiff be required to enter into bond and security for the cost of this suit on or before the next term, plaintiff's attorney having notice of the motion.

3146 Betsey Brown v. Manuel Brown. Comes the Clerk, and upon motion duly made It is ordered that the plaintiff be required to enter into bond and security for the cost of this suit on or before the next term, plaintiff's attorney being notified.

3147 M. Musgrove v. W. R. Baker. Comes the Clerk, and upon motion duly made. It is ordered that the plaintiff be required to enter into bond and security for the cost of this suit on or before the next term, plaintiff's attorney being notified

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3150 Wm A. Shaw et al v. John Norwood et al. Comes the clerk and upon motion It is ordered that the plaintiffs enter into bond and security for the cost of this suit on or before the next term, plaintiffs attorneys being notified.

3152 Horace Bonglton v. E. G. Dewey. Comes the clerk and upon motion It is ordered that the plaintiffs enter into bond and security for the cost of this suit on or before the next term plaintiffs attorneys being notified

3165 John and Eliza Halland v. John H. Conna. Comes the clerk and upon motion It is ordered that the plaintiffs enter into bond and security for the cost of this suit on or before the next term, plaintiffs attorney being notified.

3174. Nitschke & Bley v. E. Creary et al. Comes the clerk and upon motion It is ordered that the plaintiffs enter into bond and security for the cost of this suit on or before the next term, plaintiffs attorney being notified

3176 Leon Blum et als v. Banks and Ricks. Comes the clerk and upon motion It is ordered that the plaintiffs enter into bond and security for the cost of this suit on or before the next term, plaintiffs attorney being notified.

3180 Wm Elbom v. Geo. W. Zimpelman et al. Comes the clerk and upon motion It is ordered that the plaintiffs enter into bond and security for the cost of this suit on or before the next term, plaintiffs attorney being notified.

3183 E. G. Talioferro v. Sawyer. Rishar & Hall. Comes the clerk and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, on or before the next term, plaintiff's attorney being notified.

3184. Simms Henry v. C. Culmore. Comes the clerk and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit on or before the next term. plaintiffs attorney being notified.

3205 Joseph Garoches v B. H. Davis, administe Comes the clerk and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, on or before the next term, plaintiff's attorney being notified.

3217 J. G. Morrow v. T. L. Wrenn. Comes the clerk and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, on or before the next terms, plaintiff's attorney being notified

3226 James McMullen v. Wm Charles. Comes the clerk and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, on or before the next term, plaintiffs attorney being notified.

3227 L. E. Edwards v. J. Kuechler. comes the clerk, and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit on or before the next term, plaintiffs attorney being notified.

8103 Andrew Hamilton et al. v. Geo. D. Glascock et als And now on this day came the plaintiffs by their attorneys and came also the Defendant Hazlet Owens by attorney. The other Defendants came not, but made default. And because the Defendants George D. Glasscock and Albert Brown have been cited according to law, and have failed to answer It is ordered that the plaintiffs recover of said Defendants according to the prayer of their petition and that a writ of inquiry be awarded. And the said plaintiffs and the Defendant Owens announced ready for trial. And thereupon came a Jury of twelve good and lawful men

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of Travis County, consisting of Albert H. Hutchins and eleven others who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel and the Charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiffs in the sum of one thousand Seven hundred and thirty one dollars and thirty-three cents, principal and interest. Albert H. Hutchins, foreman." Whereupon It is ordered, adjudged and decreed by the Court that the Plaintiffs, Andrew Hamilton, and Savina Hamilton, as guardians of Fannie Hamilton, do have and recover of and from the Defendants George D. Gladcock, Harriet Owens and Albert Brown the sum of one thousand Seven hundred and thirty one dollars and thirty three cents, so found to be due by the Jury aforesaid, with ten per centum per annum interest thereon from this date till, and all the cost hereof to be taxed, for which execution may issue

√ √3107 A. G. Mitchell v. Risher Hall. Cause continued

√ √3213 Nelson G. Johnson vs. Frank Matthews Adm't of the Estate of James H. Matthews dec'd and Lorisa D. Matthews. This day came the parties by their attorneys, waived a Jury and submitted the cause to the Court. And the Plaintiff having proved the allegations in his petition. It is therefore considered, ordered, adjudged and decreed that the Defendants Frank Matthews Administrator of the Estate of James H. Matthews, deceased, and Lorisa D. Matthews, shall execute and deliver to the Plaintiff Nelson G. Johnson a warranty deed for out Lots numbered Twelve, twenty one, and twenty-five, in Division A of the Austin town tract, being the same lots described in plaintiff's petition, and that the plaintiff recover of the Defendants all costs by him in this behalf expended, to be paid in due course of administration.

And Court adjourned till to-morrow morning at 9 o'clock.

Friday, Feby 9th 1872

Court met at 9 o'clock, A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court to wit.

√ √2972 D. M. Berryman v. M. M. Long. On this day came the parties by their attorneys and upon motion and by consent It is ordered that this cause be and the same is hereby dismissed from the docket, and that the plaintiff and the Defendant each pay the cost by him incurred in this behalf, for which execution may issue

√ √3071 Daniel Stuckey v. John C. Camp. And now on this day came the plaintiff and asks for a judgment final by default. And because the defendant has been cited by personal service and failed to answer within the time prescribed by law, and plaintiff's cause of action being liquidated, It is ordered that the plaintiff Daniel Stuckey do have and recover of and from the Defendant John C. Camp the sum of two hundred, Sixty-two & 30/100 Dollars, principal and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon

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from this date till paid, and all the cost here of to be taxed, for which execution may issue.

3125 James M. Brown v. A. B. Burleson. Ordered, upon motion, that the plaintiff herein have leave to amend his petition.

3143 Wm Penfield v. A. H. Waterman et al. Come the parties and upon motion It is ordered that this cause be dismissed from the docket and that the plaintiff pay all the cost here of to be taxed, for which execution may issue

3174 Nitschke & Bley v. Creary & Cotton. Ordered, upon motion, that the Plaintiffs herein have leave to amend their petition

3175. J. W. Hannig v. Creary & Cotton ordered upon motion, that the plaintiff herein have leave to amend his petition.

3182 Elizabeth Shelby v. Manuel Jones. And now on this day came the plaintiff by attorney and asks for a judgment by default. And because the Defendant has been cited by personal service and failed to answer within the time prescribed by law and wholly made default. And plaintiffs cause of action being liquidated, as shown by the written instrument sued on and offered in evidence, It is ordered that the plaintiff do have and recover of and from the Defendant Manuel Jones the sum of One hundred Forty Eight and 62/100 Dollars principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from this date until paid and all the cost hereof to be taxed for which execution may issue. And it appearing that the following property has been seized under writ of attachment to satisfy the debt sued for, It is ordered that the Clerk issue an order to sell the same according to law for the satisfaction of this judgment and costs, to wit: One sorel horse, one two horse hack and double harness

3184. Simms Bleu v. Charles Culmore. Come the Plaintiffs by attorney and claim a judgment by default. And because the Defendant has been cited by personal service and has failed to answer within the time prescribes by law. It is ordered that the plaintiffs do have and recover of and from the Defendant judgment by default for the want of an answer, according to the prayer of their petition and the amount being unliquidated it is ordered that a writ of inquiry be awarded.

3207. J. H. Robinson & Son v. Wm Clements. Come the plaintiffs and claim a judgment final by default. And because the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law and wholly made default and plaintiffs cause of action being liquidated It is ordered that the plaintiffs J. H. Robinson and Alfred Robinson, under their firm name of J. H. Robinson & Son do have and recover of and from the Defendant William Clements the sum of Two Hundred, Four & 85/100 Dollars, principal debt and interest due upon the note sued on to this date, together with ten per centum per annum interest thereon from this date until paid, and all the cost here of to be taxed, for which execution may issue

3220 D. M. Wilson v Mortimer T. Durst Comes now the plaintiff and claims a judgment final by default. And because the Defendant has been cited by personal service and has failed to answer within the time pre-

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scribed by law: and the cause of action being liquidated, It is ordered that the plaintiff D. M. Wilson, do have and recover of and from the Defendant Mortimer J. Durst, the sum of Two Hundred Eighteen + 26/100 Dollars being the amount of the principal debt and interest now due upon the note sued on in this case, together with ten per centum per annum interest thereon from this date till paid and all the cost herein to be taxed for which execution may issue

Grand Jury And now on this day appeared in open Court the Grand Jury of Travis County, duly elected, tried, empannelled, sworn and charged for and during the present February term of the District Court of Travis county, and through their foreman, G. H. Burditt, presented to the Court the following Bills of Indictment, to wit

2348 An Indictment against Jo. Wadsworth for Exhibiting Monte.
2349 An Indictment against Matt. Thompson for Betting at Monte
2350 An Indictment against Ben. Thompson for Betting at Faro
2351 An Indictment against Sam. Scott for Exhibiting Monte
2352 An Indictment against Sam Scott for Betting at Monte
2353 An Indictment against Pink Bedford for playing at a game with cards in a public place.
2354 An Indictment against Watt Good for Dealing or Exhibiting Monte.
2355 An Indictment against Frank Hook for Betting at Monte
2356 An Indictment against Peter Bratton for Betting at Monte
2357 An Indictment against Sonis Dryfies for Exhibiting Monte.
2358 An Indictment against Sonis Dryfies for Exhibiting Faro.
2359 An Indictment against Geo. H. Slaughter for Betting at Monte.
2360 An Indictment against H. C. Ellis for Betting at Monte
2361 An Indictment against Frank Cotton for playing at a game with cards in a public place.
2362 An Indictment against Frank Cotton for Exhibiting Monte.
2363 An Indictment against Billy Thompson for Betting at Monte
2364 An Indictment against — Evans for Exhibiting faro bank
2365 An Indictment against Wells W. Leggett for Bribery
2366 An Indictment against R. A. Brown for theft of two Steers
2367 An Indictment against Cad. Hamm for accepting Bribe.
2368 An Indictment against Cad Hamm for accepting Bribe.
2369 An Indictment against Wm Van Allstine for theft from a house.
2370 An Indictment against Cad. Pearce for playing cards in a public place
2371 An Indictment against James T. Brown for an assault with intent to kill & murder.
2372 An Indictment against James T. Brown for an assault with intent to kill & murder.
2373 An Indictment against James T. Brown for Burglary.
2374-2375 two Indictments against R. A. Brown for theft of two head cattle.

And thereupon the said Grand Jury suggesting to the Court that there was still further business pending before them, they were ordered to retire upon a discharge of the same.

✓ ✓ 3171 R. M. Eastterman vs J. H. Luckett. And now comes the plaintiff and asks for a judgment final by default. And because the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law: and plaintiffs cause of action being liquidated, as shown by the instrument of writing

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sued on, have produced. It is ordered that the plaintiff, R. M. Eastman, do have and recover of and from the Defendant S. H. Duckett the sum of two hundred, Fifty five and 69/100 Dollars, principal debt and interest due upon the note sued on to this date, with legal interest thereon from this date until paid, and all the cost here of to be taxed for which execution may issue

3123. Thomas O'Connor v. Wm Penfield. And now on this day came the Parties to this cause by their attorneys, when came on to be heard the plea in abatement interposed by the Defendant. And the parties announced ready for trial as to the said plea only. And then came a jury of twelve good and lawful men of Travis county, consisting of Geo. Harpie and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, the argument of counsel, and the charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant to be a transient person. Geo. Harpie, foreman." Whereupon It is considered that said plea in abatement is not well taken, and that the same be refused

3123 Thomas O'Connor v. Wm Penfield. Continued by plaintiff.

3125. James M. Brown v. A. B. Burleson. Ordered, upon motion, that the Defendant herein have leave to amend.

3125. James M. Brown v. A. B. Burleson. Continued on affidavit of plaintiff.

3128 Joel A. Burditt v. W. J. Davis Come the parties, and upon motion It is ordered that the cause be dismissed from the docket, death of Plaintiff being suggested.

3166 Joseph Harrell v. J. H. Hoyl, et. als. And now comes the Plaintiff and claims a judgment by default. And because the Defendants herein have been cited according to law and have wholly failed to answer within the time prescribed by law: and plaintiff's cause of action being liquidated as shown by the instrument of writing sued on produced in evidence, It is ordered that the plaintiff Joseph Harrell, do have and recover of and from the Defendants J. H. Hoyl, Hugh Casey, J. D. Wittenberg and J. E. King as principals, and of M. H. Bowers and A. J. Walkers as indorsers the sum of Sixteen hundred, forty-three & 62/100 Dollars, principal debt and interest due upon the note sued on to this date, together with all the cost in this behalf laid out and expended for which execution may issue. And it is ordered that the Sheriff in levying this execution, shall levy the same first upon the property of the principal Defendants, situated in Travis county, before proceeding against the property of the said indorsers Bowers and Walker. And should the said Bowers & Walker be compelled to pay any portion of this judgment to the said Plaintiff, then It is hereby ordered, adjudged and decreed that the said M. H. Bowers and A. J. Walker, under their firm name of Bowers & Walker shall have execution in their favor as against the said principal Defendants, for the full amount of the judgment herein rendered, or any portion thereof that they may have to pay, to the plaintiff Harrell.

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✓ ✓ 3172. Caroline Newman vs A. B. Newmann. Ordered upon motion, that the Plaintiff herein have leave to amend

✓ ✓ 3178 John Meeks v. Flannikin & Hall Continued to recds.

✓ ✓ 3131 Marion McKinney v. Martha McKinney. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of Albert H Hutchins, foreman, and eleven others who being tried, elected, empannelled and sworn according to law, heard the petition of the plaintiff and the cross bill of the Defendant, the evidence introduced by the parties, the argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdicts to wit: "We, the jury, find the allegations of the plaintiffs petition untrue. Albert H. Hutchins foreman." "We, the Jury, find the allegations of the Defendants cross-bill are true. Albert H. Hutchins, foreman." Whereupon it is ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said Martha McKinney and Marion McKinney be and the same are hereby dissolved: that the parties go hence: and it is further ordered that the Defendant recover of and from said Marion McKinney and the securities on his cost bond to wit: Thomas Merry and Sam Hamilton all the cost of this suit, for which execution may issue.

And Court adjourned till to morrow morning 9 o'clock

Saturday, February 10th 1872

Court met at 9 o'clock A M pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

✓ 3103 Andrew Hamilton et al. v Geo D. Gladcock et al. comes the plaintiffs by their attorneys and upon motion It is ordered by the Court that the a Remittitur of Seventy-four + 33/100 Dollars be entered in this case and it is considered that the judgment rendered be reduced to the sum of Sixteen hundred, fifty seven and 33/100 Dollars. And it is further ordered that the clerk of this Court do issue an order of Sale directed to the Sheriff of Bastrop county, requiring him to sell, as under execution, the following described property, levied upon by writ of attachment, to wit: "the George J. Gladcock headright of land situated in Bastrop county:" and the proceeds thereof he shall apply 1st to the payment of the costs of this suit: 2. to the payment of the judgment: and 3. the remainder, if any, to the be paid over to the defendants.

✓ ✓ 3132. Chote & Wilson v. D. M. Berryman. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, consisting of Geo Haynie and eleven others, who being tried, elected, empannelled and sworn according to law, heard the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. And there

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upon the jury returned into Court the following verdict, to wit: "We, the jury, find for the pltffs $28.98 principal & interest. Geo. Haynie, foreman." Whereupon It is ordered by the Court that the plaintiffs Benjamin Chole and J. B. Wilson, under their firm name of Chole & Wilson, do have and recover of and from the Defendant S. M. Berryman and the securities on his appeal bond to wit: John D. Grumbles the said sum of Twenty Eight & 98/100 Dollars and all the cost of this proceeding in this Court and the Court below expended, for which execution may issue. And because the verdict rendered in this Court is greater than that rendered in the Justices Court, It is ordered that the plaintiffs recover of the said Berryman principal, and said Grumbles, security, the sum of Two & 89/100 Dollars damages for all which execution may issue.

3124. Thomas O'Connor v. Wm. Penfield. Cause continued.

3165 John & Ann Eliza Holland v. John H. Conner. Ordered upon motion that the plaintiffs herein have leave to amend.

3177 R. H. Smith & Co v. Joseph Barnhart. And now come the Plaintiffs and ask for a judgment by default. And because the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law, and plaintiff's cause of action being liquidated. It is ordered that the said W. B. Smith and R. H. Smith, under their firm name of R. H. Smith & Co do have and recover of and from the said Joseph Barnhart the sum of three hundred, thirty seven and 31/100 Dollars, principal debt and interest due upon the note sued on to this date, with ten per centum per annum interest thereon from this date until paid and all the cost of this suit, for which execution may issue.

3179 Bowers & Walker v. J. D. & W. L. Glascock. And now on this day came the plaintiffs to this cause by their attorneys and claim a judgment by default. And because the defendants have been cited by personal service, and have failed to answer within the time prescribed by law and the cause of action being liquidated, It is ordered that the plaintiffs M. H. Bowers & A. S. Walker, under their firm name of Bowers & Walker, do have and recover of and from the Defendants J. D. Glascock and W. L. Glascock the sum of Six Hundred and thirty-five dollars in specie, and all the cost hereof, for which execution may issue.

3215 A. B. Palm v. W. H. Bunton. And now on this day came the plaintiff by his attorney and claims a judgment final by default. And because the Defendant has been cited by personal service, and has failed to answer within the time prescribed by law, and the cause of action being liquidated, It is ordered that A. B. Palm do have and recover of W. H. Bunton the sum of Sixty-five & 84/100 Dollars, balance of principal debt and interest due upon the note sued on to date, and all the cost hereof to be taxed, for which execution may issue.

3221 A. B. Palm v. D. L. Cross. And now on this day came the plaintiff by his attorney and asks for a judgment by default. And because the Defendant has been cited by personal service, and failed to answer within the time prescribed by law, and plaintiffs cause of action being liquidated,

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It is ordered that A. B. Palm do have and recover of and from the said D. L. Ross the sum of One hundred eighty-six & 59/100 Dollars in specie, with interest thereon at the rate of ten per cent. per annum from this date till paid, and all the cost of this suit, for which execution may issue

And Court adjourned till Monday morning 9 o'clock.

Monday, Febreary 12th 1872

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

√ 234.3 X The State of Texas v. Miles Watson. ordered upon motion that the cause be dismissed at the cost of the Defendant, for the collection of which a capias may issue.

√ √ 3167 A. B. Burleson v. Wm Mergenthall ordered, upon motion that the Defendant herein have leave to amend.

√ √ 3079 W. M. Walton v. Philian Glascock et al. ordered upon motion that this cause be dismissed as per order having settled the question of cost.

√ √ 3169 X Almeda Parkerson v. James Parkerson And now on this day came the plaintiff to this cause by her attorneys and announced ready for trial — and the Defendant came not. And because the Defendant has been cited by publication, and has wholly failed to answer within the time prescribed by law, It is considered that a jury be empannelled. And the jury having heard the petition, the evidence, the argument and being charged by the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the facts as stated in the petition to be true E. Christian foreman." Whereupon It is ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said Almeda Parkerson and James Parkerson be and the same are hereby forever dissolved, and that the said Plaintiff pay the cost hereof to be taxed, for which execution may issue

√ √ 3167 A. B. Burleson v. Wm Mergenthall. continued by the Plaintiff

√ √ 3170 X Bielenstein & Mclasky v. D. D. Bonner et al. And now come the parties, and upon motion It is ordered that this cause be dismissed from the docket and that the plaintiffs pay all the cost hereof to be taxed, for which execution may issue.

√ √ 3174. Nitschke & Bley v. Creary & Cotton. Ordered, upon motion, that the Defendants herein have leave to amend: And further ordered that the cause be continued ~~upon application~~ of the Defendants.

√ √ 3175 J. W. Hanning v. Creary & Cotton. Continued by the Defendant.

√ † 82-09 E. S. Berry v. T. W. Nolen. And now on this day came the parties to this cause by their attorneys and submitted to the Court the following award of the referees to whom the matters in controversy were submitted, which, upon motion, is made the judgment of the Court:

" We, the undersigned Parties, to whom was referred, for arbitration,

February Term, Monday, February 12th 1872

the matter between E.J. Berry & T.W. Nolan, involving a suit, No. 3209, now pending in the Dist Court, after hearing the statements of both parties, have determined, that justice to both parties requires as follows. That Thos. W. Nolen do pay to E.J. Berry the sum of ten (10) Dollars in U.S. currency, and that the suit be dismissed, Nolen paying costs and that each party, to wit: Nolen and Berry, give to the other a receipt in full for all demands up to date. Dennis Corwin

Austin, Feb 10. 1872 G. H. Finley."

Wherefore It is considered that the plaintiff do have and recover of and from the Defendant Thomas W. Nolen and the securities on his appeal bond, to wit: R. Platt and J.E. Stanley Jr. the sum of Ten Dollars and all the cost of this Court and the Court below, for which execution may issue.

Grand Jury And now on this day appeared in open Court the Grand Jury of Travis county, duly elected, tried, empannelled, sworn and charged to inquire in and for the body of the County of Travis at the present term of the Court, and through their foreman G.H. Burditt, presented to the Court the following Bills of Indictment, to wit:

2376 An Indictment against Moore for Exhibiting Faro.
2377 An Indictment against Billy Haynes for playing at a game with cards called Cassino in a public place
2378 An Indictment against Stewart for Exhibiting a faro Bank
2379 An Indictment against John Brown for Exhibiting a Keno bank.
2380 An Indictment against Will Slaughter for Betting at Monte.
2381 An Indictment against Bryant & James for neglecting and failing to pay occupation tax as land agents.
2382 An Indictment against Bryant & James for failing to pay occupation tax.
2383 An Indictment against Bob Fields for Betting at Monte.
2384 An Indictment against Mart. Johnson for Betting at Monte.
2385 An Indictment against Wright for Betting at Monte.
2386 An Indictment against Wash. Beasle for Exhibiting Monte.
2387 An Indictment against Fitch for Exhibiting Monte.
2388 An Indictment against George Washington for theft.
2389 An Indictment against Ed. Grooms for affray with attempt to disfigure
2390 An Indictment against W.S. Williams for theft of Red Cow.
2391 An Indictment against W. S. Williams for theft of Cattle
2392 An Indictment against James M. Brown for affray with intent to kill
2393 An Indictment against James M. Brown for Carrying deadly weapons
2394 An Indictment against Albert Tobler for theft from a house
2395 An Indictment against Charles Fugett for Betting at Cassino
2396 An Indictment against Dock. Thompson for Betting at Cassino
2397 An Indictment against N. B. Mitchell for Betting at Monte
2398 An Indictment against John Barnes for Exhibiting Monte.
2399 An Indictment against Matt. Woodliff for Playing cards in a public place
2400 An Indictment against Bud Cotton for Betting at Monte.
2401 An Indictment against Jack Wilson for Playing Cards in a public place
2402 An Indictment against Billy Cotton for Betting at faro
2403 An Indictment against Billy Brennan for Betting at Cassino

Febreuary Term, Monday, Febreuary 12th 1872

2404 An Indictment against — Maroney for Be playing Cassino
2405 An Indictment against Wm Wilson for playing Cassino
2406 An Indictment against David Wills for playing Cassino
2407 An Indictment against Jack Conner for Betting at Monte
2408 An Indictment against Fairbanks for Betting at Monte

And the Grand Jury suggesting that there was still further business pending before them they were ordered to retire upon a discharge of same.

