CIVIL

MINUTES

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District Court
~~Civil~~ Minutes

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The State of Texas
County of Travis

Be it remembered that on this the twenty sixth day of July Anno Domini one thousand eight hundred and fifty three there was drawn according to law in the City of Austin in the County of Travis and State aforesaid by John M Bastley Clerk of the District Court of said County of Travis, and Ashford B McGill Clerk of the County court of said County of Travis in the presence of John T Allan. Esquire. an acting Justice of the Peace within and for said County and State aforesaid. the following named persons to serve as Jurors at the Fall Term of the District Court thereof within and for said County and State aforesaid, Anno Domini one thousand eight hundred and fifty three. as follows to wit

1 Robert S Ferguson.
2 William H Atwood
3 James Rogers
4 John W. Moullen
5 Henry Johnson
6 Ernst Raven
7 William G Rogers
8 Wiley B Nichols
9 Daniel McKenzie
10 James H Riley
11 John H Robb
12 Gustavus Kirchberg
13 John Edwards
14 Edward McCarty
15 Giles H Burdett
16 John L Errington
17 Dennis Walsh
18 Isaac Ephright
19 William McCutchin
20 Joseph Barnhart
21 George W Glasscock
22 John H P Carr
23 Nathaniel H Gilliland
24 Washington H Miller
25 Gideon G Pace
26 William R Baskman
27 Jesse J Burdett
28 Henry P Washington
29 Nicholas Broadway
30 Enoch S Johnson
31 Edward Elders
32 Elisha McCuiston
33 Hyram Bennett
34 James P McKinney
35 Alfred Smith
36 Thomas Osborne

John T. Allan J.P.
Travis Co.

W M Bastley Clk
D C & S C

A B McGill
Clk C C T C

Fall Term, Monday 5th September A. D. 1853

The State of Texas
County of Travis

Be it remembered that at a Term of the Honorable The District Court began and holden at the Court House thereof in the City of Austin within and for said County of Travis and State aforesaid. on the first Monday in September Anno Domini one Thousand Eight Hundred and fifty three. it being the fifth day of said Month A D 1853 the same being the time appointed by Law for the holding of the District Court of the Second Judicial District within and for the said County of Travis and State aforesaid. Present the Honorable John Hancock Judge of said Court John M Easterly Clerk of said Court, and George W Scott Sheriff of said County of Travis.

The said Court being organized the following proceedings were had by said Court. as follows to wit

The Venire having been previously drawn according to Law. and the same issued Executed and returned in to Court in Compliance with the requisitions of of the Law in such case made and provided

Whereupon the Court ordered the Sheriff to make proclamation before the Court House door of the names of those appearing upon the said Venire, and in obedience to said order. the Sheriff made said proclamation. Whereupon the following named persons responded to their names, when so proclaimed as aforesaid to wit

William M. Atwood. James Rogers. Henry Johnson Ezra Raven. William B Rogers. Riley B Richie. Daniel McKenzie James M Riley. John M Hug. John Edwards Giles H Burgess. John L Harrington. Dennis Nash. William McCutchin. Joseph Bankhead. George D Glascock John A Barr. Gideon G Pace. William

Fall Term, Monday Septr 5th A. D. 1853.

R Buchman, Jesse G Burdett, Thomas P Washington, Nicholas Broadway, Enoch S Johnson, Edward Seiders, Hiram Bennett James P McKinney and Alfred Smith.

The following named persons failed to appear and give answer to their names upon the calendy of said Venire to wit. Gustavus Kirchberg and Washington D Miller (they having been regularly and legally drawn and Summoned as said Venire)

From those appearing in obedience to the Summons and Proclamation of said Sheriff as aforesaid. the following named persons was by said Court Constituted. The Grand Jury for said County and State aforesaid to serve as such for and during the present Term of said Court as follows to wit.