3111 Maria Bell v. Caesar Bell. And now on this day came the Commissioners Geo. B. Zimpelman, Thomas E. Breed and Ridge Paschal appointed by this Court at the October term 1871 to partition and sell the community property of the parties to the above entitled cause, and report to the Court as follows:

No. 3111. Maria Bell vs Caesar Bell. In the District Court of Travis county Texas Febery Term 1872. To the Hon Orville J. Richardson Judge of said Court. The undersigned appointed Commissioners by decree rendered at the October term of said Court in the year A D 1871 to partition or sell the property belonging to the parties to the above entitled and numbered cause respectfully represent and report to the Court: That on, to wit: the day of A. D: 1871. after giving notice of sale as provided in said decree, the said Commissioners did at the time and place named in said notice of sale, sell all the personal property mentioned in said Decree at public outcry, to the highest bidder for the sum and price of Eighty Nine $^{00}/_{100}$ Dollars Coin: and the said sum being insufficient to pay the charges provided in said decree to be paid therefrom: and further it being found impossible to partition the Real Estate of the said parties described in said decree, and provided therein to be partitioned or sold in the manner pointed out by said decree, the undersigned Commissioners did on the first Tuesday in February AD 1872, that being the 6th day in said month, after giving the notice of sale as prescribed in said decree, pursuant to said notice, offer the said lots of land for sale at public outcry whereupon Morgan C. Hamilton bid the sum of One hundred and Sixty One (161) Dollars in Coin: and that being the highest and best bid that could be obtained for said lands, the same were struck off and declared sold to the said Hamilton.

And the Commissioners aforesaid further represent and report to the Court, that they have paid out the sums of money arising from the sale of the personal and Real Property aforesaid as follows. to wit:

	Plaintiff	Defendant
Sold personal Property for 89^{50}/_{100}$ to Defendant	44.75	44.75
Sold Lots in Division B Lot No 1 for $161 to be divided 1/2 to each of the parties	80.50	80.50
The following costs are deduct from Defendants one half of above sums to wit: Costs of Court in said Cause 3111 — 32^{22}/_{100}$ cy @ 90^{4}	28.98	
Hauling and handling lumber Shingles &c	3.00	
Attorney to Reff	32.05	
	125.25	125.25

February Term Tuesday. Feby 13th 1872.

Fee to B. H. Davis atty 20.00 84.03

$84 03 Defts Share

Add $32.05 to Peffs share $125.25 + 32.05 Peffs share $157.30

And your Commissioners pray that their proceedings aforesaid in the premises, and the title to the said Lots in and to the said M. C. Hamilton be confirmed and ratified by the Court and that they be discharged and they will ever pray &c

Geo. B. Zimpelman
Thos. E. Sneed
Ridge Paschal
} Commissioners

Sworn to and subscribed before me this Feby 12. 1872 F. Brown Dep Clk.

And it appearing to the Court that the said Commissioners aforesaid have in all things complied with the requirements of the Decree rendered by this Court in this cause at its October term 1871 It is therefore ordered, adjudged and decreed by the Court that the title to the Lots out of Sec No 1 in Division B. more fully described in the decree aforesaid, be divested out of the said Maria Bell and Caesar Bell, or either of them and the title in and to the same be and the same is hereby vested in the said M. C. Hamilton his heirs and assigns. and that the Sheriff of Travis county do place the said Hamilton in possession of the same. It is further ordered, adjudged and decreed by the Court that the proceedings aforesaid in the premises be and the same is in all things confirmed and ratified, and the said Commissioners hereby discharged.

And Court adjourned till to-morrow morning 9 o'clock.

Tuesday, February 13th 1872

Court met at 9 o'clock A M Pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

3069. James Dennison vs Hancock & West et al. Ordered upon motion that the Defendants in this cause have leave to amend their pleadings: and ordered, further, that the Defendant Moore have leave to substitute paper (an answer) that has been lost.

3153 Hancock & West v. Thos. Sublett, et. als. Ordered, upon motion, that Wm M. Gilleland be appointed Special guardian for the minor Defendants Theophilus and Kenneth Sublett, and that he give bond in the sum of Sixteen hundred dollars and take the oath prescribed by law.

3224 L. B. Gaspin et. als. v. Amelia Dricht et al. Ordered upon motion, that the Defendants herein have leave to amend answer. And ordered, further, that the cause be continued for service as to such of the Defendants as have not been served.

Grand Jury And now on this day came in open Court the Grand Jury of Travis county, duly elected, tried, empannelled and sworn according to law for and during the present term of this Court, and through their foreman G. H. Burditt, presented to the Court the following Bills of Indictment to wit:

February Term, Wednesday, Feby 14th 1872

2409 An Indictment against Sam Evans for Exhibiting Monte
2410 An Indictment against M Sennan for Exhibiting Monte.
2411 An Indictment against Frank Reiser for Betting at Monte
2412 An Indictment against John Brown for Exhibiting Monte.
2413 An Indictment against Blue for Betting at Monte.
2414 An Indictment against Wm Foster for Betting at Monte.
2415 An Indictment against Charles Reade for Betting at Monte.
2416 An Indictment against Wm Tongue for Betting at Monte.
2417 An Indictment against Boatman for Betting at Monte.
2418 An Indictment against Manuel Roche for theft from a house.
2419 An Indictment against Jack Conner for An Affaire with intent to kill and murder
2420 An Indictment against Joe Wills for Betting at Monte.
2421 An Indictment against John Finch for Betting at Monte.
2422 An Indictment against Esau Jackson for theft from a house.
2423 An Indictment against Chum Rowe and Antony Meeks for An Affaire with intent to kill and murder
2424 An Indictment against James Rawles for Betting at Monte.

And said Grand Jury suggesting there is still further business before them they were ordered to retire upon a discharge of the same

✓ ✓ 3069 James Dennison v. Hancock & West et al. Cause continued

✓ ✓ 3165 John and Ann Eliza Holand v. John H. Conner. And now at this day came the parties by their attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel and the charge of the Court, and retired to consider of their verdict. And after considerable retirement the jury appeared and made report that they could not agree upon a verdict. Whereupon by consent, It is ordered that the jury be discharged from further consideration of the case, that a mistrial be awarded and cause is continued.

✓ ✓ 3228 Sampson & Hemicks v. Samuels & Mason. Cause continued.

And Court adjourned till to-morrow 9 o'clock A M

Wednesday Feby 14th 1872.

Court met at 9 o'clock A M pursuant to adjournment Present Hon J.P. Richardson Judge 3rd Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

✓ ✓ 3151 Charles Sheppard vs John J Sneed et al. In this case appeared the Defendants by their attorneys, and submitted to the Court their motion for an Order of Survey of the Court land in controversy in this suit: and the same having been considered by the Court It is ordered that James R. Pace the Surveyor of Travis county, do go upon the ground and first survey and plat the land described in plaintiffs petition 2d That he then survey and plat the land described in the deed from Bartlett J. Reed to the Defendant J J Sneed dated 20 Nov 1865, so as to fully show the conflict with the land described in plaintiff's petition, and

February Term, Wednesday July 14th 1872

make out and return the field notes of the land that appears to be in conflict with the tract of land described in plaintiffs petition.

35. To survey and plat the land described in the deed from E B Tumm to the Defendant James W. Smith dated 20 Day of Janj 1871 so as to shew the conflict if any with the land described in plaintiffs petition, and put the number of varas on each line and return the field notes of such parts of the Defendants land as conflicts with the land in plaintiffs petition: and that said Surveyor return the same at the present term of this Court.

32'05 John Newman v. E. B. Dewey. Comes the Defendant and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, plaintiffs attorney having notice of the motion.

3225 E. H. Cushing v. Schutze + Deitzel Come the Defendants and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit plaintiffs attorney being notified

3157 (3151) Charles Shepherd v. J. J. Dreed et.als Come the Defendants and upon motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, plaintiffs attorney being notified.

3109 Wm Chapman vs W. A. Davis Continued

3181 J. H. Cantwell vs E. B. Dewey Continued by agreement

3204 R.S. Roberts v. M. Thompson et.als Cause dismissed, cost being paid.

3205 John Newman v. E. B. Dewey. Continued by agreement.

3208 A. Bering + Bro. v. J. W. Lawrence. On motion It is ordered that this cause be dismissed from the docket, and that the Defendant pay all the cost here of to be taxed, for which execution may issue.

3211 Charlotte Huling vs S. Lockwood Cause continued

3216 City of Austin v. S. Brown. Ordered upon motion that the Defendant herein have leave to amend his answer.

3217 J. B. Morrow v. T. J. Wrenn. And now on this day came these parties by their attorneys and announced ready for trial. And thereupon came a jury of 12 good and lawful men of Travis county, consisting of Ed Christian and eleven others who being tried, elected, empannelled and sworn according to law, heard the pleading, the evidence, argument of counsel, and the charge of the Court, and retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff Principal and interest the sum of $140 00/100 Ed. Christian, foreman." Whereupon It is ordered that the plaintiff do have and recover of and from the Defendant T. J. Wrenn the sum of One hundred, forty + 5/100 Dollars, in specie found to be due by the jury and all the cost here of to be taxed, for which execution may issue.

3210 John W. Cochran v. Daniel Cleveland and James M. Patton. And now on this day came the plaintiff in the above entitled cause by attorneys, and announced himself ready for trial. And the Defendants came not but wholly made default. Whereupon came a Jury to wit: B. B. Kirk and eleven others, twelve good and

February Term Wednesday Feby 14th 1872.

lawful men of Travis county who being duly elected, tried, empannelled and sworn according to law, after hearing the evidence, retired under the charge of the court to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find that the wagon is the property of the plaintiff, and that plaintiff recover ten dollars damages for the use of the wagon. C. C. Kirk, foreman."

And it appearing to the court that the said plaintiff on the 16th day of November 1871 sued out a Writ of Sequestration in this cause for the seizure of the wagon sued for in this cause: And it further appearing that the Sheriff of Travis county on the 22nd day of November, 1871 did seize and take into his possession the wagon sued for, and that neither of said Defendants have ever replevied said wagon and that said wagon is now in the possession of the Sheriff of Travis county under his levy of said Writ of Sequestration, It is therefore ordered adjudged and decreed by the Court that the plaintiff John W. Cochran do recover from said Defendants Daniel Cleaveland and James M. Patton the wagon sued for in this cause, and that the Sheriff of Travis county do at once deliver to said Cochran possession of said wagon: and it is further ordered that said Plaintiff do recover of and from said Defendants and from the sureties of said Deft Patton on his appeal bond, in this cause, to wit: R. J. Nichols & James M. Swisher the sum of ten dollars as damages for the use of said wagon together with all the costs in this cause expended in this Court and in the Justices Court from which this cause has been brought here by appeal, for all of which execution may issue.

✓ T ↓ 3154. M. B. McAlpine et al vs E. M. Pease et al. And on this day come the Plaintiffs Miranda B. McAlpine, Sarah G Chandler and John L Chandler by their attorneys and the Defendant E. M. Pease, in his proper person: and the Plaintiffs having moved the Court to appoint a special guardian to represent St. John Chandler and Florence Chandler, Charles Engenberg, Chandler Engenberg and Willie Engenberg minor heirs who are Defendants herein thereupon the Court appointed W. S. Hotchkiss to represent said minors: and the said Hotchkiss is hereby ordered to give bond in the sum of five hundred dollars conditioned as the law directs, and that he qualify as prescribed by law. The Defendants Laurie H. Du Barry Sarah E. Stanard and her husband Felix Haywood Stanard, having failed to answer: and it appearing to the Court that process by publication has been duly served on all the Defendants, on motion of plaintiffs by atty's judgment by default is hereby rendered against the said defendants and the said Special guardian having answered and submitted the interest of said minors to the protection of the Court: and the Plaintiffs having elected to pay the said Defendant Pease in money instead of land sued for, a jury was called, to wit: C. C. Kirk and eleven others who being duly elected, empannelled and sworn according to law, [illegible] by the Court, to find the amount

if any, due the said E. M. Pease; and the jury having heard the evidence, retired under the charge of the Court, to consider of their verdict, and returned into Court the following verdict, to wit: "We, the jury find for the Defendant E. M. Pease in the sum of $859 25/100 " in Com. C. C. Kirk, foreman." It is therefore considered by the Court that the said E. M. Pease do have and recover of the said plaintiffs and his co-defendants said sum of Eight hundred and fifty nine 25/100 Dollars, together with his costs in this behalf expended said sum of $859 25 to bear interest from date until paid at 8 per cent. per annum, to be paid out of the first money collected under this decree after paying the Court costs.

It further appearing to the Court that the only portion of the property belonging to the estate of Daniel Chandler, deceased, which is held in common by the heirs and distributees of said deceased and the parties hereto, is the Toby Scrip numbers 517, 527, 528 and the 196 7/8 and 640 acres in Guadalupe county, described in said petition, and that the expenses of partition, attorneys fees, and costs of this suit should be mutualy borne by the parties. It is therefore considered by the Court, and it is hereby ordered, adjudged and decreed, that the Sheriff of Travis county take charge of said certificates amounting in acets 1920 and unlocated balance of 24 acres: that he advertise the same for sale, and sell the same in the mode and manner prescribed by law, on the first Tuesday in March next: and that he the said Sheriff return the proceeds of said sale, and pay the same over to Frank Brown, immediately after said sale, who is hereby appointed a special Commissioner to take charge of and distribute the same under this order and decree. It is further ordered, adjudged and decreed that immediately after the return of the sale of said certificates, or when the true amount of the proceeds thereof is ascertained, the Clerk of this Court will issue an order for the sale of the 196 7/8 acres and the 640 acres aforesaid, directed to the Sheriff of Guadalupe county, commanding him to advertise and sell, in the manner prescribed by law, the said tracts of land in Guadalupe county, to wit: Abstract No 310 Daniel Chandler 640 and Abstract No 311 Daniel Chandler 196 8/10 acres, or so much thereof as may be necessary, together with the proceeds of said certificates, to pay off and discharge first all costs of this suit: second the judgment in favor of E. M. Pease aforesaid: third the sum of

dollars to pay the Commissioners appointed to make partition of the other lands hereinafter named: fourth to pay the Special guardian hereby appointed: and fifth the sum of five per cent: on the estimated value of the property hereinnamed, or three hundred & and 00 to Robards & Jackson, the

February Term, Wednesday, February 14th 1872.

attorneys prosecuting this suit and obtaining this decree: and that he return and pay the same to Frank Brown, the Special Commissioner appointed by this Court. It is further ordered adjudged and decreed that said land in Guadalupe county be sold in lots of forty acres to suit purchasers: and should the proceeds of said sale by accident exceed the amount required to pay off the several sums of money above specified, the clerk of this Court will distribute the same to the several parties to this suit entitled to the same as heirs of the said Daniel Chandler, deceased. It is further ordered adjudged and decreed that Jacob Kuechler, William von Rosenberg and Charles W. Pfeffer be and they are hereby appointed Commissioners to make partition of the other lands described in Plaintiffs petition as follows to wit: the said Commissioners will set apart to John L. Chandler five-eighths of Toby Scrip No 524, located in Bosque county, in the name of Daniel Chandler and three-eighths thereof to the other heirs of said Daniel Chandler, dec'd. The said Commissioners will also set apart to the said John L. Chandler one-fourth of Toby Scrip No 578 and 660, or so much thereof as is located in said county of Bosque: nine sixteenths to Miranda V. D. McAlpin, and the balance to the other heirs of Daniel Chandler, dec'd. The said Commissioners will set apart to Miranda V. D. McAlpin nine-sixteenths of Toby Scrip 495 on South Concho, four sixteenths to Sarah J. Chandler, and the balance to the heirs of Daniel Chandler, except John L. Chandler. The said Commissioners will set apart to Miranda V. D. McAlpin nine-sixteenths of Toby Scrip 519, on South Concho: four sixteenths to John L. Chandler, and three sixteenths to the other heirs of Daniel Chandler, dec'd the whole amount being 616 acres in this tract

Commissioned

It is further ordered, adjudged and decreed that the unlocated certificate of Scrip No 519 for twenty four acres be also obtained, and that the same be sold by the Sheriff of Travis county at the same time of the other scrip hereinnamed.

It is further ordered adjudged and decreed that if an equitable partition of said land can be made by uniting the interest of each tenant so that all or nearly all of each may be in one body, the said Commissioners are ordered to make said partition with that view according to quantity and quality: and that they report said partition to this Court with plats, shewing plainly the same, as soon as practicable.

It is further ordered that the Original deeds referred to in Peffer's petition may be filed with the papers in this case when found.

Grand Jury

And now on this day appeared in open Court the Grand Jury of Travis county, duly tried, elected, empannelled sworn and charged for and during the present term of this

Febeuary Term, Thursday, Febeuary 15th 1872.

Court and through their foreman, G. H. Burditt, Esq. presents to the Court the following Bills of Indictment, to wit:

2425 An Indictment against A. S. Mason for unlawfully carrying away timber not his own.
2426 An Indictment against A. S. Mason for unlawfully cutting timber
2427 An Indictment against David Pearson for theft of a white Sow.
2428 An Indictment against David Pierson for theft of Shoats.
2429 An Indictment against Dick Meeks, John Meeks and Owen Baker stealing Steer
2430 An Indictment against Dick Meeks, John Meeks & Owen Baker for theft of Cow
2431 An Indictment against P. Brafford for Selling liquors in quantities less than a quart
2432 An Indictment against James Kellon for Murder.
2433 An Indictment against Charles Howard for unlawfully renting Room for Exhibiting Monte.
2434 An Indictment against Charley Dieterich for aggravated Assault
2435 An Indictment against M. Musgrove for Betting at Monte.
2436 An Indictment against John Bond for Betting at Monte
2437 An Indictment against R. C. McLaren for theft from a house

And the Grand Jury suggesting there is still further business pending before them, they were ordered to retire upon a discharge of the same.

And Court adjourned till to-morrow morning 9 o'clock

Thursday, Febeuary 15th 1872.

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday whereupon the following proceedings were had by said Court to wit:

13054 M. B. McAfpine et al v. E. M. Pease et al. It is ordered that the following amendment to the decree rendered in this cause on yesterday be now entered, as of the date Feby 14th, 1872 to wit: It also appearing to the Court that original Toby Scrip Nos 29/357 and 29/358 have been lost, that the same was advertised for sixty days before obtaining duplicate, and no one claimed either of them: that in serving process by publication the same were again published for four successive weeks, and from the testimony of Gov. E. M. Pease in open Court that said original Scrip had been assigned to the said Daniel Chandler decd It is therefore ordered, adjudged and decreed that the legal as well as equitable titles to the duplicates of said Original certificates be and the same are hereby vested in the heirs of said Daniel Chandler, decd, and their assigns, as if said duplicates had issued to them as assignees, and that the sale to be made by the Sheriff as aforesaid vest in the purchaser or purchasers thereof good and valid titles: said duplicates having been issued 11th January 1872 by the Commissioner of the General Land Office and numbered 29/357 and 29/358 to Thos Toby, the original grantee.

13142 Reddin Andrews et Noah Smithwick. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial, and waiving a Jury agree to submit the case to the Court. And thereupon the Court having heard the evidence, the pleadings & the argument of the Counsel, and having

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well considered the points of law arising, is of opinion that the plaintiff should recover. And it is ordered, adjudged and decreed, that the said Reddin Andrews do have and recover of and from Noah Swickwick, the sum of Five Hundred and Seventy Six Dollars for his damages and all the cost hereof to be taxed, for which execution may issue.

√ √ 3225 E. H. Cushing v. Schutze and Dietzel. Cause continued under the rule granted for security for cost.

√ √ 3226 James McMullen v. Wm. Charles. Ordered, upon motion, that the Defendant have leave to amend his answer.

√ √ 3227 L. E. Edwards v. Jacob Kuckler. Ordered that the cause be dismissed the Cost having been Paid.

√ 2516 W. A. Morris vs John Stelfox, Admr of Joseph Newsham, dec'd, William Newsham, John Newsham, Thomas Newsham and Mary Fearin. On this day came on to be heard the above styled and numbered cause, and the plaintiff and all the Defendants being here present by their attorneys, and a jury being waived by said parties, and all questions, whether of law or fact being submitted to the Court for determination; and the Court having heard all the pleadings read and the evidence introduced, It is considered and decreed by the Court that the plaintiff W. A. Morris, do have and recover of and from the said John Stelfox, Admr. of Joseph Newsham and of the Estate of said Newsham, Deceased, William Newsham, John Newsham, Thomas Newsham and Mary Fearin, and that they be divested forever of all their right, title, claim and interest in and to Lot No four in Block No. One hundred and Sixty-four, in the City of Austin, Texas, and that all their right, title, claim and interest in and to said Lot No 4 in Block No 164, be vested forever, and confirmed in him the said W. A. Morris, and that he the said Morris be forever quieted in his title to and possession of said Lot No 4 in Block No 164 in the City of Austin, Texas, against the claim or claims of said John Stelfox, Admr of said Joseph Newsham, William Newsham, John Newsham, Thomas Newsham and Mary Fearin, or of each and every one of said named Defendants, and that the said plaintiff do have and recover of said Defendants all costs in this behalf expended, for which execution may issue, and which may be certified, and is hereby declared to be a valid claim against the estate of Joseph Newsham, to be paid in due course of administration. And ordered that the plaintiff have leave to withdraw his title papers.

√ √ 3154. Loomis & Christian vs The City of Austin. And now on this day came the parties to this cause by their attorneys and announced ready for trial. When came a Jury of twelve good and lawful men of Travis County, consisting of A and eleven others who being tried elected, empannelled and sworn according to law hear the

Feberuary Term, Thursday, February 15th 1872

pleadings, the evidence, the argument of counsel, and the charge of the Court, retired, and after deliberation, returned into Court the following verdict, to wit: that the plaintiff is entitled to recover of the City of Austin the sum of Two thousand four hundred and Ninety one dollars and 69 cents in specie, and that the City Hall and Market house is liable for the payment of the sum of One thousand Eighty-Seven & 50/100 Dollars of said sum of $2491.69, said sum of $2491.69 being the total amount of principal and interest due upon the contract sued on, at the rate of ten per centum per annum from to this date. And it is considered, ordered and decreed that the said Simon Loomis and Edward Christian, under their firm name of Loomis & Christian, do have and recover of the Corporation of the City of Austin, the sum of Two thousand four hundred, Ninety-One & 69/100 specie Dollars, principal debt and interest so found to be due together with interest thereon from date at the rate of ten per centum per annum, until paid, and all the cost here of to be taxed, for which execution may issue. And it appearing from the verdict that the City Hall or market house, situated on Lots Nos Eleven and Twelve (11 & 12) in Block No. Ninety-Eight (98) in the City of Austin, is subject to a lien of the pefts for the sum of One thousand Eighty-Seven & 50/100 specie Dollars and interest, it is hereby ordered that the Clerk of this Court do issue an Order of Sale directed to the Sheriff of Travis county, commanding him to sell, as under execution, the said City Hall or Market House and the ground on which it is situated, to wit: Lots Eleven and Twelve in Block No Ninety-Eight, in accordance with the laws governing Sheriff's sales of real estate, and the proceeds thereof he shall apply as follows: 1st to the payment of the costs of this suit and of the sale: 2d to the payment of said sum of $1087.50 in specie, and the interest to grow due thereon at 10 per cent from date: and 3d the remainder he shall pay over to the City Treasurer.

↓ 3155 John H. Robinson v. The City of Austin. And now on this day came the parties to this cause and announced ready for trial. When came a Jury of twelve good and lawful men of Travis County, consisting of who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel, and the charge of the Court retired to deliberate of their verdict, and thereupon returned into Court the following verdict, to wit: that the plaintiff is entitled to recover of the Defendant the sum of Six hundred, fifty-two & 50/100 Dollars in specie principal debt and interest to date. It is therefore considered by the Court that the said John H. Robinson do have and recover of and from the Corporation of the City of Austin the said sum of Six hundred, fifty-two & 50/100 Dollars in specie and interest thereon at the rate of ten per cent per annum, from this date until paid and all the

February Term, Friday, February 16th 1872

cost of this suit, for all which execution may issue

√ √ 3168 G. S. Haynes v. G. S. Barnes et al. Upon motion duly made It is ordered that this cause be dismissed from the docket and that the plaintiff pay all the cost hereof to be taxed, for which execution may issue

√ √ 3114 Denmark Waeton et al v A. H. Waterman et al. And now on this day came the parties to this cause by their attorneys and announced ready for trial. When came a jury of twelve good and lawful men of Travis county, consisting of Jno. W. Blue and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel, and the charge of the Court, retired to consider of their verdict. And thereupon the jury, in response to the separate issues submitted returned, after retirement, the following verdict, to wit: "We the jury find that the interests of the plaintiffs are separate and distinct. Jno W. Blue, foreman." "We the jury find for the Defendants Jno W. Blue, foreman" Wherefore It is considered that the Defendants go hence dismissed and that they recover of the plaintiffs Denmark Waeton, Commodore Sanders, Peter Miller, Addison Smith and G. S. Frazer all the cost hereof to be taxed for which execution may issue

√ √ 3129. Schultz et al. v. Bledsoe and Tegener. And now on this day came the parties to this cause by their attorneys and the plaintiffs having agreed to withdraw all claim to damages in this case, by consent, It is ordered adjudged and decreed that a street sixty feet wide between the premises occupied by the said Schultz, Sesser and Bledsoe, on the West and the said Tegener on the East, be opened in accordance with the deed of partition between Haralson, Flournoy & Rolands, a copy of which deed is exhibited with the original partition in this case, and that the said Defendants be perpetually enjoined from obstructing or closing the same in any manner whatever, and that Plaintiffs have and recover of Defendants, said A. Bledsoe and Fritz Tegener, all the cost hereof to be taxed, for which execution may issue.

And thereupon Court adjourned till to morrow morning at 9 o'clock.

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Court met at 9 o'clock A.M. Pursuant to adjournment. Present Hon. James P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

√ 12592 G. P. Houston v. M. K. Miller et als. This cause being called for trial, and the plaintiff not appearing to prosecute the same, It is ordered that the case be dismissed for want of prosecution, and that the defendants recover of the plaintiff G. P. Houston, all the cost hereof to be taxed, for which execution may issue

√ 12976 Geo. H. Gray v. M. J. Denman et al Cause continued

√ √ 3086 A. B. Burleson v. Martha Ann Burleson Continued for service.

√ 13090 Mathews et al v. M. A. Taylor continued on affidavit of the

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plaintiffs on account of the absence of the witness I. M. Blackwell

3106 National Bank of Texas v. Jno M Swisher Continued

3148 R N. Lane v. Gustavus Wm Hetten et al. Ordered upon motion that the plaintiff have leave to amend his petition.

3218 B. Mc Odum v. T W. Nolen. Come the parties and upon motion It is adered that the cause be dismissed and that the Defendant pay all the cost here of to be taxed, for which execution may ifsue.

3231 C Krohn v. Max Maas et al. Continued for service.

1958 Susan L. Ward v. Thomas Wm Ward. Continued.

3023 The State of Texas v. Wm Beard, Wm C. Beard and J. A. Denson. Come the District attorney, and upon motion duly made, It is ordered that the forfeiture entered in this cause be set aside and vacated at the cost of the Defendants. And it is considered that the said Defendants pay all the cost here of to be taxed, for which execution may ifsue.

3108 The State of Texas v. Peter Kenner, Nat Moore and B F McDonough. Come the District attorney, and upon motion duly made It is ordered that the forfeiture entered in this cause be set aside and vacated at the cost of the Defendants. And it is considered that the Defendants pay all the cost here of to be taxed, for which execution may ifsue.

3116 E. P. Hill v. Thos O'Connor et al. Cause continued

3160 The State of Texas v. W. W McLaughlin. Ordered that the forfeiture and fine in this cause be set aside, and that the Defendant pay the cost of the proceeding, for which a capias may ifsue to collect.

3161 The State of Texas v. J. T. Plumley. Ordered that the forfeiture and fine in this case be set aside, and that the Defendant pay the cost of the proceeding, for the collection of which a capias may ifsue.

3163 The State of Texas v. W. S. Williams et al. And now on this day came the parties by attorneys when came on to be heard the Scire Facias and the answer And the Court having heard the same, and it appearing further that on the 24th October, 1871, a judgment nisi was rendered against the Defendants, W. S. Williams, G. W. Cassley and J. C. Pierce, on a forfeited recognizance, dated 17th October 1871 payable unto the State of Texas in the sum of three hundred dollars conditioned that said W. S. Williams make his personal appearance at the District Court of Travis county then in sesion at the Courthouse in Austin to answer the indictment prefered against said W. S. Williams by the Grand Jury of Travis County at the October term 1871 for the theft of a cow, the said W. S. Williams as principal and G. W. Cassley and J. C. Pierce as securities having failed to shew cause why said judgment should not be made final, It is ordered, adjudged and decreed that the said judgment nisi be made final, and that the State of Texas do have and recover of and from the Defendants W. S. Williams, as principal, and the said G. W. Cassley and J. C. Pierce as securities, the said sum of three hundred dollars and all the cost of this proceeding for which execution may ifsue.

3164 The State of Texas v. Linn. Ward, Jackson Busch, George Meek and Ruffin Sanders. Comes the District attorney, and upon motion

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It is ordered that the forfeiture entered in this case be vacated and set aside upon payment of costs by the Defendants And it is considered that the Defendants do pay all the cost of this proceeding for which execution may issue.

✓ ✓ 3183 C. C. Tallifero v Sawyer Risher & Hall. Continued

✓ ✓ 3115 Raymond & Whitis v C. P. Haigler. And now on this day came the parties to this cause by their attorneys and announced ready for trial And then came a Jury of twelve good and lawful men of Travis county, consisting of C. C. Kirk and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel and the charge of the Court, and retired for deliberation. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Pffs principal and interest the sum of ($191 40/100) One hundred and Ninety One dollars and forty cents coin. C. C. Kirk, Foreman." Whereupon It is ordered by the Court that the said James H. Raymond and C. W. Whitis, under their firm name of Raymond & Whitis, do have and recover of and from the Defendant C. P. Haigler, the sum of One hundred, Ninety-one and 40/100 Dollars coin, and all the cost hereof to be taxed, for all which execution may issue.

✓ 3080 W. F. Wells vs John Vann and H. A. Smith Atts

✓ 3097 W. F. Wells vs John Vann

And now on this day the above entitled and numbered causes coming onto be heard, and it appearing to the Court from an inspection of the Records in these causes that the Plaintiff W. F. Wells and one of the Defendants, John Vann, have heretofore, to wit: on the 13th Day of January 1872 entered into an agreement to submit the disputes, controversies and rights of action claimed by plaintiff, and matters of defense claimed by said Defendant Vann, to arbitration under the provisions of the act entitled "An Act to authorize the settlement of disputes by conciliation or arbitration" approved April 25th 1846. and that Thos E. Sneed, Esq and B. H. Davis Esq were chosen and named in said agreement as the Arbitrators in the premises: and that by the terms of said agreement the award of said Arbitrators was to be final, and should become the basis of the judgment to be rendered in said causes. And it further appearing to the Court from an inspection of the records aforesaid, that the said Thomas E. Sneed and B. H. Davis, after being sworn by the clerk of this Court to fairly and impartially hear and determine the disputes, controversies, rights of action and matters of defense appertaining to the causes aforesaid, did, on the 10th day of February, A. D. 1872, return into Court and file with the papers in these causes the following award, that is to say:

" No 3080. W. F. Wells v. Smith & Vann Atts

" No 3097 W. F. Wells v. John Vann

We, the undersigned arbitrators to whom both the above causes have been submitted, having considered said causes together

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do make the following award, as a settlement of all matters involved in said two causes, as between W F Wells and John Vann to wit 1. We find that there is due from Defendant Vann to plaintiff Wells the sum of two hundred (200) coin dollars on account of Smith & Vann and of John Vann. 2. Wells must look to Smith only for the payment of the $200 note mentioned in the pleadings - Vann not being liable therefor. 3. Wells is entitled to the uncollected accounts of Smith & Vann and of John Vann 4. Defendant Vann is to pay all the costs in both said causes, except the compensation to these Arbitrators 5 Each of said parties shall pay the Arbitrator selected by himself for services rendered in this Arbitration."

Thos E. Sneed. B. H. Davis, Arbitrators."

Now therefore It is ordered, adjudged and decreed by the Court that the said Plaintiff W F. Wells do have and recover of and from the said Defendant John Vann the sum of two hundred dollars in gold, with interest thereon at the rate of 8 per centum per annum from this date, and all costs in these causes incurred for which execution may issue

↓ 5th X 3054 Order B. McAlpin et al v E. M. Pease et als Statement of facts

Be it Remembered that on the trial of the above entitled cause the plaintiffs read in evidence the depositions of Sarah G Chandler, Eliza Goldthwait and Henry Goldthwait, appended hereto.

Plaintiffs then read in evidence the affidavit of W L. Robards, stating that the Original deeds copies of which are marked 1. 2. 3 and filed as exhibits to the petition were lost or mislaid. He also stated in open Court that the Exhibits were examined and compared copies and were correctly copied from the originals. Said Exhibits were then read in evidence hereto appended Gov. E. M. Pease being sworn testified as hereto appended. The patents No 295. Vol. 9: 588, Vol. 9: 372, Vol 16 - 391 Vol 16, 479 Vol 16 62 Vol. 17. 85 Vol. 17 were read in evidence, hereto appended Texas Scrip No 577 and Duplicates of Scrip Texas Scrip No 527 & 528 and mulcated balance of 579 were read in evidence We agree that the above is a correct Statement of facts in said case. Robards & Jackson attys for peffs

E. M. Pease for himself

I certify that the foregoing is a correct Statement of facts in said cause

J. P. Richardson Judge.

Inty 1. Were you ever acquainted with Daniel Chandler? If so is he living or dead? How long did you know him, and where did he reside?

Inty 2. If you say he is dead, was he a married or single man? If you say he was married and that his wife survived him, who is she, and if living where does she reside?

Inty 3. Did Daniel Chandler leave any children? If so state their names and ages about the time of his death? and if living where they reside?

Inty 4th Are all his children still living? If you say no and any of them

should be dead. state whether either of them, if any that are dead, left any children. and which of them. If you say either one of them or more left children. state their names and ages and where they reside. Inty 5. State the present names and residences of the surviving children of Daniel Chandler. and if either of his children. after his death. died leaving children state the names and residences of such grand children.

To Interrogatory first I was. he is dead. I knew him more than forty years. He resided. when I first knew him in Washington. Georgia. I married him in 1828. and we moved to Mobile in 1836.

To Interrogatory. second. He was a married man. I am his widow. and am living in Mobile. Alabama.

To Interrogatory Third. He left three children. John L. Chandler. Sallie C. Standard. wife of S. Haywood Standard. Anna Luzenberg wife of Charles Luzenberg of New Orleans. La. since deceased At the time of Mr. Chandlers' demise they were aged respectively Twenty eight. Thirty one. and twenty four years.

To Interrogatory Fourth. John. L. Chandler, and Sallie C. Standard are the only children living. Anna Luzenberg left three children. William Chandler who died prior to his father left two children. The children of Anna Luzenberg are of the respective names and ages, Charles. six years, Chandler, four years. William three years. The children of William. are unnamed and aged. St John. thirteen years. Florence ten years. The children of Anna Luzenberg reside with Mrs Sallie C. Standard. Mobile Ala. The children of William Chandler reside in Weisbaden. Germany with Mrs Du Barry their mother.

To Interrogatory Fifth. The only surviving children of Daniel Chandler. are John L. Chandler. and Sallie C. Standard wife of S. Haywood Standard. They both reside in Mobile, Ala. I have answered the last question in my previous answer

Sarah. G. Chandler.

To Interrogatory First. I was acquainted with Daniel Chandler. He is dead. I knew him about twenty five years. He resided in Mobile. Alabama.

To Interrogatory. Second. He was a married man. His widow is Sarah G. Chandler and resides in Mobile. Alabama.

To Interrogatory. Third. He left three children surviving him Sallie C. Standard, wife of Haywood Standard aged about thirty seven years. John L. Chandler aged about twenty seven years. and Anna C. Luzenberg wife of Chas. A. Luzenberg, aged about twenty four. Sallie C. Standard. and John. L. Chandler reside in Mobile. Anna C Luzenberg lived in New Orleans when she died in the fall of 1869.

To Interrogatory Fourth. They are not William Chandler. who died previous to his father. and Anna C. Luzenberg left children. The children of William Chandler. two in number were taken away when quite small and have never returned. Their names are St John. Holbrook. and Florence. I don't now recollect their ages.

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They are in Germany I have heard. Anna Luzenberg left three children. Charles, Chandler and William. of the respective ages. six. five and three years. They live with Mrs. Sallie C Standard. Mobile. Ala.
To Interrogatory Fifth. Sallie C. Standard and John. L. Chandler are the only surviving children of Daniel Chandler. They reside in Mobile Ala. The grand children I have named in a previous answer.

Eliza Goldthwaite.

To Interrogatory First. I was. He is dead. I knew him ten or fifteen years. He lived in Mobile. Alabama.
To Interrogatory Second. He was a married man. His wife survives him and is Sarah Chandler, she lives in Mobile, Ala.
To Interrogatory Third. He had four. William. Sallie. John and Anna. that I knew. Sallie John and Anna survive him. Anna C Luzenberg, the wife of Chas Luzenberg of New Orleans. died in 1869. Sallie C. Standard. wife of Haywood Standard and John L. Chandler reside in Mobile. Ala. They were aged. respectively at the time of their Father's death. about thirty years. Twenty eight and Twenty four years.
To Interrogatory Fourth. They are not. William and Anna each left children. I do not know the names or ages of the children of either William or Anna. Nor do I know where the children of William are. Anna's children live with Sallie C. Standard.
To Interrogatory Fifth. Sallie and John are the only children of the late Daniel Chandler now living. They reside in Mobile. I do not know about the grand children except as stated above.

Henry Goldthwaite.

3054. McAlpin vs Pease. Affidavit.
And now comes H. L. Robards atty for Plffs and makes oath that the original deeds filed as exhibited in the petition have been lost or mislaid.

H. L. Robards. Atty for plffs

Exhibit "A". Be it known that Sarah. G. Chandler (widow of Daniel Chandler deceased) of the County of Mobile. State of Alabama. for and in consideration of the sum of one thousand dollars, lawful money of the United States of America. to her in hand paid by John. L. Chandler, of the City and County of Mobile and State of Alabama. at or before the sealing and delivery of these presents the receipt whereof is hereby acknowledged. has remised, released and forever quit claimed and by these presents does remise, release. and forever quit claim unto the said John L. Chandler. in his full and actual possession now being. and to his heirs and assigns forever all and singular the estate. right. title. interest. use. property. claim and demand whatsoever. at law as well as in equity. in possession as well as in expectancy of. in to. or out of all and singular the

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undivided one fourth part of the following lands lying and being in the State of Texas. Towit:- Toby scrip (No 531.) number five hundred and thirty one. for and containing. Six hundred and forty acres in Guadalupe County, Toby Scrip. (No 560) five hundred and sixty for six hundred and forty (640) acres; 196 acres of which being in Guadalupe County, and 444 in Bosque County. Toby Scrip No 527 (five hundred and twenty seven) for six hundred and forty acres. Toby Scrip No 528. (five hundred and twenty eight) for six hundred and forty acres (640) Toby Scrip. No 518 (five hundred and eighteen) for six hundred and forty acres (640 acres.) Toby Scrip. No 519. (Five hundred and nineteen) for six hundred and forty (640) acres in Bexar County. Also the undivided one half part of the following lands lying in said State of Texas. to wit:- Toby Scrip No 524. (Five hundred and twenty four) for six hundred and forty acres being in Bosque County. To have and to hold the said released premises unto the said John L. Chandler, heirs and assigns, to his own proper use, benefit and behoof forever. So that neither the said Sarah. G. Chandler, her heirs or assigns, nor any other person or persons in trust for her or in her name or names or in the name, right or stead of any of them, shall or will, can or may, by any ways or means whatsoever hereafter have, claim, challenge or demand any right, title, interest or estate, of, in, to or out of the said premises above described and hereby released, but that she the said Sarah. G. Chandler, her heirs and assigns, each and every of them, from all estate, right, title, interest, property claim and demand whatever of, in, to or out of, the said premises, or any part thereof are, is, and shall be, by these presents forever excluded and debarred. In witness whereof, the said Sarah. G. Chandler, has hereunto set her hand and seal this tenth day of June in the year of our Lord, one thousand eight hundred and seventy. Sarah. G. Chandler,

The State of Alabama, } I, J. M. Coulon, a Commissioner for the
Mobile County } State of Texas, hereby certify that Sarah. G. Chandler, whose name is signed to the foregoing conveyances, and who is known to me, acknowledged before me, on this day that being informed of the contents of the conveyance, she executed the same voluntarily, on the day the same bears date. Given under my hand and seal this tenth day of June A.D. 1870.
(Seal) J. M. Coulon. I. P. M.C. and Commissioner for State of Texas.

"Exhibit No 2" Know all men by these presents that we Sarah G. Campbell, widow of the late Daniel Chandler, late of the City of Mobile, State of Alabama, Anna Chandler wife of Charles N. Luzenberg, and said Charles N. Luzenberg of the City of New Orleans, State of Louisiana. Sarah Chandler wife of F. N. Stanard, and John L. Chandler of the City of Mobile State of Alabama, and the said F. N. Stanard for and in consideration of the sum of Twelve Hundred and

fifty dollars to us in hand paid by Mrs Miranda B. McAlpine widow of the late Robert b. McAlpine. late of Philadelphia State of Pennsylvania. do hereby give, grant, bargain, sell, convey, release and quit claim unto Mrs Miranda B. McAlpine widow of said late Robert b. McAlpine. The one undivided half of all and singular the following lands; to wit:- Toby Scrip No 531, for Six hundred and forty acres. situated in Guadalupe County County. State of Texas; Toby Scrip No 560 for six hundred & forty acres. of which one hundred and ninety six acres. situated in Guadalupe County and four hundred and forty four acres in Bosque County; Toby script No 527, for six hundred and forty acres, Toby Scrip No 517 For six hundred and forty acres; Toby script for six hundred and forty acres, Toby Scrip No 528. for Six hundred and forty acres; Toby script No 518 For six hundred & forty acres. situated in Bosque County; Toby Scrip No 495. For six hundred and forty acres. situated in Bosque County. To have and to hold the above granted premises with the privileges and appurtenances to the said Mrs McAlpine. her heirs and assigns forever, And we do hereby covenant with the said Mrs McAlpine, that we will, and our heirs, executors and administrators shall and will warrant and forever defend the same against the lawful claims. of all persons whomsoever claiming or to claim the said premises or any part thereof. by, thro' and under us and none others, In witness whereof we have hereunto set our hands and seals. this 21st day of the month of March in the year of our Lord. one thousand eight hundred and sixty seven.

Sarah G. Chandler (Seal)
Anna C. Luzenberg (Seal)
C. N. Luzenberg. (Seal)

State of Louisiana } Be it known that on the twenty first day of
City of New Orleans } March A.D. Eighteen hundred and sixty seven.
before me Andrew Ker Jr. a duly Commissioned and authorized
Commissioner of the State of Texas. in and for the State of Louisiana.
To Take the acknowledgment and Proof of deeds &c to be used or
recorded in said State of Texas. Personally appeared Mrs Mrs.
Sarah G. Chandler and Charles N. Luzenberg. and Anna C. his
wife. to me personally known to be the individuals named in
and who executed the foregoing conveyance. and acknowledged
that they executed the same as their act and deed and for the
considerations and uses and purposes therein stated.
And the said Anna C. Luzenberg did moreover on a private
examination made of her by me. seperate from and apart
from her said husband, and the contents and nature of said
deed being by me first fully made known and explained
to her, acknowledged that she executed the same, freely.

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willingly and of her own accord and without any fear or compulsion of her said husband. and that she is satisfied therewith and does not wish to retract it. As witness my hand and seal. at New Orleans this. 21st March. A. D. 1867.

(Seal) Andrew Nev. Jr. Commissioner.

"Exhibit No 3" Know all men by these presents that John L. Chandler and Sarah E. Stanard of Mobile. heirs at law of Daniel Chandler. late of Mobile. deceased. and Felix Haywood Stanard. husband of said Sarah E. Stanard. For and in consideration of the sum of one Dollars to them in Hand Paid by Mrs M. B. McAlpine widow of Robert. McAlpine. deceased. the receipt whereof is hereby acknowledged. Have released. remised. abandoned and quit. claimed. and Hereby do remise. release. abandon and quit claim unto the said M. B. McAlpine. All the claim. right. title. property and demand of them the said John. Sarah and Felix. and which they or either either of them. may now have or pretend to have or claim in and unto eight sections of land each containing six hundred and forty acres. more or less. situated in the State of Texas. and which are known and described as the lands of Toby scrip numbered as follows:- Section. numbered Five hundred and thirty one. in Guadalupe County; also Five hundred and sixty. (196 acres in Guadalupe and 464 in Bosque County.) also Five hundred and Twenty seven. not patented. also Five hundred and seventeen. not patented; also Five hundred and twenty eight. not patented. also Five hundred and eighteen. in Bosque County. also Five hundred and nineteen in Bexar County. also Four hundred and ninety five in Bexar County. said numbers being the numbers of said Toby Scrip. by which said lands are known. To have and to hold to her the said M. B. McAlpine. and her heirs and assigns forever. Free and discharged From all claim and demand whatsoever of or from the said John. L. Chandler. Sarah E. Stanard. and Felix Haywood Stanard. their heirs executors. administrators or assigns. or any. every and either of them or of any one claiming. by. through or under them or either of them. and so that from all claim. demand or pretence. whatsoever either at law or equity they and each of them To said lands. shall be forever barred and precluded by these presents. In witness whereof the said John. L. Chandler. Sarah E. Stanard. and Felix Haywood Stanard have hereunto set their hands and seals at Mobile. on this twenti eth day of July in the year eighteen hundred and sixty eight.