Thomas P Washington. Enoch S Johnson. John G Arrington, John A P Carr. Ernst Raven. James Rogers. Giles G Burdett. James P McKinney. Dennis Nash. Alfred Smith. Edward Seiders William R Buchman. Daniel McKenzie William McCutchin. Henry Johnson. Joseph Barnhart Riley B Nichols. Gideon G Pace. & Jesse G Burdett. The same being nineteen good and lawful men of the County of Travis and State of Texas. who after being duly sworn according to Law. was by said Court duly and legally Empannelled to serve as Grand Jurors for said County of Travis. at and for the present Term of said Court.

And thereupon the Court appointed Thomas P Washington Foreman of said Grand Jury. and the said Thomas P Washington was by said Court duly sworn according to Law to act as such Foreman. and thereupon the Court Charged said Grand Jury as to the duties incumbent upon them. and after receiving the Charge of said Court retired to the Grand Jury Room. in Charge of John M Cocke Constable of Austin Precinct Travis County. and Ex officio Bailiff for said Grand Jury there to retire upon the duties incumbent upon them by virtue of their said Election as aforesaid

It appearing to the Court from the

Fall Term. Monday September 5th 1853

return of the Sheriff made and the said Venire that Robert S Ferguson. John W. Moullen. Edward McCarty. Isaac Ephraim. Nathaniel W Gilliland. Elisha McClinton. and Thomas Osborne Seven of the regular Venire men. were not found in his (the Sheriffs) County. It is therefore ordered that the said Seven names of the said Veniremen be and the same is hereby held for naught

John W Pleu. William H Atwood and Kirans Bennett. three of the regular Venire men. appeared in open Court. and on motion and good cause shown to the Court were discharged from further attendance on the same during the present Term of said Court.

Whereupon the Court ordered. that the same adjourn until 3 Oclock P. M

3 Oclock P. M Court met pursuant to adjournment. Present. the Honorable Robert S Jones Judge of the first Judicial District of the State of Texas. Presiding by the request of the Hon John Hancock Judge of the 2nd Judicial District of said State.

Whereupon the following proceedings were had in said Court as follows to wit

George W Glascock. James H Riley. Nicholas Broadway. John Edwards and William C Reager. five regular Venire men for the present Term of said. appeared in open Court. and were duly sworn according to law serve as Petit Juros for the present Term of said. Whereupon it appearing to the Court that there was not a Sufficient number of Petit Juros. The Court ordered the Sheriff to Summon instanter a Sufficient number of good and lawful of Travis County to complete the Panel of Petit Juros Whereupon the Sheriff Summoned, and bro's before the Court the following named Persons to wit Leonidas D Carrington. Samuel G Sewell Alexander Agnes Ellison Buck Benjamin Choate. James D Easton and Thomas L Campbell. Seven good and lawful men of the County of Travis aforesaid who being duly sworn according to law to serve

Fall Term, Tuesday Sept. 6th A. D. 1853.

as such, the same the said Petit Jury to wit, Geoge D Glascock, James W Riley, William B Rodgers, Nicholas Broadway, Lenidas D Carrington, Samuel G Sorrell, John Edwards Alexander Eanes, Ellison Burch, Benjamin Choate, James D Easton and Thomas Campbell twelve good and lawful men of the County of Said and State aforesaid, who being duly elected Empannelled and sworn by said Court, to Serve as Petit Juros for the present Term of the same, was by said court ordered to dispense until Tuesday Morning 9 o'clock A M. September 6th A D 1853.

19 E & R Robertsons Admr's vs James B Shaw Compt &c — Plaintiffs / Defendant

And now on this day came the parties to the above entitled cause by their attornies, and on motion and by consent of parties it is ordered that the above cause be continued until the next Term of this court.

55 Gustavus Kirchberg Admr. vs Burchard Miller — Plaintiff / Defendant

In the above cause on motion of plaintiffs attornies it is ordered by the court that they have leave to amend their pleadings in said cause

74 Thomas F Chapman vs Edward R Oliver et.als — Plaintiff / Defendants

And now on this day came the parties to the above cause by their attornies and thereupon the said Defendants by their attornies moved the Court to be permitted to file an amended answer in said cause, which said permission was by the court granted and said Amended answer filed accordingly

131 William H Miller vs Abner H Cook — Plaintiff / Defendant — For recovery of a town lot in the City of Austin

And now on this day came the

Fall Term, Tuesday Sept 6th A. D. 1853

parties to said cause by their attornies. Whereupon on upon motion and by consent of parties thereto, It is ordered by the court that said cause be and the same is hereby continued until the next term of this court.