Sarah. E. Stanard (Seal)
John. L. Chandler (Seal)
F H. Stanard (Seal)

State of Alabama }
City and County of Mobile } Be it remembered that on this twenti eth

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third day of July A.D. 1868. before the subscribe Judge of the Court of Probate, in and for said County and State, the same being a Court of record having a seal. personally appeared John L. Chandler, and Felix Haywood Standard and Sarah E. Standard his wife, to me well known to be the individuals named in, and who executed the foregoing conveyance and acknowledged that they executed the same, and the said Sarah E. Standard, on a private examination seperate and apart from the said husband acknowledged that she executed the same freely and without any fear or compulsion of her said husband. In Testimony whereof I have hereunto set my hand and affixed the seal of said Court at office in the City of Mobile the day and year first above written (Seal) Geo W. Bond, Judge,

3054 M.B. McAlpine et al v. E.M. Pease et al. Be it remembered that on the trial of this cause E. M Pease, one of the defendants was sworn and stated that six certificates for Toby Scrip of Six Hundred and forty acres of land each, numbered, 495. 518. 519. 524. 531. and 560 were sent to said Pease by Daniel Chandler from Mobile between 1858 and 1860, with a request from said Chandler, That said Pease should place them in the hands of some responsible land agent to have the land located, surveyed and Patents obtained. That said Pease placed said Certificates in the hands of Jacob De Cordova who undertook to have said lands located surveyed and Patent obtained at the price of twelve and a half cents an acre in coin, to be paid when each Patent was obtained and to draw interest from the date of each Patent or at the option of said Chandler he might make to said De Cordova a title for one third of said lands. That said De Cordova did locate, survey and obtain Patents for said lands as follows. viz on Certificate No 526 he obtained a patent in the name of said Chandler on the 30th April 1863. for 640 acres in Bosque County being survey No 125 in District No 1 on the waters of Childris Creek. On Certificate No 518. he obtained a Patent in the name of said Chandler on the 12th May 1863 for 640 acres in Bosque County, being survey No 126. in District No 1. on the waters of Childris Creek. On certificate No 560 he obtained two Patents in the name of said Chandler on the 16th June 1863 for 463⅓ acres in Bosque County being survey No 137. in District No 1. on the waters of Childris Creek, the other on 26th June 1863 for 196 2/100 acres in Guadalupe County being survey No 490 about 11½ miles N. 68° West from the town of Seguin. On Certificate No 531. he obtained a Patent in the name of said Chandler on the 25th June 1863 for 640 acres of land in Guadalupe County being survey No 489 on the waters of the Guadalupe River about 10 miles North 70° West from the town of Seguin, On Certificate No 495. he obtained a patent in the name of said Chandler on the 18th of September 1861.

for 640 acres of land being survey No 1817 in District No 11. on the East Fork of the Concho River. about 7 miles South 2° East from the junction of the South fork with the main Concho River. and on Certificate No 519. he obtained a Patent in the name of said Chandler, on the 16th of July 1862. For 616. acres of land being survey No 1819. in District No 11 on the East bank of the South Fork of the Concho River. about 7¾ miles South 5° East of the junction of said South Fork with. the main Concho River. That the said De Cordora delivered said Patents to said Pease about the time they were respectively issued. That said Pease immediately notified said Chandler that he held said Patents for him. and demanded that he said Chandler should comply with his contract in regard to the compensation of said De Cordora, for his services. That said contract was contained in the written receipt of said De Cordora which was sent to said Chandler. The said Pease also proved that on the 24th of August. 1867, the said De Cordora, for a valuable consideration, assigned and transferred his claim against said Chandler for said services to said Pease. That said Pease had possession of all of said Patents which he brought into Court and delivered to the clerk thereof. The said E. M. Pease also stated that sometime between 1858 and 1860 the said Daniel Chandler, sent to him for examination from Mobile, Alabama, the original Toby Certificates, numbered 517, 527, and 528, For 640. acres of land each, all of which certificates were and had been legally transferred to said Daniel Chandler. The said Certificates were by said Pease returned to said Chandler with his opinion that they were good claims against the state. E. M. Pease.

"Patent" No 295 In the name of the State of Texas. Vol 9. To all to whom these presents shall come, Know ye, I, Edward Clark Governor of the State aforesaid by virtue of the power vested in me by law and in accordance with the laws of said State in such case made and provided, do by these presents grant to Daniel Chandler, Assee. his heirs or assigns forever Six Hundred and Forty acres of land, situated and described as follows:- In Bexar County on the East Fork of the Concho River. about 7 miles S. 2° E. from the junction of the South Fork, with the main Concho River. Known as Survey No 1817, in District No 11. By virtue of Toby Scrip No 495, issued by Thomas Toby. September 2d 1836. Beginning at a stone mound the upper corner of survey No 1815. on the Bank of the river, from which a Pecan 16 in dia. brs N 57° W. 57½ vrs. another 12 in dia brs N. 50° W. 55 vrs. Thence up the River with its meanders S. 9° E 480 vrs, South 475 vrs to a stone mound on the bank of the river from which a Pecan 32 in dia brs S 85° W. 10 vrs. another 22 in dia brs S 30° W. 12 vrs. Thence East 3784 vrs to a stake and mound. Thence North 950 vrs to a stake and mound Thence West 3859. vrs to the place of beginning. Bearings marked H

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Hereby relinquishing to him the said Daniel Chandler and his heirs or assigns forever all the right, and title in and to said land, heretofore held and possessed by the said State and do hereby issue this Letter Patent for the same. In Testimony whereof I have caused the seal of the State to be affixed as well as the seal of the General Land Office. Done at the City of Austin on the eighteenth day of September. In the year of our Lord one thousand. Eight hundred and sixty one. (Seal) Francis M. White Commissioner. G.L.O. Office. (Seal) Edward Clark. Governor. "Patent" No 388. In the Name of the State of Texas. Vol 9.

To all to whom these presents shall come. Greeting. I. D. F. R. Lubbock. Governor of the State aforesaid by virtue of the power vested in me by Law and in accordance with the laws of said State, in such case made and provided. do by these presents. grant to Daniel Chandler, his heirs or assigns forever. Six hundred and sixteen acres of land situated and described as follows:- In Bexar County, on the E. bank of the S. Fork of the Couchs River about 7¾ miles S 5° E of the junction of said S. Fork with the main Couchs River, and known as survey No 1819, in District No 11. by virtue of Scrip No 519. issued to James Kause by Thomas Toby on the 2d of September 1836 for 640 acres of land, by James Kause conveyed to D. Chandler on the 8th of September 1836. Beginning at the upper cor. (on the river.) of survey No 1817, a stone mound. from which a Pecan 32 in dia brs S 83. W. 10 vrs, a Do. 22 in dia brs S 30 W. 12 vrs. Thence up River with its meanders. S. 67 E. 600 vars. S. 12 W. 242 vars, S 26 W. 533 vars. a stone mound From which a Pecan 14 in dia. brs S 8 E. 11 vars, a Do 16 in dia brs S. 34 W. 28 vars. Thence East 3780 vars to a stake and mound. Thence North 950 vars, a stake and mound. Thence West 4063. vars. to the Beginning. Bearings marked H. Hereby relinquishing to him the said Daniel Chandler, and his heirs or assigns forever all the right and title in and to said land. heretofore held and possessed by the said State, and do hereby issue this Letter Patent for the same, In Testimony whereof I have caused the seal of the State to be affixed, as well as the seal of the General Land Office. Done at the City of Austin on the tenth day of July. In the year of our Lord one thousand eight hundred and sixty two. (Seal) S. Crosby. Commissioner of the G.L.O. Office (Seal) F.R. Lubbock Governor. "Patent" No 372. In the Name of the State of Texas. Vol 16

To all to whom these presents shall come. Greeting. I. D. F.R. Lubbock Governor of the State aforesaid by virtue of the power vested in me by law, and in accordance with the laws of said State, in such case made and provided. do by these presents grant to Daniel Chandler, assignee, his heirs or assigns forever. Six hundred and forty acres of land situated and described as follows:- In Bosque County, on the Waters of Lehl dees Creek, about 11 miles S 67° E from the Town of Meridian, and known as survey No 125, in District No 1 by virtue of Texas Scrip No 524. issued by Thomas Toby, Agent for the Republic of Texas, to James Kause, Sept 2d 1836 and which was Transferred To William Bowen Sept. 8th 1836. by whom

it was conveyed to said Chandler March. 28th. 1855. Beginning at a pile of stones 200 vs. N 60° E from the S.E. cor of G. W Shaw's preemption survey, being the N. E. cor of James Smith's survey. Thence S. 30° E. 1346. vs to the Fort Graham and Belton Road. 1900 vs to a stone mound. from which a grove of timber bs. S 35° W. and a cottonwood near the corner of W. Kelly's Eastern survey bs. N. 69° W. Thence N. 60° E. 1900 vs. to a stake and mound, Thence N. 30° W. 1900 vs to a stake and mound, Thence S. 60° W. 1900 vs to the place of begining. Hereby relinquishing to him the said Daniel Chandler, and his heirs and assigns forever. all the right, and title in and to said land. heretofore held and possessed by the said State. and I do hereby issue this Letter Patent for the same. In Testimony whereof I have caused the seal of the State to be affixed as well as the seal of the General Land Office. Done at the City of Austin on the thirteenth day of April. in the year of our Lord one thousand eight hundred and sixty three.

Seal J. Crosby. Commissioner of the G. L. Office. Seal F. R. Lubbock. Governor.

"Patent" No 391 In the name of the State of Texas Vol 16.

To all to whom these presents shall come. Know ye. I. F. R Lubbock. Governor. of the State aforesaid by virtue of the power vested in me by law and in accordance with the laws of said State, in such case made and provided, do by these presents grant to Daniel Chandler his heirs or assigns. Forever. Six hundred and forty acres of Land situated and described as follows:- In Bosque County on the waters of Childuslewex about 12 miles S. 66° E. from the town of Meridian. and known as Survey No 126. in District No 1, by virtue of Texas Scrip No 518. issued by Thomas Toby. Agent for the Republic of Texas. Sept 2d 1836. Beginning at a stone mound. the South corner of survey No 125 in name of said Chandler. from which a grove of timber bs S 35° W. and a cottonwood bs. N 69° W. Thence S 30° E. 1900 vrs to a pile of stones from which a Grove of timber bs S. 69° W. and another bs. S 9½° W. Thence N. 60° E. 1900. vrs to a stake. Thence N. 30° W. 1900 vrs to a stake and mound. Thence S. 60° W. 1900 vrs to the place of beginning. Hereby relinquishing to him the said Daniel Chandler. and his heirs or assigns forever all the right and title in and to the said land. heretofore held and possessed by the said State. and I do hereby issue this Letter Patent for the same. In Testimony whereof I have caused the seal of the State to be affixed as well as the seal of the General Land office. Done at the City of Austin. on the Twelfth day of May in the year of our Lord. one thousand eight hundred and sixty three.

Seal. S. Crosby. Commissioner of the G. L. Office. Seal F. R Lubbock. Governor.

"Patent" No 479. In the name of the State of Texas. Vol 16

To all to whom these presents shall come. Know ye. I. F. R. Lubbock. Governor. of the State aforesaid by virtue of the power vested in me by law and in accordance with the laws of the said State in such case made and provided, do by these presents grant to Daniel Chandler. assignee. his heirs or assigns for ever. six hundred and forty acres of land situated and described as follows:- In Guadalupe County. on the waters of Guadalupe River. about 10 miles N. 70° West of Seguin. and known as survey No 489.

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by virtue of scrip No 531. issued by Thomas Toby. on the 2d day of Septr 1836 and transfered to said Chandler on the 10th day of July 1838. Beginning at a stake and mound the South corner of J. S. Johnson's survey No 47. on W. D Miller's N. W. Line. Thence S 45° W. passing said Miller's West corner 950 varas to a stake the Northern inner corner of Jas Rowden's survey. Thence N. 45° W. with the N. E. line of said survey and that of D. O Blair 3823. varas to a stake in prairie. Thence N. 45° E. 950 varas to a stake and mound on the S. W. line of Sarah Dewitt's survey No 48. Thence S 45° E. with said line & with the line of said Johnson's survey. 3823. varas to the beginning. Hereby relinquishing to him the said Daniel Chandler and his heirs or assigns forever all the right and title in and to said land heretofore held and possessed by the said State and I do hereby issue this Letter Patent for the same. In testimony whereof I have caused the seal of the State to be affixed as well as the seal of the General Land Office. Done at the City of Austin on the twenty fifth day of June in the year of our Lord one thousand eight hundred and sixty three. (Seal) S. Crosby. Commissioner of the G'l L'd Office (Seal) F. R. Lubbock. Governor.

"Patent" No 62 In the name of the State of Texas. Vol 17

To all to whom these presents shall come. Know ye I. F. R. Lubbock. Governor. of the State aforesaid by virtue of the power vested in me by law and in accordance with the laws of said State in such case made and provided do by these presents grant to Daniel Chandler, assignee. his heirs or assigns forever. four hundred forty three and 75 acres of land situated and described as follows:- In Bosque County on the waters of Childer's Creek about 12 miles S 59° E. of Meridian. known as survey No 137. in district No 1. by virtue of Scrip. No 560. issued by Thomas Toby on the 2nd day of September 1836. and transfered to said Chandler on the 10th day of July. 1838. Beginning 1129 varas S. 30° E. of the S. W. corner of survey No 125 for said Chandler a stake and a mound. Thence S. 30° E. 2249. varas to a stake and mound. Thence S 60° W. 1112 varas to a stake and mound. Thence N 30° W. 2249 varas to a stake and mound. Thence North 60° E. 1112. varas to the beginning. Hereby relinquishing to him the said Daniel Chandler. and his heirs or assigns forever all the right and title in and to said land heretofore held and possessed by the said State and I do hereby issue this Letter Patent for the same. In testimony whereof I have caused the seal of the State to be affixed as well as the seal of the General Land Office. Done at the City of Austin. on the sixteenth day of June in the year of our Lord One thousand eight hundred and sixty three. (Seal) S. Crosby. Commissioner of the G'l L'd Office. (Seal) F. R. Lubbock. Governor.

"Patent" No 85. In the name of the State of Texas. Vol 17

To all to whom these presents shall come. Know ye I. F. R. Lubbock. Governor. of the State aforesaid by virtue of the power vested in me by law, and in accordance with the laws of said State. in such case made and provided do by these presents grant to Daniel Chandler his heirs or assigns

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forever one hundred and ninety six 87/100 acres of land situated and described as follows:- In Guadalupe County. on the Waters of Guadalupe River. Known as survey No 490. about 11½ miles N 68W from Seguin. by virtue of Toby Scrip No 560. for 640 acres of land, dated 2nd September 1836. Beginning at a stake in the S.W. line of survey No 48 for Sarah DeWitt. it being the N. corner of survey No 489 for 640 acres. name of D. Chandler. Thence S 45 W. with Chandler's survey at 950 vs. its West corner in N. E. line of D. O. Blains survey a stake. Thence with said line N 51 W. at 1177 varas a stake and mound. S. E. corner of L. T. Dickie's survey. an elm. blazed bears S 23 W. 23 varas. Thence N. 45. E. at 908 vs its N. E. corner, at 950 vs. a stake and mound in E. line of R. Jemison's survey and S.W. corner of Sarah DeWitt's survey. Thence with Sarah DeWitts line S. 51 E at 1177 varas the beginning. Hereby relinquishing to him the said Daniel Chandler. and his heirs or assigns forever. all the right and title in and to said land. heretofore held and possessed by the said State and do hereby grant Letter Patent for the same. In testimony whereof I have caused the seal of the State to be affixed aswell as the Seal of the General Land Office. Done at the City of Austin on the twenty sixth day of June. In the year of our Lord. one thousand eight hundred and sixty three.

(Seal) Crosby Commissioner of the G. L. Office (Seal) F. R. Lubbock Governor

Duplicate Certificate No 29/356. Class Scrip. Quantity 640 acres. General Land Office Austin. January 11th 1872. This is to Certify That satisfactory evidence having been produced of the loss of First Texas Scrip. Certificate No 527. Class Scrip. Issued by Sam Houston. President of the Republic of Texas to Thomas Toby for six hundred and forty acres of land dated the 2nd day of September 1836. This duplicate will entitle the said Thomas Toby to all the benefits granted in said original Texas Scrip Certificate. In Testimony whereof I hereunto set my hand and affix the impress of the seal of said office the date first above written. (Seal) Jacob Kuechler. Commissioner. (Vouchers file 2112.)

Duplicate Certificate No 29/357. Class Scrip. Quantity 640 acres. General Land Office Austin January 11. 1872. This is to certify that satisfactory evidence having been produced of the loss of First Texas Scrip Certificate No 527 Class Scrip. Issued by Sam Houston. President of the Republic of Texas to Thomas Toby for six hundred and forty acres of land, dated the 2nd day of September 1836. This duplicate will entitle the said Thomas Toby to all the benefits granted in said original Texas Scrip. Certificate. In Testimony whereof I hereunto set my hand and affix the impress of the seal of said office the date first above written (Seal). Jacob Kuechler. Commissioner. (Vouchers file 2112.)

Duplicate Certificate No 29/358. Class Scrip. Quantity 640 acres. General Land Office. Austin January. 11. 1872. This is to certify that satisfactory evidence having been produced of the loss of Texas First Scrip Certificate No 528. Class Scrip. Issued by Sam Houston. President of the Republic of Texas To Thomas Toby for six hundred and forty acres of land dated the 2nd day of September 1836. This Duplicate will entitle the said

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Thomas Poby To all the benefits granted in said original Texas Scrip Certificate. In Testimony whereof I hereunto set my hand and affix the impress of the seal of said office the date first above written.
(Seal) Jacob Kuechler. Commissioner. (Voucher file 212.)
No 7177. Class Scrip. Quantity 24 acres. General Land Office. Austin. February 16th 1872. To any Legally authorized Surveyor of the State of Texas. This is To certify That Texas Scrip. Certificate No 519. Issued to James Nance of the City of New Orleans by Thomas Poby on the 2nd day of September 1836. is now on file in this office, upon which six hundred and sixteen acres have been returned and patented, leaving a Balance of twenty four acres to be located. which you are authorized to survey by virtue of this certificate. In Testimony whereof I hereunto set my hand and affix the seal of said Office, the date first above written
(Seal) Jacob Kuechler. Commissioner. (See Title 930 Bexar Dcr. for orig't cit)

1. J 3148. R. A Lane et al Trustees Com'rs &c. vs. Gustavus Cook et al. And now on this day came the parties to this cause by their attorneys and announced ready for trial on the plea in abatement Whereupon came a Jury of twelve Good and lawful men of Travis County, who being tried, elected, empannelled and sworn according to law heard the evidence, argument of counsel and the charge of the Court, and after retirement returned a verdict as follows: Question. Did the Defts Hatch have any residence in Texas on the 3d Nov. 1871? Ans if so, when? To this Interrogatory the Jury answer: "Yes; Travis County" To Christian. foreman. Wherefore, It is considered that said plea is not well taken and that the same be refused

Grand Jury. And now on this day into Court the Grand Jury of Travis County duly tried, elected, empannelled and sworn according to law for and during the present term of this Court and through their foreman G. H. Burditt, presented to the Court the following Bills of Indictment, to wit:

21438 An Indictment against E. P. P. Phillips for Forgery
21439 An Indictment against Franz Stentzler for Robbery.
21440 An Indictment against Bill Fields for Theft from a house
21441 An Indictment against J. R. Burns for Perjury.
21442 An Indictment against John Brown for Betting at Monte.
21443 An Indictment against Walt Good for Betting at Monte
21444 An Indictment against J. P. Maloney for Swindling.

And the Jury suggesting that there is still business pending before them they were ordered to retire upon a discharge of the same.

And Court adjourned till to-morrow morning at 9 o'clock.

Saturday, February 17th 1872

Court met at 9 o'clock A M pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court to wit:

Feberuary Term, Saturday. Feberuary 17th 1872.

3216 The City of Austin v. Leander Brown. And now on this day came the parties to this cause by their attorneys and announced ready for trial. Whereupon came on to be heard the demurrer of the Defendant to the petition in this cause, which being heard and argued by Counsel, is overruled. And thereupon came a Jury of twelve good and lawful men of Travis county consisting of Ed. Christian and seven others who being tried, elected, empannelled and sworn according to law, heard the pleadings, the evidence, argument of counsel and the charge of the Court and retired to deliberate of their verdict. Whereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find for the Defendant Brown two Dollars and seventy Cents United States Currency Ed. Christian foreman." Whereupon It is ordered by the Court that the plaintiff in this cause take nothing by this suit: that the Defendant go hence and recover of the Corporation of the City of Austin the sum of Two Dollars and Seventy Cents and all the cost hereof to be taxed for which execution may issue.

3148 A. N. Lane v. J. W. Hatten et.al. On this day came the Parties to this cause by their attorneys, when came on to be heard the motion for a new trial filed herein, and the same being duly heard and considered It is ordered that said motion be overruled. And the Defendant gives notice in open Court of an appeal to the Supreme Court.

3226 James McMullen v. Wm. Charles. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. When came a Jury of twelve good and lawful men of Travis county, consisting of John W. Blue and eleven others, who being tried, elected, empannelled and sworn according to law, heard the pleading, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict to wit. "We, the Jury, find for the Plaintiff the sum of $213 25/100 two hundred and thirteen 25/100 Dollars Com. Jno. W. Blue foreman." Wherefore It is considered adjudged and decreed that the plaintiff James McMullen do have and recover of and from the Defendant Wm. Charles the sum of Two hundred, thirteen and 25/100 Dollars in coin and all the cost hereof To be taxed for which execution may issue.

3217 J. C. Moore v. T. L. Wren. Come the parties when came on to be heard the motion for a new trial filed by the Defendant: and the same being considered It is ordered that said motion be overruled. And thereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

3234 Edwin S. Moore Et Parte. The petitioner having presented his petition, duly sworn to, and the same having been docketed on the trial Docket, and the same having been heard and duly considered in term time: and the Court being satisfied that the ground or causes set out are sufficient, and that it is advisable that the disabilities of said minor should be removed It is ordered adjudged and decreed that the disabilities of the applicant Edwin S. Moore, a minor,

February Term, Monday, February 19th 1872.

a minor, under the age of twenty one years and over the age of Seventeen years, be and the same are hereby removed, and the said Edwin A. Moore shall be deemed and held for all legal purposes, of full age. And it is ordered that the applicant pay all the costs of this proceeding for which execution may issue.

And Court adjourned till Monday morning 9 o'clock.

Monday, February 19th 1872.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. James P. Richardson, Judge 27th Judicial District presiding. When upon the following proceedings were had by said Court, to wit:

2345 The State of Texas vs. Charles Johnson. And now on this day came the parties by attorney and announced ready for trial. When came a Jury of twelve good and lawful men of Travis county consisting of John H. Blue and eleven others, who being tried elected, empannelled and sworn according to law heard the plea of guilty & the charge of the Court and returned the following verdict, to wit: "We, the Jury, find the Defendant guilty of an assault and assess the fine of One Dollar. Jno. W. Blue, Foreman." Whereupon It is ordered that the State of Texas do have and recover of and from the Defendant Charles Johnson the sum of One Dollar and all the costs in this Court and the Justices Court, for the collection of which a capias may issue. Ordered further ordered that an execution may issue against the said Principal and the sureties on the appeal bond, Dert. H. Hawkins and John H. Conner for.

1317 The State v. J. H. Esmond Continued for Service.

1352 The State v. Jesse Graham et al. Continued for Service.

1382 The State v. A. Chamberlain Continued for Service.

1468 The State v. J. Martin Continued for Service.

3119 Almeda Parkerson vs. James Parkerson. The following is a Statement of facts proved on the trial of the above cause. James Hamilton being introduced by the Pff. stated that Pff & Deft. married in the county of Travis, Texas about ten years ago that Deft. abandoned Pff 15th Oct. 1865: that he went to parts unknown & has remained absent from Pff ever since said abandonment. Wheeler & Moore atty's for Pff

I certify that the Statement above is substantially Correct.

J. P. Richardson Judge.

1691. The State v. Aurora Alexander Continued for Service.

1929 The State v. Green Continued for Service.

1931 The State v. Ara Carpenter et al Continued for Service.

1938 The State v. Charles Sublett Continued for Service.

1939. The State v. Charles Sublett. Continued for Service.

1940 The State v. J. D. Walker. Continued by the State.

1941 The State v. C. W. Bryant. Capias to Washington County.

1942 The State v. Gathie and Gathie Continued for Service.

1944 The State v. Jim Hamilton Continued for Service.

1947 The State v. Burnier & Bell. Cause dismissed.

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1948. The State v Barrier & Bell. Cause Dismissed
1949. The State v. Barrier & Bell. Cause Dismissed
1950 The State v. Barrier & Bell Cause Dismisses
1951 The State v. Barrier & Bell Cause Dismisses
1952 The State v. Barrier & Bell Cause Dismisses
1953 The State v A. J Green Cause Dismisses
2002 The State v. Barsby Cause Dismissed
2008 The State v. J. M. Neal. Continued for Service
2040 The State v. C. Saunders Cause Dismissed
2090 The State v Charley Moore. Continued for Service.
2095. The State v Geo Cravens Continued for Service.
2104 The State v Davis Lane Continued for Service
2120 The State v. Wm Lofton Continued for Service.
2126 The State v. Geo W. Allen Continued for Service.
2133 The State v. Richard Sachse Continued for Service.
2134 The State v. Thomas Barnes Continued for Service.
2139 The State v Miller Continued for Service.
2142 The State v. Peter Kenner Continued for Service.
2150 The State v. Wade Harrison et al. Continued for Service.
2152 The State v. Thos Stephens Continued for Service.
2153 The State v. E. Winkerley Continued for Service
2167 The State v. Jack Lyons Continued for Service.
2178 The State v. Ed Williams Come the parties by their attorneys and announced ready for trial When came a Jury duly tried, elected, empannelled and sworn who heard the plea of not guilty & the charge of the Court & returned the following Verdict, to wit: "We, the Jury, find the Defendant not guilty A. B. Burleson foreman." Whereupon It is Considered that the Defendant go hence fully acquitted & Discharged.
2187 The State v Pole Carnick Capias ordered to Caldwell Co. & generally.
2211 The State v Geo H. Slaughter Continued for Service.
2369 The State of Texas v. W. Van Alstyne On this day came the District Attorney on behalf of the State & came also the Defendant in person & by attorney & announced ready for trial. And the Defendant pleading not guilty, came a Jury of twelve good and lawful men of Travis county, consisting of Nat Moore and eleven others who being tried, elected, empannelled & sworn according to law, heard the plea, the Indictment, the evidence, argument of counsel & the charge of the Court, and retired to consider of their verdict: And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty & sentence him to two years in the Penitentiary. Nat Moore Foreman." Whereupon It is Ordered that the Defendant Stand Committed to the county jail to await judgment & Sentence
2440 The State of Texas v. Bill Fields On this day came the District Attorney who prosecutes for the State in this behalf & came also the Defendant in person & by attorney. & announced

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ready for trial. When came a Jury of true & good & lawful men of Travis county, consisting of A D Pinkston and eleven others, who being tried, elected empannelled and Sworn according to law, heard the plea of not guilty, the evidence, the argument of Counsel & the Charge of the Court, and retired to consider of their verdict. And thereupon the Jury returned into Court the following Verdict, To wit: "State of Texas, County of Travis, We the Jury find the Defendant guilty & assess his punishment to the & a half years hard labor in the State Penitentiary A D Pinkston foreman Jury" Therefore It is ordered that the defendant Stand committed to the County Jail To await judgment & Sentence

2384. The State of Texas v Mart. Johnson Come the parties & the Defendant pleading guilty the parties waived a Jury and agreed to submit the case to the Court. And the Court herefixing the fine at ten Dollars It is ordered that the State of Texas do have & recover of & from the Defendant Mart Johnson the Sum of Ten Dollars and all the cost of this prosecution & that a capias issue To collect the Same.

2397 The State of Texas v A D Mitchell come the parties & the Deft pleading guilty the parties waived a Jury and agreed to submit the Case to the Court And the Court herefixing the fine at Ten Dollars It is ordered that the State of Texas do have and recover of & from the Defendant A D Mitchell the sum of ten Dollars and all the cost of this prosecution & that a capias issue to collect the same

2403 The State of Texas v Billy Brennan Come the parties & the Deft pleading guilty they waived a Jury & submit the case to the Court. And the Court herefixing the fine at Ten Dollars It is ordered that the State of Texas do have & recover of & from said Billy Brennan the sum of ten dollars & the cost of the prosecution & that a capias issue To Collect the same.

2410 The State of Texas v McLemon This day came the parties & the Defendant pleading guilty, the parties waived a Jury & submit the Case to the Court & the Court herefixing the fine at twenty five Dollars It is ordered that the State of Texas do have & recover of & from said McLemon the Sum of Twenty five Dollars and the cost of this Prosecution & that a capias issue To collect the Same.

2414 The State of Texas v Wm Foster On this day came the parties & the Defendant pleading Guilty the parties waived a Jury & submit the case to the Court & the Court herefixing the fine at $10 It is ordered that the State of Texas do have & recover of the Defendant Wm Foster said Sum of Ten Dollars and the cost of this prosecution & that a capias issue To collect the same.

2415. The State of Texas v Charles Reade On this day came the parties & the Defendant pleading Guilty the parties waived a Jury & submit the case to the Court & the Court herefixing the fine at $10 It is ordered that the State of Texas do have & recover of the Defendant Charles Reade the sum of Ten Dollars & the cost of this proceeding & that a capias issue To collect the same

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2421 The State of Texas v. John Finch. Comes the parties and announced ready for trial. And the Defendant pleading guilty the parties waives a Jury and submit the case to the Court. And the Court herefixing the fine at $10. It is ordered that the State of Texas do have and recover of and from the Defendant John Finch said sum of ten dollars and the cost of this prosecution and that a capias issue to collect the same.

2418 The State of Texas v. Marmt Roche. Comes the District Attorney and the Defendant in person and by attorney and announced ready for trial. And then came a Jury of twelve good and lawful men of Travis County Consisting of Jno W. Blue and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel and the charge of the Court and retired to Consider of their verdict. And thereupon the Jury returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant guilty and assess the punishment at two years in the State Penitentiary. Jno. W Blue, Foreman Jury No 1." Whereupon It is ordered that the Defendant Stand Committed to the county jail to await judgment and Sentence.

And Court adjourned Till to-morrow morning 9 o'clock

Tuesday, February 20th 1872

Court adjourned till to-morrow morning met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. C. Richardson Judge 27th Judicial District presiding. Whereupon the following Proceedings were had by said Court, To wit:

3148 R. H. Lane vs. G. Wm. Helton et al. On this day came the parties and thereupon on motion It is ordered that the cause be continued on the account of Defendant, and that Case be granted Till next term to plead to the merits.

3162 The State of Texas vs. Pole Caviness et al. On this day came the District Attorney and came the Defendants Caviness by Attorneys and withdraws his demurrer filed. And upon motion of the District Atty as to the Defendants Caviness, Odum and Palm, and dismissed as to the Deft. Haynes, not served, It is Ordered that judgment final be entered herein. And because it appears that on the 23d October, 1871, judgment nisi was entered against the Defendant Pole Caviness and his securities J. G. Haynes, B. M. Odum and A. D. Palm for the sum of two hundred Dollars, on a forfeited Recognizance dated 28th June 1871, conditioned that said Caviness make his personal appearance at the District Court of Travis county then in session at the Courthouse thereof in Austin to answer the Indictment preferred against said Caviness at the June term 1871 for the Theft of an Ox, and there remain from day to day and from term to term of said Court and that he do not Depart thence without Leave of said Court And the Defendants Palm and Odum having heretofore cited and have failed to answer within the time prescribed by law and failed to show any cause and wholly made default. It is ordered that the said Judgment nisi be and the same is made final and that the State of Texas do have and recover of and from the Defendants Pole Caviness, J. G. Haynes, B. M. Odum and A. D. Palm the said sum of two hundred

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Dallars and the cost of this proceeding for all which execution may issue.

2229 The State v. Allen McFarland Continued for service.

2252 The State v. A. Davis et al. Continued for Service.

2257 The State v. Chas A. Burke. Cause Dismissed

2262 The State v. T. Hays. Cause Dismissed

2265 The State v. M. F. Waelers Continued for Service.

2356 The State v. Peter Bratton come the parties and announce ready for trial and waiving a Jury submit the case to the Court And the Defendant pleading Guilty, the Court hereafter fines the fine at Ten dols And it is Ordered that the State of Texas recover of the Defendant Peter Bratton said sum of Ten Dallars and the cost of this prosecution for the collection of which a capias may issue

2357 The State v. Louis Doyfies come the parties and announce ready for trial and waiving a Jury submit the Case to the Court. And the Deft. pleading Guilty and fixing the fine at $25. It is ordered that the State of Texas do have and recover of the Defendant Said sum of twenty-five Dollars and the cost of this prosecution for the collection of which execution may issue.

2358 The State v. Louis Doyfies. Cause Dismissed

2361 The State v. Frank Cotton come the parties and announce ready for trial and waiving a jury submit the case to the Court and the Deft pleading Guilty and the Court here fixing the fine at $10 It is ordered that the State of Texas do have and recover of and from the Defendant Frank Cotton said sum of ten dollars and the cost of this prosecution and that a capias issue to collect the same.

2362 The State v. Frank Cotton. Cause dismissed.

2379 The State v. John Brown. Cause dismissed

2442 The State v. John Brown. Come the parties and announce ready for trial. and waiving a Jury submit the case to the Court. And the Defendant pleading Guilty and the Court here fixing the fine at $10. It is ordered that the State of Texas do have and recover of and from the Defendant John Brown said sum of ten dollars and the cost of this prosecution and that a capias issue to collect the same

2113 The State of Texas v. Silas Rawles. Def. And now on this day came the parties, the Defendant appearing also by attorney And upon motion the parties sent, the Defendant Rawles being only put upon his trial. And the Defendant pleading not guilty, there came a Jury of twelve good and lawful men of Travis county, who being tried elected, empannelled and sworn according to law, heard the plea, the indictment, the evidence, argument of Counsel and the Charge of the Court and retired to deliberate of their verdict. And thereupon the Jury returned into Court the following verdict, to wit. "We, the Jury, find the Defendant guilty and assess the punishment at two years in the State Penitentiary, with an earnest recommendation to the Court for mercy. James K. Farrell Foreman Jury No. 2." Whereupon It is ordered that the Defendant stand Committed to the county jail to await judgment and sentence

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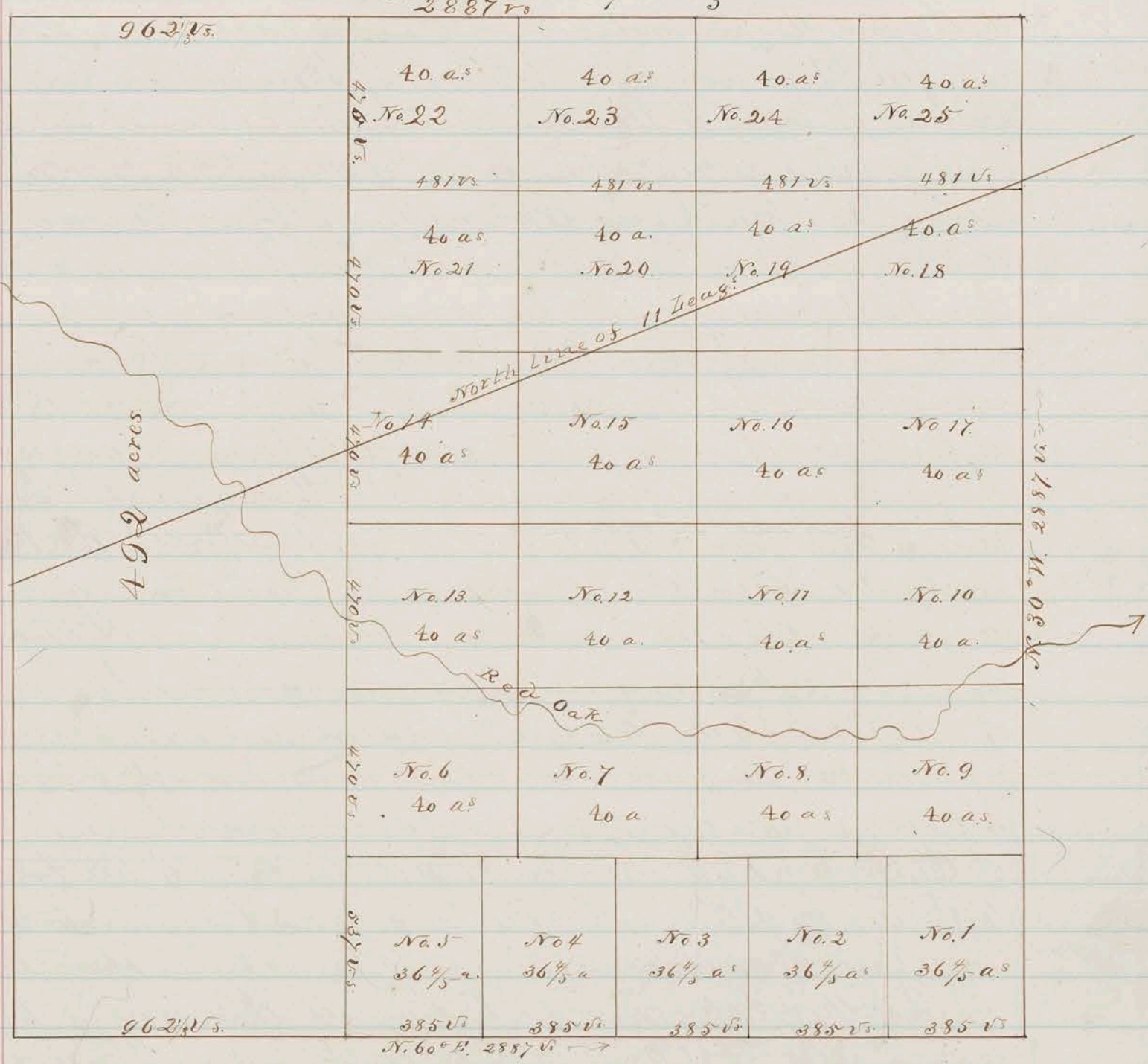
R. F. Brenham 1/3 League



3035, Albert S. Roberts & wife vs W. L. Chalmers et al. In this case John A. Green the Commissioner for sale of the land of the estate of John G and Mary Wade Chalmers, presents his report of his action in reference thereto and concerning other matters connected therewith which is as follows:- In this case comes the Commissioner for sale appointed by the Court and begs leave to make his further report and shows to the Court that on the 6th day of Feby 1872. it being the first Tuesday of the month. at Waxahachie at the Court House door of Ellis County. after due advertisement thereof in the County of Travis and also in the County of Ellis. he offered for sale to the highest bidder, on the terms required by the former decree of this Court, To be paid in the gold coin of the United States. The undivided one half in the Eastern Two Thirds of the Tract of land mentioned in the decree of Partition. as being granted to Mary P. Bullock. and Mary. W. Chalmers as assignees of Richd J Brenham situated in Ellis County aforesaid. The same being offered in seperate lots of forty acres and less as shown by the plat hereto attached marked. "R. F. Brenham 1/3 Lea" when the following persons became the purchasers at the following named prices of the lots or parcels named. they being the highest and best bidders. viz:- J. W. Davis purchased seperately for the benefit of the heirs of Jones and the lots named on said plat numbered from one to seventeen inclusive. The first five containing thirty six 4/5ths acres

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each, and the remainder forty acres each aggregating six hundred and fifty five acres at the price of three and one half cents. for the interest of Mary W. Chalmers. per acre, and amounting to $23.75/100. That for said interest of the estate of Mary Wade Chalmers. John King became the purchaser seperately of lots or parcels. numbers. 20. 21. 22. and 23 of forty acres each. at the price of ninety eight and three-tenth cents per acre, aggregating. $ 157.30/100. That R. M Wyatt for the interest of said Mary Wade Chalmers. became the purchaser seperately of lots numbers. 18. 19. 24 & 25. of forty acres each. at the price of sixty four and five tenths per acre. aggregating $ 103.05. The first named tracts sold to J. W. Farris as agent for Jonsends heirs. is that part of the land in conflict with the Pena grant. as mentioned in these proceedings heretofore. and though the amount bid is very small. yet Commissioner has great doubt whether said portion will bring any more in future in consequence of said conflict. The one hundred and sixty acres bid off by King and the one hundred and sixty acres bid off by Wyatt Commissioner believes is reasonably well sold in as much as a small portion of the former and a considerable portion of the latter is in conflict with the said Eleven league Pena grant. claimed by Jonsends heirs. Your Commissioner further reports that the purchasers express themselves ready to pay all the money bid by them at once. upon obtaining a deed therefor. Wherefore Commissioner prays for such order. Your Commissioner further reports that he caused to be advertised for sale the five hundred acres mentioned in the decree as off the said league of land in Burleson County. granted to G. W. Grimes. But learning that there was a probability that the last or missing links of title to John. G. Chalmers. for said land might be supplied he postponed the sale. In respect to said five hundred acres he states that from his information he believes he will be able to realize with a good title from one to two dollars gold. per acre. He has used every means in his power to find out the last or missing papers, and to get information of the execution of them but without success. He further says he will be able to get only a nominal sum if he sells without sufficient evidence of title and if such evidence is produced it will be after great labor. search and considerable expense. greater in fact than is warranted on account of the uncertainty in being paid in money out of the estate in Commissioners hands. and therefore Commissioner asks leave that he have leave to employ an agent or agents upon a contingent interest of one third of the proceeds of the sale. as a reward or fee for the procurement of a title to the estate of John. G. Chalmers. He believes that he can find such agent and he has reason to believe that he has a fair prospect of success. He believes that he can find such agent and upon the finding

of such title or perfecting the same your Commissioner asks an order of the Court authorizing the sale thereof as provided in former order of the Court in this case. Respectfully submitted Jno. A Green. Comr'

And it appearing to the Court that at the said sale of the undivided one half belonging to the Estate of Mary Wade Chambers in the Eastern two Thirds of the Tract of land in Ellis County patented to Mary P. Bullock and Mary W. Chalmers as assignees of Richard J Bunham. for one Third of a league, on the 6th day of Feby 1872 was made at the Court House door of said County, in tracts of forty acres and less according to the plat attached to said report. which is ordered to be copied upon this decree. To the following persons and for the following prices. viz:- Lot number one to lot seventeen inclusively seperately To J.M. Davis for the benefit of Simmons heirs embracing six hundred and sixty five acres. aggregating the sum of $ 23 25/100. Dols. from twenty to twenty three. seperately inclusive To John King. embracing one hundred and sixty acres aggregating the sum of $ 157. 50/100. Dols. 18 19. 24 & 25 seperately embracing one hundred and sixty acres to R. H. Wyatt. aggregating the sum of $ 103.05. And it appearing to the Court that the said sale was fairly made and in conformity with law. it is ordered and decreed that the same be in all things confirmed and that the said Commissioner. execute a conveyance to the respective purchasers. upon their complying with the terms of sale. and it appearing that the purchasers respectively ask the privilege of paying the whole of the purchase money bid by them in hand. it is ordered that they have leave so to do. And the said Commissioner having shown by said report. that it is to the advantage of the estate to pay a contingent fee of one third as a fee or reward for the procurement or establishment of the right of the estates of John G. and Mary Wade Chalmers in and to five hundred acres of land claimed by said estates. out of the G. W. Grimes league headright in Burleson County. and that the evidences of title of said estate in and to the same are lost and cannot be found. It is therefore ordered that the said Commissioner have the power to make such contracts and upon obtaining evidences of title to the same he proceed for the purpose of partition as aforesaid to sell the said land under the same powers and limitations as is granted to him by decree of the former Term of this Court. It is further ordered that all matters not herein disposed of shall be continued subject to the further orders of this Court.

The Court adjourned till to morrow morning at 9 o'clock.

Wednesday, February 21st 1872

Court met at 9 o'clock A. M. pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

February Term, Thursday February 22d 1872.

2350 The State of Texas vs Ben Thompson. Come the parties by attorney and announce ready for trial. And the Defendant pleading guilty the Court here fixes the fine at $10. And it is ordered that the State of Texas do have and recover of the Deft Ben. Thompson said sum of ten dollars and the cost of this prosecution for the collection of which a capias may issue

2376 The State of Texas v. Moon. Come the parties by attorney and announce ready for trial. And the Defendant pleading guilty the Court here fixes the fine at $25. And it is ordered that the State of Texas do have and recover of and from the Defendant said sum of twenty-five Dollars and the cost of this prosecution and that a capias issue to collect the same.

2416 The State of Texas vs Wm Tongue. On this day come the parties and announce ready for trial. And the Defendant pleading guilty the Court here fixes the fine at $10. And it is Ordered that the State of Texas do have and recover of the Defendant Wm Tong said sum of ten Dollars and the cost of this prosecution and that a capias issue to collect the same.

And Court adjourned till 8 to morrow go'clock, a.m.
Thursday, February 22d 1872.

Court met at 9 o'clock AM pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

2266 The State of Texas vs George Thompson. And now on this day came the District Attorney on behalf of the plaintiff and came also the Defendant in person and by attorney and announced ready for trial. And the Defendant being arraigned pleads not guilty. And thereupon came a Jury of twelve good and lawful men of Travis county, consisting of James F. Bottom and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea, the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find the Defendant guilty of murder in the second degree, and assess the punishment at the State Penitentiary for the term of ten years. James F. Bottom, foreman." Whereupon It is ordered that the Defendant stand Committed to the County jail to await judgment and Sentence.

2113 The State of Texas vs. Andrew Campbell and Alexander Campbell. Now comes the District Attorney on behalf of the State and the Defendants in person and by attorney and announced ready for trial. And the Defendants pleading not guilty came a Jury of twelve good and lawful men of Travis County Consisting of and eleven others, who being tried, elected, empannelled and sworn according to law, heard the Indictment, the evidence, argument of Counsel and the charge of the Court, and retired for deliberation. And thereupon the Jury returned into Court the following verdict to wit: We, the Jury, find the Defendants not guilty. Dennis Comm foreman." Whereupon It is ordered that the Defendants go hence fully acquitted and discharged.

February Term, Friday, February 23d. 1872

Friday, February 23d. 1872

Court met at 9 o'clock A.M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following Proceedings were had by said Court, to wit.

2388 The State of Texas vs George Washington alias George Kennedy. And now on this day came the District attorney who prosecutes for the State in this behalf, and came also the Defendant in person and by attorney and announced ready for trial And the Defendant pleading not guilty, came the a Jury of twelve good and lawful men of Travis county, consisting of A.B. Burleson and eleven others, who being tried, elected, empannelled and sworn according to law heard the plea of not guilty, the evidence, argument of counsel and the Charge of the Court and retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We the Jury find the Defendant guilty and affix his punishment to five years in the State Penitentiary A. B. Burleson foreman." Whereupon It is ordered that the Defendant Hand Committed to the County jail to await judgment and sentence.

2103. The State of Texas vs Richard Meeks. And now on this day came the District attorney on behalf of the State and came also the Defendant in person and by attorney and announced ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, consisting of R. Barr and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of Counsel and the charge of the Court, Retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury find the Defendant not guilty. R. Barr foreman." Whereupon It is ordered that the Defendant go hence discharged.