The State of Texas } On motion of Alexander
County of Travis } M Chalmers, District
Attorney for the second Judicial District, It
is Ordered by the Court that Monday next
September the Twelfth A D 1853. be and
the same is hereby set apart for the taking
up of the Criminal Docket.

225 John Bratton, Plaintiff — Certiorari from Justices Court.
vs
James D Easton, Defendant — Travis County

And now on this day came the parties to the above entitled cause by their attornies. and on motion and by consent of parties, It is ordered by the court, that said cause be continued until the next term of this court. as an application of Defendant

252 Willis Stewart et als, Plaintiffs — Injunction
vs
Geo Nanuck et ux, Defendants

In this cause this day came the plaintiffs in the above cause by their attornies and on their motion It is ordered by the Court that they have leave to amend their Petition in said cause.

267 John H Green. Admr. of Lemuel Moore Decd, Plaintiff — Attachment
vs
Lyman Wight, Defendant

And now on this day came the plaintiff in the above entitled cause by attorney. and moved the court to dismiss said cause at the cost of said plaintiff Thereupon it ordered by the Court that said cause be and the same is hereby dismissed at the costs of the said plaintiff. And it is further considered ordered adjudged and decreed by the court that the said Defendant Lyman Wight go hence without day, and have and recover

Fall Term. Monday Sept 6th A. D. 1853.

of and from the said Plaintiff John A Green Administrator of the Estate of Lamar Moore deceased all of his costs in this behalf laid out and expended. And it is further considered ordered adjudged and decreed by this court that the costs of said suit be properly taxed by the Clerk of this court, and that the same be certified by him to the Probate Court of Jones County as an Established Claim against said Estate

Caroline M Rawles Plaintiff For the recovery
vs of a negro Man
James M Raymond Defendant Slave &c.

And now on this day came the parties to the above cause by their Attorneys and thereupon the said parties moved the Court to dismiss said cause at the costs of the said Plaintiff. It is therefore ordered, adjudged and decreed by the Court that said cause be and the same is hereby dismissed at the costs of the said Plaintiff. And it is therefore further considered ordered, adjudged and decreed by the Court that the said Defendant James M Raymond go hence without day, and have and recover of and from the said Plaintiff Caroline M Rawles all of the costs in this behalf laid out and expended, and that Execution issue therefor &c &c

William Walton

And now on this day came and appeared in open Court William Walton, and presented to the Court 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 appearing to the Court here that the said William Walton had heretofore been regularly admitted to practise as an Attorney and Counsellor at Law in all of the Courts of Law and Equity in the State of Mississippi (as per his License from said State now on file in said Court) And it further appearing to the Court here that the said William Walton is a man of honesty, probity and good moral Character

Fall Term, Tuesday Sept 6th A. D. 1853.

Satisfactory evidence to that effect having been produced before this Court. It is therefore Considered, ordered, adjudged, and decreed by the Court that the said William Walton be and he is hereby admitted to practise as an Attorney and Counsellor at Law in the several District and inferior Courts of the State of Texas. Upon the taking of the oath prescribed by Law, and that a License issue to him accordingly

John C Hampton appeared in open Court and was thereupon duly sworn according to law to act as Special Bailiff for the Grand Jury of Travis County, at and for the present Session thereof, and thereupon the Court ordered the said Special Bailiff to retire upon the discharge of his duties

Ordered by the Court that Court adjourn until Tuesday Morning 9 O'clock A M. September 6th A D 1853.