2087 The State of Texas vs Richard Meeks. And this day came the District attorney on behalf of the State and came also the Defendant in person and by attorney and announced ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, consisting of J. S. Morgan and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty the evidence, argument of counsel and the charge of the Court retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury find the Defendant guilty and affix the fine at $5 five dollars and cost. J. S. Morgan, foreman." Whereupon It is ordered that the State of Texas do have and recover of and from the Defendant Richard Meeks said sum of five dollars and the cost of this prosecution and that a Capias issue to collect the same.

2117 The State of Texas v. Silas Rawles et al. Dismissed

2246 The State of Texas v. Ja Jones Dismissed

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2316 The State of Texas v. Sam Williams. Come the parties by their attorneys and announced ready for trial, and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court fines the fine at $10. And it is ordered that the State of Texas do have and recover of and from the Defendant Sam Williams said sum of ten Dollars and the cost of this prosecution and that a Capias issue to collect the same.

2347 The State of Texas v. G. A. Bryan. Come the parties by their attorneys and announced ready for trial and waiving a Jury submit the cases the Court. And Defendant pleading Guilty the Court therefore fines the fine at $1. And it is Ordered that the State of Texas do have and recover of and from the Defendant G. A. Bryan and his securities A. H. Longley and E. C. Dewey said sum of One Dollar and all the cost in this Court and the justices Court incurred, and that a Capias issue to collect same.

2437 The State of Texas v. R. C. McClaren. Upon motion the Indictment is quashed and Defendant discharged.

2347 The State v. G. A. Bryan. Ordered that the judgment entered in this cause be amended so as to read thus: And Ordered further that Capias issue against the Defendant and The securities on his appeal bond to wit A. H. Longley and E. C. Dewey for the fine and costs herein.

And Court adjourned till to-morrow morning 9 o'clock

Saturday, February 24. 1872

Court met at 9 o'clock A. M. pursuant to adjournment. Present Same as on Yesterday Whereupon the following proceedings was had by said Court to wit:

Grand Jury Ordered that the Grand Jury and Petit Juries for the next June term of this Court be selected in open Court on Tuesday of next week.

2123 Thomas O'Connor v. Wm. Penfield. Come the Parties and the Deft. submitted the motion for a new trial heretofore filed. And the same being heard. It is ordered that said motion be overruled. And the Defendant thereupon excepts to the ruling of the Court.

3210 Bochean v. Cleveland et al. Comes the Defendant and submitted the motion for a new trial, which being heard and argued, is overruled.

And thereupon Court adjourned till to-Monday morning 9 o'clock

Monday, February 26. 1872

Court met at 9 o'clock a m pursuant to adjournment Present Hon. J. P. Richardson Judge 22nd Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit

2273 The State of Texas v. Jolin Buttery. And now on this day comes E. Zimmerman, Charity Peoples and Bevril Adams, and each of said persons (witnesses for the State) acknowledged himself and herself to owe and be indebted unto The State of Texas in the sum of One hundred Dollars, to be levied upon their goods and Chattels Lands Tenements and Estate, But to be void upon condition that said witnesses appear before the Hon. District Court of Travis county to be held at the Courthouse thereof in Austin on the first

February Term, Monday, February 26th 1872

Monday in February June, A. D. 1872, then and there to testify on behalf of the plaintiff in the above entitled cause of The State of Texas vs John Buttery, charged with Malicious Mischief, and that said witnesses then remain from day to day and from term to term of said Court, until discharged, and not depart the Court without leave. And cause continued by the Defendant.

2276 The State of Texas vs W. S. Williams Continued for service.

2286 The State of Texas vs Gabriel Kelley. Continued.

2290 The State of Texas vs Ed. Grooms Continued for service

2296 The State of Texas vs West Craft et als alias capias to Bastrop Co.

2324 The State of Texas vs Isum Smith et al. Continued for service.

2331 The State of Texas vs Bill. Fleming. Continued and attachment ordered to the witness A. B. Burleson returnable to next term.

2346 The State of Texas vs James Kellow. Continued for service.

12348 The State of Texas vs Jo. Wadsworth. Come the parties and announce ready for trial and waiving a jury submit the case to the Court. And defendant pleading guilty the Court fixes the fine at $25. And It is ordered that The State of Texas do have and recover of and from the said Jo. Wadsworth said sum of twenty five dollars and all the cost of the prosecution and that a capias ifsue to collect.

12349. The State of Texas vs Mart. Thompson Come the parties and announce ready for trial, and waiving a jury submit the case to the Court. And the Defendant pleading guilty the Court fixes the fine at $10 And it is ordered that the State of Texas do have and recover of the Defendant Mart. Thompson said sum of ten dollars and the cost of the prosecution, and that a capias ifsue to collect

2353. The State of Texas v Pink Bedford. Continued for service.

12354 The State of Texas v. Walt Good. Come the parties and announce ready for trial, and waiving a jury submit the case to the court And the Defendant pleading guilty the Court fixes the fine at $25. And it is ordered that the State of Texas do have and recover of and from the Defendant Walt Good said sum of twenty five dollars and the cost of this prosecution and that a capias ifsue to collect.

2355. The State of Texas vs Frank Hook. Cause continued.

12356 The State of Texas vs H. C. Ellis. Come the parties by attorney and announce ready for trial and waiving a jury submit the case to the Court. And the Defendant pleading guilty the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of and from the Defendant H. C. Ellis said sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect.

2365. The State of Texas v. Wells W. Leggett. Continued for service.

2366 The State of Texas v. R. A. Brown Continued for service.

12367 The State of Texas v. Cad. Harm. And now on this day comes Cad Harm as principal and J. S. Mills and J. W. Robertson as securities, and acknowledges themselves jointly and severally justly to owe and be indebted unto the State of Texas in the sum of One

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thousand dollars to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that the said Lad. Harn make his personal appearance before the District Court of Travis county now in sefsion at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to answer the Indictment preferred against him by the Grand Jury of Travis county, at the February term, of the District Court of said County, 1872, for accepting a Bribe from one W. W. Leggett and that he do not depart the Court without leave. And the cause is continued by agreement of parties.

✓2368. The State of Texas v. B. D. Harn. And now comes B. D. Harn, alias Lad. Harn, and J. S. Mills and J. W. Robertson as securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One thousand dollars, to be levied upon their goods and chattels, lands, tenements and estate, But to be void upon condition that the said B. D. Harn alias Lad. Harn make his personal appearance before the District Court of Travis county now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to answer the Indictment preferred against said Harn by the Grand Jury of Travis County at the February term, 1872, of the District Court of Travis county for accepting a Bribe from Wells W Leggett, and that he do not depart the Court without leave.

✓2370 The State of Texas v. Lad. Pearce. And now come the parties and announce ready for trial, and waiving a Jury submit the case to the Court. And the Defendant pleading guilty, the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover and from the said Lad. Pearce said sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect.

2374. The State of Texas v. R. A. Brown. Continued for service.

2375. The State of Texas v. R. A. Brown. Continued for service.

✓2395. The State of Texas v. Charles Fugett. Come the parties and announce ready for trial, and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of and from the Defendant Charles Fugett the sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect the same.

✓2399. The State v. Matt. Woodlief. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of the Defendant Matt. Woodlief said sum of ten dollars and the cost of the prosecution, and that a capias ifsue to collect the same.

✓2400 The State of Texas v. Bud Cotton. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover

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of and from the Defendant Bud. Cotton said sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect the same.

2402 The State of Texas vs. Billy Cotton. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of and from the Defendant Billy Cotton said sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect the same.

2408 The State of Texas vs. Fairbanks. And now come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of and from the Defendant Fairbanks said sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect the same.

2411 The State of Texas vs. Frank Rider. Come the parties and announce ready for trial, and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court herefixes the fine at $10. And it is ordered that the State of Texas do have and recover of and from the Defendant Frank Rider said sum of ten dollars and the cost of the prosecution, and that a capias ifsue to collect the same.

2453 Hancock & West vs. The. Sublett et als Ordered, upon motion that the Plaintiffs herein have leave to amend their petition.

And Court adjourned till to-morrow morning 9 o'clock.

Wednesday, February 27th 1872

Court met at 9 o'clock A. M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, to wit:

J. D. Sayers And thereupon It is ordered that Judge Geo. H. Moore and Judge A. S. Walker Esq attorneys of this bar, be appointed a committee to investigate and report upon the conduct of Mr. J. D. Sayers, as counsel for the Defendant Thompson, case No 2266.

2786 G. S. Jordan and Isabella Jordan vs G. H. Burditt, Admr. &c. And now comes onto be heard the Report of T. D. Moseley, commissioner &c. which Report is in the words and figures following to wit:

" G. S. Jordan & Isabella Jordan vs. G. H. Burditt Admr &c No. 2786. State of Texas County of Travis. District Court February Term 1872. To the Hon. J. C. Richardson, Judge, &c. holding said Court. I. D. Moseley the undersigned Commissioner, appointed in the above stated case, by virtue of an Order made by the Hon. Court the 1st day of April, 1870, to make sale of the lands specified in the pleadings for partition between said parties, to wit: one undivided half interest of one tract in said county, being one half labor of land granted to Ennis Ury. assignee of Dicamond Simpson, beginning at the North corner of said labor, Survey, at a stake and rock mound. thence S. 30 W. with the S. E. bound ary Jas. P. Wallace Survey at 500 var. a stake

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and mound of rocks, thence South 60° East at 1000 vars a stake and rock mound and the N.W. boundary of Thomas Eldridge's Survey N. 26: thence N 30 E with said Thomas Eldridge's N. W. boundary at 500 vars a stake and rock mound: thence N. 60 West 1000 vars to the place of beginning, containing 88 $\frac{568}{1000}$ acres of land: and being the N. East half of said original labor of land. And one other tract of land of 132 acres out of the Thomas Eldridge's Survey granted to Ennis Wry assignee of Thomas Eldridge, beginning at the N. corner of Wm. Wick's survey N. 29. at a stake and mound of rock; thence S. 30 W. with the S. E. boundary of D. Simpsons labor at 551 $\frac{5}{10}$ vars, a stake and mound of rock. thence S. 60 E. at 13052 vars as a stake and mound of rock on S. W. boundary of J. G. Brooks labor N. 28, thence S. 60 W. with said S. W. boundary at 352 vars passing the W. corner, and with the S. W. boundary of No. 29 at 13052 vars to the place of beginning, containing 132 acres of land. Your Commissioner respectfully reports that in compliance with the laws in such cases provided, said lands were surveyed and divided into lots, as follows, to wit: the tract of 88 $\frac{568}{1000}$ acres into three lots, numbered from one to three. twenty nine and a half acres in each The tract of 132 acres was divided into 4 lots: the first and second 40 acres each, and third and fourth 26 acres each. Said Commissioner further reports that on the first Tuesday in October 1870 at the South East Corner of Block No. 70 in the City of Austin within the hours prescribed by law he did sell the lots aforesaid at public vendue, having first given public notice of the time and place of such sale by causing an advertisement thereof to be posted up at three public places in the County, one of which was the Courthouse, and one at the place of sale, and also by notice in the official Journal of the County for four weeks previous to said sale. said sale being on a credit of nine months, with security, and a lien retained on the lots. That the three lots of the first designated tract, were struck off to A. A. Hughes, he being the highest and best bidder. No. 1 at $13.00 per acre. No. 2 at $10 $\frac{60}{100}$ per acre: No. 3 at $19.75 per acre. The third and fourth lots of the 132 acre tract, 26 acres each, were also struck off to the said Hughes, he being the highest and best bidder. No. 3 at $20^{00} per acre & No. 4 at $18^{00} per acre. Lot No. 1 of said tract was struck off to A. R. Morris he being the highest and best bidder at $5^{00} per acre. 40 acre lot. And Lot No. 2, said tract, 40 acres, was struck off to J. W. Hamilton, he being the highest and best bidder at $7.25 per acre. The sale of said several lots of land amounted to $3034.32 Expenses Commissioner, Surveying, stamps, recording &c $196 $\frac{66}{100}$ leaving a balance of $2837.66. One half of said sum to wit: $1418.83, is set apart, as the share or interest of Defendant. I have collected on different sums, for failing to pay interest, amounting to $35.81, two thirds of which sum, to wit: $23^{88} is added to the interest of Defendant, making the sum of $1442.71 due Defendant. which sum

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has been paid to Defendant. The interest or share of plaintiff is $1418.83. Court cost of $25.25 to be deducted, leaving the sum of $1393.58 to which last sum is to be added one third of the interest collected, to wit: $11.93 making the sum of $1405.51 which last sum is held by me as the atty of record, for the use and benefit of plaintiffs. Deeds have been made to the parties purchasing and recorded fully describing the property. All of which is respectfully submitted to the Honorable Court. T. D. Moseley, Commissioner"

Said Report being heard and fully understood by the Court, and the same not being excepted to, is in all things confirmed. It is therefore ordered and decreed by the Court that said Report be entered on the minutes of the Court, and the case dismissed.

2211 State of Texas v. Geo. Slaughter. Continued by agreement.

√2241 State of Texas v. Wash. Wilson. Cause dismissed.

√2291 State of Texas v Sol. Williams Come the parties and announce ready for trial. And thereupon came a Jury of twelve good and lawful men to-wit consisting of Geo. Burns and eleven others who being duly elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, and the charge of the Court retired to consider of their verdict: and thereupon the Jury returned into Court the following verdict, to wit: "We the Jury find the Defendant not guilty. Geo. Burns, foreman." Whereupon It is ordered that the Defendant go hence without day fully acquitted and discharged.

√2297 The State of Texas v. Thomas F. McKinney. Come the parties and announce ready for trial, and waiving a Jury submit the case to the Court. And the Court hereby fixing the fine at one cent, It is ordered that the State of Texas do have and recover of and from the Deft. McKinney said sum of one cent and the cost of the prosecution, and that a capias issue to collect the same.

√2298 The State of Texas v. Thomas F. McKinney. Cause dismissed

√2299 The State of Texas v. Thomas F. McKinney. Cause dismissed.

√2354. The State of Texas v. Watt Good. ordered that the Judgment rendered in this cause be set aside and vacated, and that the cause be dismissed.

√2359. The State of Texas v. Geo. H. Slaughter. Continued by consent.

√2372. The State of Texas v. James T. Brown Cause dismissed

√2378 The State of Texas v Stewart. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And the Court here fixing the fine at $25 upon a plea of guilty, It is ordered that the State of Texas do have and recover of the Defendant Stewart said sum of twenty-five dollars and the cost of the prosecution, and that a capias issue to collect the same.

2380 The State of Texas v. Will Slaughter. Continued by consent.

√2381 The State of Texas v. Bryant and James. Indictment quashed and Defendants discharged.

√2386 The State of Texas v. Wash. Beadle. Come the parties and announce ready for trial and waiving a jury submit the case to

February Term, Tuesday, February 27th 1872.

the Court: and Defendant pleading guiety the Court fixes the fine at $25. And it is ordered that the State of Texas do have and recover of and from the Defendant Wash. Beadle said sum of twenty-five dollars and the cost of this prosecution, and that a capias issue to collect the same.

2409. The State of Texas v. Sam Evans. Come the parties and announce ready for trial, and waiving a Jury submit the case to the Court And Defendant pleading guiety, the Court here fixes the fine at $25. And it is ordered that the State of Texas do have and recover of the Defendant Sam Evans said sum of twenty five dollars and the cost of the prosecution, and that a capias ifsue to collect same.

2423 The State of Texas v. Chrm Rowe and Anthony Weeks Upon motion the cause is dismifsed as to the Defendant Rowe. and the said Rowe shall go hence discharged. And Anthony Weeks comes and pleads guiety. And the Court fixing the fine at $1 It is ordered that the State of Texas do have and recover of the Defendant Anthony Weeks said sum of One Dollar and the cost of the prosecution, and that a capias ifsue to collect the same.

2433 The State of Texas v. Charles Howard Come the parties and announce ready for trial and waiving a Jury submit the case to the Court And the Court here fixing the fine at $25 It is ordered that the State of Texas do have and recover of and from the Defendant Charles Howard said sum of twenty-five dollars and the cost of the prosecution, and that a capias ifsue to collect the same

2443 The State v. Watt Good. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court And the Court fixing the fine at $10 It is ordered that the State of Texas do have and recover of and from the Defendant Watt Good said sum of ten dollars and the cost of the prosecution and that a capias ifsue to collect the same.

3073 Mufsina v. Hale. Continued on affidavit of the Plaintiff.

2381 The State of Texas v. Bryant & James. And now on this day came the District attorney on behalf of the State and came also the Defendants by their attorneys and announced ready for trial. And the Defendants pleading not guiety, came a Jury of twelve good and lawful men of Travis county, consisting of W. L. Glafscock and eleven others who being tried, elected, empannelled and sworn according to law, heard the plea of not guiety, the evidence, argument of Counsel, and the charge of the Court, and retired to consider of their verdict And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury find the Defendant guiety and assess his fine at five dollars W. L. Glafscock foreman." Whereupon It is ordered that the State of Texas do have and Recover of and from the Defendants Bryant and James, whose Christian names are unknown, said sum of Five Dollars and the cost of this prosecution, and that a Capias ifsue to collect the same.

Feleruary Term. Wednesday. Feleruary 28th 1872

And Court adjourned till to-morrow 9 o'clk A.M.

Wednesday. Feleruary 8th 1872.

Court met at 9 o'clock A.M pursuant to adjournment Present same as on yesterday. Whereupon the following proceedings were had by said Court, to wit.

2371 The State of Texas vs James T. Brown. Continued by Defendant.

2373 The State of Texas vs James T. Brown. Continued by Defendant.

2364 The State of Texas vs Evans. Disunissed

2271 The State of Texas vs Geo. W. Barnes et al. And now on this day came the District Attorney on behalf of the State, and came also the Defendant Geo W. Barnes in person and by attorney and announced ready for trial. And the Defendant being arraigned pleads not guilty. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of Geo W. Walling and eleven others, who being tried, elected, empannelled and sworn according to law, heard the Indictment, The evidence, argument of Counsel and the charge of the Court, retired to consider of their verdict. And thereupon the Jury returned into Court the following verdict, to wit. "We, the Jury, find the Defendant guilty of Murder in the first degree. Geo W. Walling, foreman." Whereupon It is ordered that the Defendant Geo W. Barnes stand Committed to the County Jail to await judgment and sentence.

2429 The State of Texas vs Dick Meeks et al. Continued by the State and attachment ordered for State's witnesses.

2430 The State of Texas vs Dick Meeks et al. Continued by the State.

And Court adjourned till to-morrow 9 o'clk A.M.

Thursday, Feleruary 29th 1872.

Court met at 9 o'clock A.M. pursuant to adjournment. Present the same as on yesterday. Whereupon the following Proceedings were had by said Court to wit:

2212 The State of Texas vs. Andrew Campbell. Come the parties by their attorneys and announced ready for trial, Thereupon came a Jury of twelve good and lawful men of Travis county, consisting of H. M. Metz and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of guilty and the charge of the Court and after retirement returned the following verdict, to wit: "We the Jury find the Defendant guilty and assess the fine at ten dollars. H. M. Metz, Foreman." Whereupon It is ordered that the State of Texas do have and recover of and from said Andrew Campbell said sum of ten dollars and the Cost of the prosecution and that a Capias issue to collect same.

2213 The State of Texas vs Byron Glasscock Come the parties by their Attorneys and announced ready for trial and waiving a Jury submit the case to the Court. And the Defendant pleading guilty the Court herefixes the fine at $25. And it is ordered that the State of Texas do have and recover of and from the

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said Byron Glasscock said sum of Twenty Five Dollars and the cost of the prosecution and that a capias issue to collect the same.

2271 The State of Texas vs. Thomas Kimball et als. Continued by the Deft. Thomas Kimball.

2383 The State of Texas vs. Bob Fields. Continued for Servic

2387 The State of Texas vs. Ditch. Dismissed

2389 The State of Texas vs. E. Groons. Continued for Servic

2390 The State of Texas vs. W. S. Williams. Continued for Servic

2391 The State of Texas vs. W. S. Williams. Continued for Servic

2392 The State of Texas vs. James M. Brown. Capias to Washington County.

2393 The State of Texas vs. James M. Brown. Capias to Washington County

2394 The State of Texas vs. Albert Tobler. Continued by Defendant.

2396 The State of Texas vs. Dock Thompson. Continued for Servic

2398 The State of Texas v. John Barnes. Cause Dismissed.

2401 The State of Texas v. Jace Wilson. Continued

2405 The State of Texas v. Wm Wilson. Continued for Servic

2406 The State of Texas v. David Wills. Continued for Servic

2407 The State of Texas v. Jack Conner. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court and defendant pleading guilty. The Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of Jack Conner said sum of ten dollars and the Cost of the prosecution and that a Capias issue to Collect the same.

2413 The State of Texas v. Bass. Ordered that the Bond be quashed and alias Capias Ordered

2419 The State of Texas v. Jack Conner. Continued by agreement.

2420 The State of Texas v. Joe Wills. Continued for Servic

2424 The State of Texas v. James Rawls. Continued for Servic

2425 The State of Texas v. A. S. Mason. Continued for Service.

2426 The State of Texas v. A. S. Mason. Continued for Service

2427 The State of Texas v. Daird Pearce. Continued for Service

2428 The State of Texas v. Daird Pierson. Continued for Servic

2436 The State of Texas v. John Bond. Come the parties by their attorneys and announced ready for trial, and waiving a Jury agree to submit the case to the Court. And the Defendant pleading guilty, the Court fixes the fine at $10. And it is ordered that the State of Texas do have and recover of said John Bond said sum of ten dollars and the cost of the prosecution and that a capias issue to collect the same.

2271 The State of Texas v. Geo. W. Barnes. It appearing to the Court that at the time of the commission of the murder of Joe Philpot there was taken from his possession by defendant Barnes about Seventeen hundred Dollars ($1700) in coin, which was the property of Harmon Caddell and Martin Caddell: and it further appearing to the Court that about the sum of Five Hundred Dollars of said sum is now in the possession of — Jones

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and the Sheriff of Falls county, Texas, who took the same from the house of said Defendant Barnes in Falls county where the same had been concealed by said Defendant Barnes. It is therefore further Ordered by the Court that said Jones and the Sheriff of Falls county or whoever may have possession of said sum of money so taken from the house of said Barnes, pay over the same to the said Harmon Caddell and Martin Caddell, or to either of them, for which payment this Order shall be taken and held as sufficient authority.

√2277 The State of Texas vs. H. C. Cain Cause Dismissed

√2278 The State of Texas vs. Isaac Rawles Cause Dismissed

√2279 The State of Texas vs. Isaac Falls Cause Dismissed

√2284 The State of Texas vs. Harper Jackson And now on this day came the District Attorney on behalf of the State and came also the Defendant in person and by attorney and announced ready for trial And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court retired to deliberate of their verdict. And thereupon the Jury being brought into open Court, and having announced that, after a lengthy retirement, they were unable to agree upon a verdict. It is ordered that the Jury be discharged, a mistrial awarded And the cause continued.

√2285. The State of Texas vs. A. H. Meeks. Continued by consent.

√2308 The State of Texas vs. Kinney Sneed. Indictment quashed and Defendant discharged.

√2363 The State of Texas / Billy Thompson. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court, and the Defendant pleading guilty the Court fixes the fine at $10 And it is ordered that the State of Texas do have and recover of the Defendant Billy Thompson said sum of ten dollars and the Cost of the prosecution and that a capias issue to collect the same

√2377 The State of Texas v. Billy Haynes. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And the Defendant pleading guilty the Court hereby fixes the fine at $10. And it is Ordered that the State of Texas do have and recover of the Defendant Billy Haynes said sum of ten dollars and the Cost of the prosecution and that a capias issue to collect the same

√2404 The State of Texas v. Meroney Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And Deft. pleading guilty the Court fixes the fine at $10 And it is Ordered that the State of Texas do recover of the Defendant Meroney said sum of ten dollars and the cost of the prosecution and that a capias issue to collect the same.

2422 The State of Texas v. Esau Jackson Continued by Consent.

2432 The State of Texas v. James Kellow. Continued for service

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2439 The State of Texas v. Franz Stentzler. Continued

2441 The State of Texas vs. J. R. Burns Capt & Capias to Fayette County.

2444 The State of Texas v. J. P. Maloney. Continued for Service.

2431 The State of Texas v. P. Praps And now on this day came the District Attorney on behalf of the State and Came also the Defendant in person and by attorney and announced ready for trial. And the Defendant submitted his demurrer to the 2nd count which is overruled and he excepted. And the Defendant pleading not guilty Came a Jury of twelve good and lawful men of Travis County Consisting of W. M. Sawyer and eleven others, who being tried, elected, empanneled and sworn according to Law, heard the plea of not guilty the evidence, argument of Counsel and the Charge of the Court retired to Consider of their Verdict. And thereupon the Jury returned into Court the following verdict, to wit: "We, the Jury find the Defendant guilty and fine him $50. W. M. Sawyer Foreman." Whereupon It is Ordered that the State of Texas do have and recover of and from the Defendant P. Praps said sum of Fifty Dollars and the Cost of the prosecution and that a Capias issue to Collect the Same.

And Court adjourned till 9 o'clock a.m.

Friday March 1st 1872

Court met at 9 o'clock A.M. pursuant to adjournment Hon. J. P. Richardson Judge 27th Judicial District Presiding. Whereupon the following proceedings were had by said Court to wit:

2213 The State of Texas v. Byron Glascock. Ordered by the Court that the judgment entered in this cause at a former day of this term be amended so as to read as follows. And it appearing that Geo. W. Cosley and W. L. Glascock are the securities on the appearance bond of the Defendant in this cause It is ordered by the Court that The State of Texas do have and recover of and from the securities of said Defendant, to wit: W. L. Glascock and Geo. W. Cosley the said fine of twenty five Dollars and the Cost of this prosecution, and that execution issue to collect the same.

2237 The State of Texas v. A. Rust Continued by the Defendant

2435 The State of Texas v. A. Musgrove Continued by Defendant.

2438 The State of Texas v. E. P. Phillips Comes the Defendant E. P. Phillips as principal and W. M. Walton and F. C. Sleeper as sureties, and they acknowledge themselves jointly and severally jointly to owe and be indebted and jointly bound unto The State of Texas in the sum of Five Hundred Dollars, to be levied upon their Goods and Chattels, Lands and Tenements and Estate. But to void upon condition that the said E. P. Phillips make his personal appearance before the District Court of Travis County now in session at the Courthouse thereof in Austin, and there remain from day to day and from term to term thereafter, to answer the Indictment preferred against the said E. P. Phillips by the Grand Jury of Travis County at the February Term of the District Court of Travis County 1872, for Forgery and

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that he do not depart the Court without leave. and the cause is continued by the State.

2434 The State of Texas v Charley Dieterich. And now on this day came the District attorney on behalf of the State and came also the Defendant in person and by Attorney and announced ready for trial. And then came a Jury of twelve good and lawful men of Travis county consisting of A D. Rector — and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the evidence Arguments of counsel and the charge of the Court, and retired to deliberate of their verdict. And thereupon the Jury returned the following verdict, to wit: "We the Jury find the Defendant guilty and assess the fine at One hundred Dollars. A D Rector, Foreman." Whereupon It is ordered that the State of Texas do recover of the said Charles Dieterich said sum of One Hundred Dollars and the cost of the prosecution and that a capias issue to collect the same.

2357 The State of Texas v. Sam Scott. This cause being called for trial the Defendant Sam Scott failing to appear and answer to the Indictment in this case, he and his securities N. B. Mitchell and Jo. Wadsworth being distinctly called at the door of the Courthouse of Travis county and the Defendant after a reasonable length of time still failed to appear. And it appearing to the Court that the Defendant Sam Scott with the said N. B. Mitchell and Jo. Wadsworth as his securities, did execute the Bail Bond on file in this case substantially as follows. Dated 14th day of February, 1872, payable to the State of Texas in the sum of One Hundred Dollars, conditioned that the said Defendant Sam Scott make his personal appearance at the District Court of said County of Travis forthwith, at the Courthouse thereof in Austin to answer the Indictment preferred against the said Defendant Sam Scott by the Grand Jurors of Travis county, at the February term AD 1872 for Exhibiting a Gaming Bank called Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is Considered by the Court that the State of Texas do have and recover of the said Sam Scott, N. B. Mitchell and Jo. Wadsworth the sum of One Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant Sam Scott did not appear. And further ordered that citations do issue to the said securities

2385 The State of Texas vs Wright. This cause being called for trial the Defendant Wright, who signs his name to the bond Wm Wright, failing to appear and answer to the Indictment in this case he and his securities J. H. Fitch and Irving Moore being distinctly called at the door of the Courthouse of Travis county: and the Defendant after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant Wright, with the said J. H. Fitch and Irving Moore as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 14th day of February, 1872, payable unto The State of Texas in the sum of One

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Hundred Dollars, conditioned that the said Defendant Wright make his personal appearance at the District Court of said County of Travis, forthwith, at the Courthouse thereof in the City of Austin, to answer the Indictment prefered against the said Defendant Wright, alias Wm Wright by the Grand Juros of Travis County at the February term AD 1872 for Betting at Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Wright and J. H. Fitch & Irving Moore said sum of One Hundred Dollars and that this Judgment will be made final unless good cause be shewn at the next term of this Court why the said Defendant did not appear And further ordered that Citations do ifsue to the said Securities.

2228 The State of Texas v. Ed Grooms Ordered that the Bond be quashed and alias Capias ordered

2417 The State of Texas v. Boatman This cause being called for trial the Defendant Boatman, who signs the bond G. Boatman, failing to appear and answer to the Indictment in this case he and his securities G. D. Martin and W. D. Robinson being distinctly called at the door of the Courthouse of Travis County, and the Defendant after a reasonable length of time, still failed to appear. And it appearing to the Court that the Defendant Boatman, with the said G. D. Martin and W. D. Robinson as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 14th day of February 1872 payable unto The State of Texas in the sum of One Hundred Dollars conditioned that the said Defendant Boatman make his personal appearance at the District Court of said County of Travis forthwith at the Courthouse thereof in the City of Austin to answer the Indictment preferred against the said Defendant Boatman by the Grand Jurors of Travis County at the February Term AD 1872 for Betting at Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Boatman and the said G. D. Martin and W. D. Robinson said sum of One Hundred Dollars and that this Judgment will be made final unless good cause be shewn at the next term of this Court why the said Defendant Boatman did not appear. And further ordered that Citations do ifsue to the said securities

2266 The State of Texas v. George Thompson. And now on this day came the parties, when came on to be heard the motion for a new trial heretofore filed. And the same being duly Considered by the Court and the grounds therein set forth not sufficient. It is Ordered that said motion be overruled. Whereupon the Defendant gives notice in open Court, of an appeal to the Supreme Court.

Feberuary Term. Friday, Feberuary March 1st. 1872.

1266. The State of Texas vs. George Thompson. And now on this day came the parties, when came on to be heard the motion in arrest of the judgment heretofore filed. And the same being duly considered by the Court and the grounds therein set forth not sufficient, It is ordered that the said motion be overruled. Whereupon the Defendant gives notice in open Court of an Appeal to the Supreme Court

1238 The State of Texas v. Bryant and James. And now on this day Come the parties, when came on to be heard the motion for a new trial heretofore filed. And the same being duly considered by the Court. It is ordered that said motion be overruled. Whereupon the Defendants give notice in open Court of an appeal to the Supreme Court.

1238 The State of Texas v. Bryant and James. And now on this day came the parties when came on to be heard the motion, in arrest of the judgment for a new trial heretofore filed. And the same being duly considered by the Court, It is ordered that said motion be overruled. And thereupon the Defendants gives notice in open Court of an appeal to the Supreme Court.

1320 3. Ida J Scripture v. Geo W. Scripture. Ordered upon motion that the said Plaintiff have leave To amend her petition.

3054 M. B. McAlpine et.al. vs. E. M Peaso et.al.

And now come Plaintiffs by their attorneys and move the Court to further amend the decree rendered herein at this term on the 14th day of Feberuary, 1872, now for then, as follows: It is further ordered adjudged and decreed that the said Commissioners in making partition of said lands shall take into Consideration the whole interest of each party as well the lands and certificates ordered to be sold as the lands ordered to be divided so that each may have their respective interests according to quantity and quality, viz: of the lands and certificates ordered to be sold the said Miranda B. McAlpine owns and holds nine sixteenths of the Scrip 560 - 196 7/8 acres and 9/16 of Scrip 531 - 640 acres in Guadalupe County - 9/16 of unlocated Scrip 527, 528 and 517 - 640 acres each and 495 - 24 acres balance John L. Chandler owns and holds 4/16 of 560 - 196 7/8 acres and Scrip 531 - 640 acres in Guadalupe County, and 4/16 of Scrip 527 and 528 - 640 acres each, unlocated Sarah G. Chandler owns & holds Scrip 4/16 of Scrip 495 - 24 acres unlocated and 4/16 of 517 - 640 acres unlocated. And the other heirs own and hold 3/16 of Scrip 560, 196 7/8 acres and 3/16 of Scrip 531 - 640 acres in Guadalupe County - 3/16 of Scrip 495 - 24 acres unlocated, & 3/16 of Scrip 527 & 528, 517 - 640 acres each, unlocated. It is therefore ordered adjudged and decreed that in case any portion of the lands in Guadalupe county remain unsold, after all the claims and costs above stated, are satisfied the said Commissioners will partition the same according to quantity and quality among the heirs and distributees above stated. And after the return of the Sheriff of Guadalupe county the Clerk of this Court will furnish to said Commissioners a statement showing how much said lands sold for and what portion of the same, if any, is unsold and liable to partition It is further ordered

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that this cause be continued until the next term of this Court for the Coming in of said Commissioners Report and a final decree.

And Court adjourned till to-morrow 9 o'clock a.m.

Saturday, March 2d 1872

Court met at 9 o'clock A M pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had by said Court to wit:

30 35 Albert S. Roberts and wife et al. vs W. L. Chalmers et al } Partition. In this case at this Time come. John A. Green, the Commissioner heretofore appointed by the Court, and filed his report showing that he employed in pursuance of the former decree of this term P. C. Wilkes to obtain evidence of the missing title papers of estate of John G. Chalmers, or substitute the same and that said employment was for the one Third of the proceeds of the sale of said land as a contingent fee. He further reported, that the said P. C. Wilkes had obtained a deed of confirmation from George W. Grimes to the estate of said J. G. Chalmers, by means of which the title thereto has been made good. It is therefore ordered and adjudged that the said report be confirmed and the said Commissioner is authorized to sell the said five hundred acres which is as follows:— Five hundred acres off the west end of the George W. Grimes, one third league headright in Burleson County. Beginning at the South West corner of said survey, a stake from which an Elm marked R. bears N 19° East 5 7/ varas, another marked X bears N 87° W. 43 vrs. Thence N 19° West with west boundary line of said headright 3462 vrs. to the N.W. corner, an Elm marked W.S. Thence N 71° East 700 varas cross the Yegua at 878 vrs set a stake for N.E. corner. Thence South 19° East at 3060 vrs. the old San Antonio Road a stake for S. E. corner. Thence with the meanderings of the road to the begining. It is further ordered that the Commissioner proceed to lay off said tract into forty acre Tracts and less according to the shape of said survey, and that he proceed to sell the same to the highest bidder for cash in the gold coin of the United States at the South East corner of Block No 70 in the City of Austin, said sale not to be made before the first Tuesday in May, and after due advertisement in the Counties of Travis and Burleson. And all of said sale he shall pay to the said P. C. Wilkes, the one third of the proceeds thereof as his fee for procuring the title to the same.

32 10 T. W. Houser vs James H. Bell } And now on this day came the parties and Consent that Judgment be entered as per the agreement on file. And it appearing that the plaintiff's cause of action is liquidated as shown by the note of hand produced

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in evidence, It is ordered by the Court that the plaintiff J W. Hause, do have and recover of the Defendant James H. Bell the sum of One Thousand Five Hundred and Seven Dollars principal debt and interest due upon the note sued on to this date, and all the cost hereafter to be taxed for which execution may issue

1 1323 9 Catherine Hauke et al v. Phoenix Mutual Life Insurance Co. Ordered upon motion that Catherine Hauke be appointed Special guardian for the minor Defendants in this case, to wit. Salma Hauke and Fred W. Hauke.

1 2431 The State of Texas v. T. Drake. Come the parties and submit the motion for a new trial, which being heard and considered It is ordered that a new trial be awarded and the cause continued

The Court adjourned till Monday 9 o'clk A. M.

Monday, March 4th 1872.

Court met at 9 o'clock A. M. pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District Presiding. Whereupon the following proceedings were had by said Court to wit:

1 Report of Committee J. D. Sayers

"Austin, March 2nd 1872. In Dist. Court Travis County In the Matter referred to us at a former day of this term, without stating the evidence before us: we report.

1. That Maj. Sayers was informed of, & believed the truth of the allegations in his Bill of Exceptions
2. Upon such belief his professional duty required some action on his part.
3. We are not advised of anything offensive in the mode used by Maj. Sayers in urging the supposed matters of complaint.
4. The Committee cannot define any rule fixing the amount of evidence required to produce belief, and therefore while a more cautious practitioner would probably have inquired further, we cannot censure an act induced by the belief of the charges he sought to establish.
5. While we exonerate Maj. Sayers from the charge of unprofessional conduct, we also deem it our duty to state that the evidence also exonerates the Judge presiding from any charge or suspicion of improper conduct in the matter.

In conclusion, we remark, that to merit & secure the highest respect & confidence in the Courts, & places where justice according to law is impartially administered, should be the aim of all engaged in the profession, and in this higher field of duty the impure idea of policy & the clash of party politics should be unheard either in the discharge of professional duties or in adjusting difficulties among its members.

And we deem it not improper in this connection also to say that the true interest of their clients as well as the members of the bar, require that the utmost courtesy to the Court should at all times & under all circumstances mark the conduct of the members of the bar in the discharge of their professional duties: and before any matter not occurring in open Court, which is calculated to

February Term, Tuesday, March 5th, 1872.

reflect upon the presiding Judge should be sought to be made a part of the record, this courtesy would require that it should be brought to the attention of the Judge, so that the fact a matter in issue should be known & properly understood between the Judge and Counsel. A. S. Walker
George F. Moore.

And Court adjourned till to-morrow at 2 o'clock P.M.

Tuesday March 5th, 1872.

Court met at 2 o'clock P.M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 23d Judicial District presiding. Whereupon the following proceedings were had by said Court, To wit:

And thereupon It is ordered that on this day previously designated by the Court, that the Grand and Petit Juros to serve at the June term, 1872, of this Court, be selected in open Court under the provisions of "An Act further regulating Juries," approved December 1st 1871. And thereupon the following named persons were drawn, To wit:

Grand Jury: To serve on the Grand Jury the following:
1 Mitchell, Eli 2 B. Smith 3 Ferdinand Marshals 4 Wm A. Crumpton; 5. C. L. Freeman 6 T. C. Tinkert 7 T. Lockwood 8 Giles Reed 9 John Erwin: 10 J. C. Minter 11 D. W. Crosthwait: 12 Conrad Pfluger: 13 John Walsh 14: John Goodman 15 T. Shaw 16 William Burks 17 A B Burleson 18 B Clements 19 Geo. McFarland 20 James F. Johnson

Petit Jury 1st Week: Petit Jurors to serve on the 3d week Commencing June 3d 1872:
1 Ben. Weir 2 Peter Andrews 3 Isom McArthur 4 Alex Anderson 5 B. Pebbles 6 M. C. Nuckals 7 Jo Gibson 8 Ed Huppertz 9 John Huff 10 Ros Williams 11 Alex Chapmus: 12 Winston Dempsey: 13 Wm Rieder 14 Chas. W. White 15 Jonathan Wilford 16 Caesar Givens 17 Nathaniel Immobles 18 John Johnson 19 Simeon Slooney 20 S. Scott 21 Wm Musgrove 22 Jacob Ennis 23 John W. Nicholson 24 Jaraba Houston

Petit Juries 2d Week: To serve on the week commencing June 10th 1872:
1 Jasper P. Hancock 2 Wm Givens 3 N. Morgan 4 Robert Sneed 5 Wm Green 6 Wm Evans 7 Chas. Krohn 8 J. C. Pierce 9 A. J. Mills 10 Ervin H. Leeds 11 Elisemond Boyce 12 Joseph Tosley 13 E. D. Campbell 14 Joanus Hosea Johns 15 John Cameron 16 Tobe Burditt 17 Jesse Richards 18 V Shackleford 19 R H. McCormick 20 Alex. Lewis 21 Aleck Smith 22 Jack Robinson 23 Antonio Cortinas 24 C G. Washington

Petit Juries 3d Week: To serve on the week commencing June 17th 1872
1. E. M. Mayfield: 2 Leigh Chalmers: 3 P. H. Brown. 4 Arion Pybrow 5 Ed. Wickerson 6 Suit Car-

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ington 7 Daniel McKenzie 8 Geo. Casey 9 Henry Thomas Ernst Krohn 10 Wm Givens 11 Thomas Knight 12 N. B. Davis 13 John M. Tibaut 14 W. T. Taylor 15 Samuel Williams 16 Solomon Douglass 17 Thomas J. Patton 18 J. L. Krig 19 John Penn 20 Solomon Wares 21 Val. C. Giles 22 Overton Owens 23 John Lee 24 B. C. Murray

4th Week To serve as Petit Juries for Week Commencing June 24th 1872
1 S. G. Cloud 2 Wm J. Mitchell 3 James Wright 4 M Solomon 5 John McBrown 6 Daniel Mace 7 Edward Blackstone 8 Henry Brown 9 E H. Cullen 10 J W. Smith 11 Jesse Lofs 12 R Williams 13 C. Vance 14 Thomas Ake 15 John Smith 16 Edward Barker 17 Henry Bowdin 18 E B Millican 19 Anderson Banks 20 John Buckman 21 Alex Brinkman 22 H. Missbaw 23 James D. Atkinson 24 John Mather

5th Week To serve week commencing 1st July 1872:
1 Dick Owens 2 A. Deffenbaugh 3 John W. Madison 4 Job Balam 5 Geo. Dockery 6 Geo. P. Buell 7 D. Fullenwider 8 T. Riemer 9 Henry Manar 10 Ad. Hulesbeck 11 Chas. M. Borland 12 Samuel Anderson 13 Frank Neal 14 B. D. McCormick 15 John Robinson 16 Jeremiah Davidson 17 Thomas Roberts 18 Monroe Organ 19 B. F. Warnock 20 G. W. Pierson 21 Manuel Brown 22 Wm Caldwell 23 James A. Chandler 24 Willis McLaurin.

2417 The State of Texas v. Boatman. Come the parties and announce ready for trial and waiving a Jury submit the case to the Court. And Defendant pleading guilty the Court here fixes the fine at $10 And it is Ordered that the State of Texas do have and recover of and from the Defendant Boatman said sum of Ten dollars and the cost of the prosecution and that alias fieri issue to collect the same. And Ordered that the forfeiture entered in this Case be set aside.

2789 M. A. Holbrook et. als. v. N. H. Watrous et. als Now on this day came the parties by their Attorneys and announced ready for trial and waiving a Jury agree to submit the case to the Court. And the Defendants thereupon submitted their demurrer to the petition, which being heard and argued, the same is overruled. And thereupon the plaintiff's cause of action being liquidated It is ordered that Martha A. Holbrook and her husband Samuel S. Holbrook, Mary F. Storrs, Electa S. Storrs, Lizzie Storrs and John D Storrs, said Mary, Electa, Lizzie and John being minors who sue by their next friend Samuel S. Holbrook, do have and recover of and from Nat. H. Watrous and H. Shearer, Administrators of the Estate of Daniel E. Watrous the sum of Five thousand Four Hundred, Fifty 84/100 Dollars principal and interest due upon the instrument sued on, to date, and the cost of this proceeding,

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to be paid out of the afets of said Estate in the course of administration, and the same may be so certified by the Clerk.

Thomas Kimball Ex Parte

And thereupon the Defendants give notice in open Court of an appeal to the Supreme Court.

Comes the applicant Thomas Kimball, and upon the hearing of the writ of Habeas Corpus and the evidence adduced It is Ordered that the applicant Thomas Kimball be admitted to bail: and that he be discharged from custody upon his giving bond in the sum of Eight hundred Dollars with two good and sufficient securities, conditioned as the law requires, to appear and answer to the charge preferred in the Indictment against him.

Hon. M. H. Powers

On this day comes C. S. West Esq and presented to the Court the following Proceedings of a Meeting of the Bar of Austin and moved that the same be entered upon the minutes of the Court which is Ordered to be done, as follows to wit:

"Meeting of the Bar.

At a meeting of the Members of the Bar of Austin and from else-where in the State present in Austin, to take appropriate action upon the subject of the death of Hon. M. H. Powers, at the office of Hancock & West, in the City of Austin, on the 4th day of March, 1872, on motion of C. S. West, Esq, Gov. A. J. Hamilton was called to the Chair and George W. G. Browne was elected Secretary.

C. S. West, in a few eloquent remarks, made known the object of the meeting, and on his motion a Committee was appointed to draft appropriate resolutions consisting (by appointment of the Chair) of C. S. West, W. L. Robards, M. A. Long and Judge A. W. Terrill, who retired for that purpose and during their absence the meeting was eloquently addressed by N. G. Shelley and Gov. Hamilton.

The Committee returned and adopted the following Resolutions:

Resolved 1. That as members of the Bar of the 27th Judicial District in common with the Bar throughout the State, we deeply lament the death of our brother the Honorable M. H. Powers, and feel that in his departure from among us the profession of the law has lost one of its ornaments and the community an eminent and useful citizen

2. That in token of our respect and esteem for the deceased, we request that a copy of these proceedings be entered of record upon the minutes of the District Court of this County, of the U. S. Circuit Court now in session in Austin and of the Supreme Court of Texas: and that C. S. West Esq be requested to present them to the State District Court, Judge Sheeks to the U. S. District Court and Judge G. F. Moore to the Supreme Court of the State

3. That we deeply sympathize with the family of the

deceased in their great affliction

4. That as a body we will attend on to morrow the funeral of our deceased brother, and will wear the usual badge of mourning for thirty days.

5. That the papers of the City be respectfully requested to publish these proceedings, and that the Secretary furnish a copy to the family of the deceased.

On motion of T. D. Moody, seconded by B. H. Davis the resolutions were unanimously adopted And thereupon the meeting adjourned.

A. J. Hamilton, Chairman

Geo. W. G. Browne Secretary

1 2381 The State of Texas v Bryant and James And now come the defendants Bryant and James and acknowledged themselves as principals, and S. W. Ford and I. V. Jones as securities and acknowledges themselves jointly and severally justly to owe and be indebted unto The State of Texas

And Court adjourned till to-morrow 9 o'clock am

Wednesday March 6, 1872.