Tuesday Morning 9 O'clock A M Court Convened pursuant to adjournment Present the same as on Yesterday at 3 O'clock P.M. Whereupon the following proceedings were had, as follows to wit:

Richard D Browning

And now on this day came and appeared in open Court the said Richard D Browning and presented to the Court his petition praying to be admitted to practise as an Attorney and Counsellor at Law in the several District and inferior Courts of the State of Texas, and the said Richard D Browning having presented to the Court here sufficient evidence of his good moral character. And also that he the said Richard D Browning possesses a competent knowledge of the Law to entitle him to be admitted to practise as an Attorney and Counsellor at Law in the several District and inferior Courts of the said State of Texas. It is therefore Considered, ordered

adjudged and decreed by the Court that the said Richard S Browning be and he is hereby admitted to practise as an attorney and Counsellor at Law in the several District and inferior Courts of the said State of Texas, Upon the taking of the oath prescribed by Law. and that a Licens issue accordingly—

Willis S Robards

And now on this day came and appeared in open Court the said Willis S Robards, and presented to the Court here his Petition praying to be admitted to practise as an Attorney and Counsellor at Law in the several district and inferior Courts of the State of Texas. And the said Willis S Robards having presented to the court here sufficient evidence of his good moral Character and honorable deportment, and that the said Willis S Robards had been duly licensed as an attorney and counsellor at Law in the States of Tennesse and Mississippi, and that he the said Willis S Robards has emigrated to the State of Texas with the intention of becoming a permanent citizen therein. It is therefore Considered, Ordered, adjudged, and decreed by the Court that the said Willis S Robards be and he is hereby admitted to practise as an attorney and Counsellor at Law in the several District and inferior Courts of the State of Texas Upon the taking of the oath prescribed by Law and that a Licens issue accordingly—

John Chenoweth Plaintiff } To revive a
vs } Judgment
Thomas Whitehead Defendant }

And now on this day came the parties to the above entitled cause by their attorneys and thereupon the said plaintiff by attorney Josiah Dirk move the court to be permitted to take a non suit in said cause the said defendant by attorneys consenting thereto and the Court after considering said motion and the question of Law thereon arising is of opinion that said

Fall Term. Tuesday Sept 6th A. D. 1853

motion of said plaintiff be sustained and that he be permitted to take a non suit in said cause it is therefore considered ordered adjudged and decreed by the court that the said plaintiff be and is hereby permitted to take a non suit in said cause and it is further considered ordered adjudged and decreed by the court that the said defendant Thomas Whitehead go hence without day and have and recover of and from the said John Chumoth plaintiff all of his costs in this behalf laid out and expended and that Execution issue therefor

9

Albert C. Horton et als
vs
Joseph W. Robertson et als and John A. Green administrator of the Estate of John L. Chalmers deceased Intervenor

Plaintiffs
Defendants
Intervenor

And now on this day came the parties to the above entitled cause by their attorneys and thereupon John A Green administrator of the Estate of John L Chalmers deceased moved the Court to be permitted to file his petition of intervention in said cause which said motion and permission was granted by the Court and said petition of intervention was filed accordingly

14

George Babcock
F. W. Grayson
and E. M. Grayson
administrator and
administratrix of the
Estate of Benjamin
F Grayson
vs
Nancy Mc Kay and
James Knight

Plaintiffs

Defendants

Trespass to try Title to Lot No 2 in Block No 83 in the City of Austin

And now on this day came the parties plaintiffs and defendants and also the Intervenors by their attornies respectively and the defendants attornies

Fall Term Tuesday Sept 6th A. D. 1853.

filed their motion to strike this cause from the Docket, and the plaintiff filed his motion to try the cause &c. Both of which motions after consideration were overruled by the Court, and the Court after hearing the facts directed the Clerk to enter a judgment, and both parties filed bills of exceptions, and now it appearing to the Court that at the Fall Term A. D. 1850 of said Court the jury duly elected empannelled and sworn to try said cause after hearing the evidence in the case, the argument of Counsel thereon, retired under the Charge of the Court & returned into Court a verdict for the defendants and that the Court then and there attempted to proceed to a judgment which said judgment has since been pronounced by the Supreme Court to be a nullity. It is therefore considered adjudged and decreed by the Court here that the said plaintiff and the said intervenor take nothing by their suit in this behalf &c. And it is further considered ordered adjudged and decreed by the Court here that the said defendants Nancy Metz and James Knight go hence without day and have and recover of and from the said plaintiff George Hauck and of the said intervenors Thomas. M. Grayson and C. M. Grayson administrator and administratrix of the Estate of Benjamin. J. Grayson deceased respectively their Costs in and about this suit laid out and expended and that the costs herein expended as against the said intervenors be properly taxed and certified to according to Law by the Clerk of this Court and that the same be certified as an Established Claim against the Succession of Benjamin. J. Grayson deceased, and that as to the costs herein adjudged against the said plaintiff George Hauck in favor of the said defendants Nancy Metz and James Knight Execution issue in their favor therefor.