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

1 2381 The State of Texas v Bryant and James. The Defendants Bryant and James, principals, and S. W. Ford and I. V. Jones, their surches, jointly and severally, acknowledge themselves indebted to the State of Texas in the penal sum of One Hundred Dollars for the payment of which, well and truly to be made, they bind each of themselves, their heirs, executors, and Administrators, to be levied of their respective goods, lands, tenements and estates, but to be void on condition that the said Defendants Bryant and James; who are charged with the offence of unlawfully neglecting and failing to pay the State Occupation tax due the State as Land Agents after having been duly notified by the Officer charged with Collection of said Occupation tax to pay said tax, appear before the District Court of the County of Travis on the first Monday of June next, 1872, there to remain from day to day, and from term to term, and not depart without leave of said District Court, in order to abide the judgment of the Supreme Court of the State of Texas.

1 3153. Hancock and West v J. M. Steiner et als. And now on this day came the parties to the above entitled cause, the said plaintiffs John Hancock and C. S. West in their own proper persons and the said J. M. Steiner by his attorneys Moore and Shelley and the said K. Sublett and the said The Sublett minor heirs of H. W. Sublett, Deceased, also appear by their

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special guardian W. M. Gilleland, who was duly appointed for that purpose by the said Court, and gave bond and qualified and sworn and filed an answer for the said minors. And thereupon the parties all announced themselves ready for trial. And there being no question of fact in dispute between the parties, simply a decree for partition sought, all the evidence was duly submitted to the Court without the intervention of a Jury. And upon due Consideration of all the matters It is adjudged and decreed by the Court that the said plaintiffs John Hancock and E. S. West are the true and lawful owners of one half of the North half of Lot No. 3 in Block No. 97 in the City of Austin in Travis county fronting on Congress Avenue, being eleven and one half feet front of said North half and running back the full depth of the said half lot to the alley. And it further appearing that the said J. M. Steiner has an interest in said North half of three eighths being eight feet & five eighths of a foot front & running back the entire depth of the said half lot: and that the said K. Sublett as one of the heirs of H. W. Sublett Deceased is entitled to one foot and seven sixteenths of a foot, front of said half lot and running back the entire depth of the said half lot: and it also appearing that the said minor Th. Sublett, as one of the heirs of H. W. Sublett, deceased, is also entitled to one foot & seven sixteenths of a foot front of the said half lot, and running back its entire depth. It is therefore decreed and adjudged that the interest of each and all the parties to this suit, in said half lot is as above set forth: And it further appearing to the Court that owing to the size of the said half lot and the number of sub-divisions in the same, that the same is not susceptible of a fair just and equal division among the owners of said half lot, except by a sale of the same It is therefore ordered that the Sheriff of Travis county do on the 1st regular sale day in April next, or as soon thereafter as possible, on a regular sale day offer and sell to the highest and best bidder for Cash in Coin, between the lawful hours of sale and at the usual places of sale and under the laws Governing Sheriffs sales, the said North half of Lot No. three in Block 97, in the City of Austin, above described, and on said sale to make a deed for the same to the purchaser, conveying all the right, title, claim and interest absolutely to such purchaser of all the plaintiffs and Defendants, and vesting the same by virtue of this decree in the purchaser on the receipt in hand of the purchase money in Coin, the purchaser to pay for executing the deed, for the acknowledgment, the stamps and the recording of the same. It is further ordered that the said Sheriff shall atonce pay over to the said plaintiffs John Hancock and E. S. West,

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or their attorneys one half the proceeds of the sale of said property and shall pay to the said J. M. Steiner, his agent or attorneys three eighths of the proceeds of the sale of said half lot and to the said W. M. Gilleland as Guardian of the said minors K. Sublett and Thos. Sublett, two sixteenths of the proceeds of said sale, one sixteenth to be the property of the said minor K. Sublett and one sixteenth of the proceeds to be the property of the said minor Thos. Sublett. And it is further ordered that the said costs of this proceeding be distributed and paid in like proportions by the Plaintiff and Defendants herein named and the said Sheriff make due return of his acts in the premises under this decree.

1373 Clara Weir, Plaintiff vs. Albert Weir Defendant. Divorce Suit. And now at this day comes the plaintiff by her attorneys and announced herself ready for trial. And it appearing that the Defendant has been duly served and has failed to answer (the answer on file being withdrawn by Counsel on account of a doubt as to his authority to appear) And no one appearing for the Defendant, under the supervision and direction of the Court thereupon came a Jury of twelve men to wit: N. Moore and eleven others who were duly sworn according to law: and having heard the pleadings, the evidence, the arguments of Counsel and the charge of the Court, retired to consider of their verdict And thereupon returned into Court the following verdict: "We the Jury find the facts in the case as stated by the plaintiff to be true. (Signed) N. Moore, Foreman."
And thereupon it appearing to the Court that sufficient grounds of divorce are shewn, It is ordered that the bonds of matrimony heretofore existing between the plaintiff Clara Weir and the Defendant Albert Weir, be dissolved, annulled and set aside, and the divorce prayed for be granted. And it appearing that Lot No. 7 in Block No. 66 in the City of Austin is the separate property of the plaintiff It is ordered that she be quieted in her possession of the same and have and recover of and from the Defendant all the costs of this suit, for all which execution may issue.

2113 The State of Texas vs. Silas Rawls. And now on this day came the parties and the Defendant submitted to the Court his motion for a new trial, which being heard and considered, It is ordered that the motion be granted, that a new trial be awarded, and that the cause be continued to the next term of this Court for a re-hearing.

2228 A. Ten Eyck vs. Henry & Hamilton. Continued by agreement.

2229 A. B. McGill vs. Henry & Hamilton Continued by agreement.

2815 H. Thompson v. D. A. Wray Continued.

3010 D. L. Crofs v. Geo. L. Robertson Continued

3050 E. J. Davis, Jr. vs. A. Pledsoe et. als Continued

3071 M. A. Taylor vs. A. H. Longley Continued

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3113 G A Gibson vs E C Dewey. Continued by agreement.
3121 Wm Coats vs W. C Hanes Continued
3146 Betsey Brown vs Manuel Brown Continued
3147 Al. Musgrove vs W R Baker Continued
3150 W. A Shaw et als vs John Norwood et als Continued
3151 Charles Shepherd vs John J. Reed et als Continued
3152 Horace Doughton vs E. C. Dewey. Continued
3159 Augusta & Ernst Raven vs P. DeCordova et al. Continued by the Defendant.
3176 Don Blum et als vs Banks and Ricks Continued by agreement
3180 Wm Eborn vs Geo D. Zimpelman Admr Continued
3186 Wm Chapman vs W. A Davis Cause Continued
3203 Ida J. Scripture vs Geo W. Scripture Continued for Service.
3206 The State of Texas vs James T. Brown et al. Ordered that this cause be dismissed for want of prosecution.
3212 Thos B. Palmer vs Deshiel Denton Continued
3214 Joseph Carothers vs B. H. Davis, Admr et al. Continued
3223 N. de la Zerda vs C. A. Pledger Compt. Continued
3224 Louis B. Gaspin et al vs A Richter et al. Continued And ordered further that the plaintiffs herein have leave to amend.
3230 D. M. Wilson vs F. Schmitz. Continued.
3233 Fish Brothers vs C. N. Recto & Co. Continued
3239 Catherine Hancke et al. vs The Phoenix Mutual Life Insurance Company. And now on this day come the plaintiffs above named, that is to say the said C. R. Johns & Co as there named, by their attorneys, and the said Catherine Hancke for herself and as Guardian of the said minors Selma and Fred. W. Hancke: and by consent of the above Plaintiffs and Defendant given in open Court and upon the approval of the Court as to the said minors as most to their interest. It is ordered by Consent, that the said Plaintiff Catherine Hancke, in her own right, and as Guardian of said minors, do have and recover of and from the said Defendant the sum of Three Thousand three hundred and fifty dollars in Coin. And it is further ordered by Consent that said sum of money above named be paid over to the attorneys of the said Catherine Hancke. And it is further ordered that said sum be divided into two equal parts, to wit: One thousand six hundred and Seventy five dollars in Coin, being one half to the said Catherine Hancke in her own Right, and One thousand six hundred and Seventy five dollars, in Coin, being the remaining half, be set apart to her as Guardian of said minors. It is further ordered that out of the said individual portion of the said Catherine Hancke the sum of One thousand three hundred and forty two dollars and fifteen Cents, in Coin, be set apart to C. R. Johns & Co. for which execution may issue. And it is ordered that the costs of this suit be equally paid by all the parties thereto.

Feberuary Term, Thursday, March 7th 1872.

Thursday. March 7th 1872.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

1330 Giles H. Burditt v. W. B. Burditt et.als. In this case Giles H. Burditt having made his Report that he advertised the remaining unsold lots of the Lucas Thmos 485 acre Survey in Travis County, to wit: Lot No 1 of 40 acres: Lot No 9 of 40 acres. Lot No 14 of 35 acres and Lot No 15 of forty acres for sale, on the 6th Feby 1872 in pursuance of previous Orders of this Court, and that he did not sell the same on account of the inclemency of the weather and the small attendance of bidders It is Ordered that the former Orders of this Court be continued to said Giles H. Burditt as Commissioner and that he proceed to sell said lands after due advertisement thereof as required in the said former Orders

3054 M. B. McAlpine et.al. v. E. M. Pease et.als. Upon motion It is Ordered that the Commissioners appointed to partition the property in this Case be allowed the sum of ten dollars each, amounting to thirty dollars, and that the Special Guardian W. S. Hotchkiss be allowed Twenty Dollars to be taxed in the Bill of Cost.

3070 Raymond & Whitis v. E. C. Dewey. Continued

3133 Jose Maria Garcia Villareal v. The State of Texas. By agreement of the parties duly filed in this case It is ordered that Noah Cox, of the County of Starr, in this State, be appointed Commissioner to take the testimony necessary, or desired to be taken, in the above entitled cause and all other causes of a similar character now pending in this Court, or that may be hereafter filed in this Court, concerning lands in the region of country between the Nueces River and the Rio Grande. as per the terms of said agreement.

2271 The State of Texas vs. Geo. W. Barnes. And now on this day came the parties to this cause, and the Defendant by his counsel submitted to the Court his motion for a new trial, which being heard and argued by counsel and duly considered It is ordered that the same be overruled. And thereupon the Defendant gives notice in open Court of an appeal to the Supreme Court.

2369 The State of Texas vs. Wm Van alstine. And now on this day comes the Defendant in open Court. And it appearing that the said Defendant has been found guilty by the Jury trying the case of the Offence charged in the Indictment, who assessed the penalty at confinement in the Penitentiary. And the said Defendant being asked if he had any thing to say why Judgment should not be rendered and sentence pronounced against him in accordance with said verdict, and offering no sufficient reason It is ordered that the Defendant Wm Van Alstyne be confined in the Penitentiary at hard labour for the term of two years. And further ordered that the Defendant be taken by the Sheriff of Travis county and safely

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conveyed to the Superintendent of said Penitentiary there to be confined at hard labor in the Penitentiary for two years.

2371 The State of Texas v. James F. Brown. And now on this day comes J. F. Brown as principal and B. M. Odum and F. F. Pendley as securities, and they acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Three Hundred Dollars to be levied upon their Goods and Chattels, Lands, Tenements and Estate, But to be void upon condition that the said James F. Brown make his personal appearance before the Hon. District Court of Travis County to be held at the Courthouse thereof in Austin on the 1st Monday in June, 1872, then and there to remain from day to day and from term to term thereafter, to answer the Indictment preferred against the said Brown by the Grand Jury of Travis County at the February term of the District Court of said County 1872 for Making an Assault with intent to kill and murder and that he do not depart the Court without leave.

2373 The State of Texas v. James F. Brown. And now on this day comes James F. Brown as principal and B. M. Odum and F. F. Pendley as securities and they acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of three hundred Dollars, to be levied upon their Goods and Chattels, Lands, Tenements and Estate, But to be void upon condition that the said James F. Brown make his personal appearance before the Hon. District Court of Travis County to be held at the Courthouse thereof in Austin on the 1st Monday in June 1872 then and there to remain from day to day and from term to term thereafter, to answer the Indictment preferred against the said Brown by the Grand Jury of Travis County at the February term 1872 of the District Court of said County for Burglary, and that he do not depart the Court without leave.

2388 The State of Texas v. Geo. Washington alias Geo Kennedy. And now on this day comes the Defendant in open Court and it appearing that the said Defendant has been found guilty by the Jury trying the case of the offence charged in the Indictment, who assessed the penalty at Confinement in the Penitentiary. And the said Defendant being asked if he had anything to say why judgment should not be rendered and Sentence pronounced against him in accordance with said verdict. And offering no sufficient reason, It is ordered that the Defendant Geo. Washington alias Geo. Kennedy be confined in the Penitentiary at hard labor for the term of Five Years. And it is further ordered that the Defendant be taken by the Sheriff of Travis county

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and safely conveyed to the Superintendant of said Penitentiary there to be confined at hard labor for five years.

1 2418 The State of Texas vs Manuel Roche. And now on this day comes the Defendant in open Court. And it appearing that the Defendant has been found guilty by the Jury trying the case of the Offence charged in the Indictment, who assessed the penalty at Confinement in the Penitentiary And the said Defendant being asked if he had anything to say why judgment should not be rendered and Sentence pronounced against him in accordance with said verdict: and offering no sufficient reason It is Ordered that the Defendant Manuel Roche be confined in the Penitentiary at hard labour for the term of two years. And it is farther Ordered that the Deft be taken by the Sheriff of Travis County and Safely Conveyed to the Superintendent of said Penitentiary there to be confined at hard labour in the Penitentiary for two years

1 2440 The State of Texas vs Bill Fields And now on this day comes the Defendant in open Court And it appearing that the said Defendant has been found guilty by the Jury trying the Case of the Offence charged in the Indictment who assessed the penalty at Confinement in the Penitentiary. And the said Defendant being asked if he had any thing to say why judgment should not be rendered and sentence pronounced against him in accordance with said verdict and offering no sufficient reason It is Ordered that the Defendant Bill Fields be confined in the Penitentiary at hard labour for the term of three and one half years. And it is further ordered that the Defendant be taken by the Sheriff of Travis county and safely Conveyed to the Superintendant of said Penitentiary there to be Confined at hard labor in the Penitentiary for three and one half years

1 2441 The State of Texas vs J. R. Burns. And now comes the Deft J.R. Burns and as principal and Eldon Burns as security and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of One thousand Dollars to be levied upon their Goods and Chattels, Lands, Tenements and Estate But to be void upon condition that the said J.R. Burns make his personal appearance before the District Court of Travis county to be held at the Courthouse thereof in Austin on the first Monday in June, 1872 there and then to remain from day to day and from term to term thereafter to answer the Indictment preferred against the said J.R. Burns by the Grand Jury of Travis county at the February term 1872 of the District Court of said County for Perjury and that he do not depart the Court without leave

1 E. Philips And now on this day comes E. Philips and makes application under oath, according to Law, for a final naturalization Certificate And the Court being satisfied that the state-

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ments contained in said petition are true and said applicant having taken the oath that he will support the Constitution of the United States and of the State of Texas and that he doth absolutely and entirely renounce and abjure forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever and more particularly to the Emperor of France. And said applicant bringing with him into Court two witnesses B. M. Odum and A B. Newman who swear to the good moral character of the applicant and of his attachment to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same It is ordered that said E. Philips be admitted a citizen of the United States and that a certificate issue to him accordingly.

Def. Petit Jurors. Ordered by the Court that the following named Jurors be fined ten dollars each for failing to serve as Jurors at this term of the Court, after having been duly summoned by the Sheriff, and that Scire facias issue to each of them returnable to the next term of this Court Commanding them then and there to appear and show cause if any they can why the fine against them should not be made final to wit: Ed an Jackson, J. M. Godley, B Miller, Wm Leipig, Joseph Blum and Wm Davis

Clerk's Fee. And further Ordered that the Clerk of this Court be allowed One hundred and twenty dollars for extra services at this term of the Court, payable out of the County Treasury upon a certified Copy of this Order.

Sheriff's Fees. Ordered that the Sheriff be allowed One hundred Dollars for extra services at this term of the Court, to be paid out of the County Treasury upon a certified Copy of this Order

And that the following named Bailiffs be allowed the sums set opposite their names for services at this term of the Court to be paid on the Certificate of the Clerk.

W. W. Fletcher	24 days	Forty eight Dollars
J. M. Hartson	24 days	Forty Eight Dollars
Fred. Pick	29 days	Fifty Eight Dollars
Henry Maddox	29 days	Fifty Eight Dollars

Sheriff's Fees.

Report of Clerk. To the Hon. J. C. Richardson, Judge 27th Judicial District.
The undersigned clerk of the District Court within and for the County and State aforesaid makes the following Report of Jury Service at the February term 1872 of said Court.

Grand Jury.

1	G H. Burdett	9 days	$18.00
2	J. H. Houghton	9 "	18.00

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3	L. Brown	9	days	$ 18.00
4	W.H. Jayno	9	"	18.00
5	John E. Wallace	9	"	18.00
6	Henry Sneed	9	"	18.00
7	Robert Nichols	9	"	18.00
8	R.O. Wright	9	"	18.00
9	Richard Luckett	9	"	18.00
10	James Madison	9	"	18.00
11	Ed Wacker	9	"	18.00
12	J.H. Coleman	9	"	18.00
13	S.J. Meeks	9	"	18.00
14	James Pickel	9	"	18.00
15	W.S. Johnson	9	"	18.00
16	Wm Lyon	9	"	18.00

Petit Jury.

1	Brown, M.H.	10	days	20.00
2	Burton Wm	4	"	8.00
3	Bennett B.C	4	"	8.00
4	Blumm Rudolph	2	"	4.00
5	Blue John W.	9	"	18.00
6	Barry Robert	11	"	22.00
7	Beckett W.K	6	"	12.00
8	Brown Henry	6	"	12.00
9	Bowles Thomas	7	"	14.00
10	Bottom J.J.	13	"	26.00
11	Burleson A.B	5	"	10.00
12	Blount Roger	5	"	10.00
13	Byrne Geo.	5	"	10.00
14	Buffington Wm	5	"	10.00
15	Bergener H.	2	"	4.00
16	Bell Caesar	2	"	4.00
17	Bilhipley Ed	2	"	4.00
18	Cook W.J.	5	"	10.00
19	Caperton R.S.	6	"	12.00
20	Christian Ed.	6	"	12.00
21	Carpenter Wm	6	"	12.00
22	Cotton	6	"	12.00
23	Catchins John	6	"	12.00
24	Capris James	5	"	10.00
25	Cox Wm	4	"	8.00
26	Cooper Sam	2	"	4.00
27	Cleveland Andy	2	"	4.00
28	Carrington Ed	5	"	10.00
29	Cook Geo	2	"	4.00
30	Duff H.H.	4	"	8.00
31	Dickerson Alex	7	"	14.00

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32	Eckel	2 "	4.00
33	Eaves Hugh	2 "	4.00
34	Farrell James	4 "	8.00
35	Frahich, F.	2 "	4.00
36	Godey F.H	8 "	16.00
37	Grech, Simeon	6 "	12.00
38	Gradington Thday	7 "	14.00
39	Giles W.L.	5 "	10.00
40	Glasscock, W.L.	5 "	10.00
41	Hutchins Albert	6 "	12.00
42	Hamilton J. W	5 "	10.00
43	Haynie Geo.	4 "	8.00
44	Holland John	7 "	14.00
45	Hill Tom	7 "	14.00
46	Hughes John	2 "	4.00
47	Holland L	2 "	4.00
48	Jones Wm	6 "	12.00
49	Johnson David	8 "	16.00
50	Johns David C	5 "	10.00
51	Johns Samuel	4 "	8.00
52	Jones E.J	2 "	4.00
53	Kirksey J. W	5 "	10.00
54	Kirk C C	6 "	12.00
55	Keller Geo.	2 "	4.00
56	Kelley Peter	2 "	4.00
57	Kenbey Caesar	5 "	10.00
58	Lee, H. G.	11 "	22.00
59	Mason Sam	10 "	20.00
60	McKenzie Lacy	7 "	14.00
61	McLaughlin W.W.	3 "	6.00
62	Musgrove al	4 "	8.00
63	McFarland W. D.L.	6 "	12.00
64	Metz H. M.	15 "	30.00
65	Metz, C.	11 "	22.00
66	Moore, Nat	13 "	26.00
67	Morgan E D	11 "	22.00
68	McGarey Henry	5 "	10.00
69	Musgrove al.	5 "	10.00
70	McArthur John	5 "	10.00
71	Merry, Thomas	5 "	10.00
72	Madison Shelby	2 "	4.00
73	Marshall, Chas.	3 "	6.00
74	Milley, Henry	5 "	10.00
75	McFarland J.	3 "	6.00
76	Mitchell Duke	5 "	10.00
77	Medaris	2 "	4.00

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78	Moore, Chas.	2.	4.00
79	Nauert, August	5.	10.00
80	Noland John	5.	10.00
81	Nitschke, A.L.	2.	4.00
82	Norris, A.R.	2.	4.00
83	Orr, A.W.	2.	4.00
84	Ochiltree Henry	5.	10.00
85	Oflager Wm	5.	10.00
86	Pratt C	11.	22.00
87	Pierce J.C.	5.	10.00
88	Puckett W.W.	2.	4.00
89	Robinson Wm	6.	12.00
90	Randall E.L.	5.	10.00
91	Ragsdale H.	5.	10.00
92	Rector AD	3.	6.00
93	Robinson Aaron	5.	10.00
94	Swenson Alex	4.	8.00
95	Smith, A.S.	5.	10.00
96	Smith, Cyrus	6.	12.00
97	Shepherd J.D.	11.	22.00
98	Sawyer Wm	5.	10.00
99	Sausberry Nicholas	5.	10.00
100	Sneed John	2.	4.00
101	Smith, Charles	2.	4.00
102	Scott Alfred	2.	4.00
103	Turner W.D	5.	10.00
104	Taylor Jeff	5.	10.00
105	Whitten A.H.	5.	10.00
106	Warren J.L.	6.	12.00
107	Willis Henry	5.	10.00
108	Walling Geo W.	5.	10.00
109	Washington Jos	5.	10.00
110	Wickie A.	1.	2.00
111	Washington Chas	2.	4.00
112	Zimmerman E	2.	4.00

Respectfully Submitted Mch 7. 1872
G R Morris Clk
By Frank Brown Deputy

Examined found Correct and approved.
J.P. Richardson Judge.

1 | 3172 Caroline Neumann vs. A.B. Neumann. And now on this day came the above named parties by their attorneys and the said Plaintiff by her attorney move the Court to dismiss this cause at her costs. and that Charles Klein who was appointed Receiver in this case be discharged. And no opposition being made to said

Feberuary Term, Friday, March 8th 1872.

motion It is therefor ordered by the Court that said cause be and the same is hereby dismissed at the costs of said Plaintiff And it is further ordered by the Court that the authority conferred upon said Receiver be and the same is hereby revoked, and the said Receiver be and he is required to turn over to said Caroline Neumann all property which has come to his hands as such And he shall account to her for all rents and profits arising therefrom in his hands.

12381 The State of Texas vs Bryant and James Comes the District attorney, and submits his motion to set aside the verdict and judgment in this case because of the informality of the same, And thereupon It is ordered that said motion be granted that the said verdict and Judgment be set aside and vacated and that the cause be continued.

And the foregoing Minutes being read in open Court & found correct, are approved.

J. P. Richardson,
Judge 27th Judicial District.


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CIVIL MINUTES

J