21

Marietta Hillburn vs Owen O'Brien } Plaintiff vs Defendants } For Recovery of negroes

And now on this day came the parties to the above entitled cause

Fall Term Tuesday Sept 6th A D 1853

by their attornies and a thereupon the said defendant by attorney filed his motion in terms of the law moving the Court to rule the said plaintiff to enter into bond and security for the costs of said suit. And the Court after considering said motion and the questions of law thereon arising is of opinion that said motion be and the same is hereby sustained. Whereupon it is ordered adjudged and decreed by the Court that the said plaintiff enter into bond and security for the costs of said suit on or before the first day of the next term of this Court. Otherwise the said cause will be dismissed at the costs of the said plaintiff.

50

Walker. Wilson — Plaintiff
vs
Josiah Fisk — Defendant — Injunction
administrator of
the Estate of Thos.
Goodman, & Isaac
Applewhite & Frederick
Fr Chandler.
Intervenors — Intervenors

In this case this day came the parties to said cause respectively by their attornies and thereupon the said defendants Josiah Fisk and Isaac Applewhite by their attornies filed their motion to dissolve the injunction in said cause and the Court after hearing the arguments of counsel for and against said motion and the Court considering said motion and the questions of law thereon arising is of opinion that said motion be overruled.
It is therefore considered ordered adjudged and decreed by the Court that said motion be and the same is hereby overruled.

Ordered by the Court that Court adjourn until Wednesday Morning 9 o'clock A. M. September 7th A D 1853

Wednesday morning 9 o'clock in the forenoon September 7th 1853 Court convened pursuant to adjournment. Present the Hon

Fall Term Wednesday Sept 7th A.D. 1853.

Robert S Jones Judge of said Court. John M Leasley Clerk of said Court and George W Scott Sheriff of Travis County, Texas Whereupon the following proceedings were had to wit

Ex parte P B Calhoun

Persus B Calhoun

And now on this day came and appeared in open Court the said Persus B Calhoun and presented to the court his petition praying to be admitted to practise as an attorney and Counsellor at Law in the several District and inferior Courts of the State of Texas And the said Persus B Calhoun having presented to the court here sufficient evidence that he is a man of good reputation for moral character and honorable deportment, and that he has emigrated to the said State of Texas with the intention of becoming a permanent Citizen therein, And it further appearing to the Court here that the said Persus B Calhoun had been regularly and legally admitted to practise as an Attorney and Counsellor at Law in all the Courts of Law and Equity in the State of Mississippi. as per his License therefrom now on file in said Court, It is therefore ordered adjudged and decreed by the Court here that the said Persus B Calhoun be and he is hereby admitted to practise as an Attorney and Counsellor at Law in the several District and inferior Courts of the State of Texas, upon the Taking of the Oath prescribed by law. and that a License issue to him accordingly

Ex parte F Gildart

Franks Gildart

The petition of the said Franks Gildart for permanent License to practise in the District and inferior Courts of this State, was this day Exhibited in open Court. Whereupon It was ordered by the Court that the following named attornies at Law. to wit Sebron G Sneed. Williamson S Oldham and Robert Green be appointed a committee to Examine the said Franks Gildart. touching his legal qualifications On Saturday morning the tenth Inst at 8 Oclock Am.

Fall Term. Wednesday Sept. 7th A.D. 1853

The State of Texas } And now at this day
County of Travis } came and appeared in
open Court G W Morgan. and took the oath
G.W. Morgan Special Bailiff ——— prescribed by law, to act as Special Bailiff
for and during the present term of this Court
and thereupon the said G.W. Morgan was by
the court ordered to proceed to the discharge of
the duties incumbent upon by virtue of his
said Capacity.

50 ✓

Walker Wilson — Plaintiff
vs
Josiah Fisk
Administrator of
the Estate of William
B Goodman deceased &
Isaac Apsleewhite, and
Frederick H Chandler and
Isaac Apsleewhite and
Frederick H Chandler
Intervenors — Defendants / Intervenors

And now on this day came
the parties to the above entitled cause. by their
attornies, respectively. Whereupon the said defend
ant Josiah Fisk Administrator of the Estate
of William B Goodman deceased. having
submitted to the court his exceptions or demur-
rers to the plaintiffs Original and amended
petitions in said cause. and the same being
considered by the court. It is therefore ordered
adjudged and decreed by the court that said
exceptions or demurrer of the said defendant
Josiah Fisk, be and the same is hereby
overruled

266 ✓

Edward A Pearson — Plaintiff — Trespass
vs — to try title
Giles A Burditt et ux — Defendants — to land &c

On this case an Motion
of C & West attorney for plaintiff. It is
ordered (Consent of parties having been obtained)
that he have leave to amend the original
petition by endorsing on the back of the same
"That this action is brought as well to try title
as for damages." as required by Statute

Fall Term Wednesday Sept 4th A D. 1853.

50 Rec'd of Walker Wilson, Mch. 26/54, $4, Injunction & Subpoena

Walker Wilson Plaintiff

vs

Josiah Fisk Administrator of the Estate of William B Goodman deceased And Isaac Applewhite and Frederick H. Chandler, Defendants. And Isaac Applewhite and Frederick H. Chandler Intervenors. Defendants Intervenors

And now on this day came the parties to the above entitled cause. by their attornies, respectively, and the motion heretofore filed in this cause. to dissolve the Injunction therein coming on to be heard by the court and the court after hearing the argument of counsel for and against said motion. and the court considering said motion and the questions of law thereon arising. doth order adjudge and decree that said motion be and the same is hereby overruled.

Whereupon the said parties announced themselves. ready to proceed to the trial of said cause, and thereupon the said parties moved the court for a jury, whereupon came a jury to wit, James H Riley, William C Rogers. George W Glascock. Harvey Smith, Leonidas M Harrington, Samuel G Jarvis, Nicholas Broadway, James M Easton, Allison Burch. Sandy Hawkins, Riley Hudson, and Reuben Brown. twelve good and lawful men of the County of Davis, who being duly elected. Empannelled and sworn to try said Cause. who after hearing the evidence in the case. and the argument of Counsel thereon. retired under the charge of the Court. 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 that the said Plaintiff Conveyed to W B Goodman. the land in Trust for the use and purposes set forth in Plaintiffs Petition, and that Goodman Executed a Bond to said Plaintiff to reconvey the same land to Plaintiff. We the jury believe from

Fall Term Wednesday Sept. 4th A.D. 1853.

the evidence that the defendant Goodman executed the note and Mortgage to Applewhite, as set forth in the pleadings, and that Applewhite had an knowledge of the claim set up by the Plaintiff Wilson to the land in controversy, and therefore, we the Jury find for said Applewhite, the amount of his note, one hundred dollars, debt, and interest fifty six dollars.

We the Jury believe from the evidence that the Injunction issued in this case, was served on the Chief Justice of the County Court before the Confirmation of the Sale of the Land to Applewhite and Chandler. "Geo. W Glascock"

Foreman.

Whereupon it is considered, ordered, adjudged and decreed by the Court that upon the payment by the said plaintiff Wacker Wilson of the said Sum of money so found to be due to the said Isaac Applewhite upon said Note and Mortgage into Court here, the said Injunction be made perpetual, and that said payment operate as a full Satisfaction of said Note, and Mortgage, from the said William B Goodman to the said Isaac Applewhite. And it is further considered, ordered, adjudged and decreed by the Court that the said deed from the said Wilson to the said William B Goodman be Cancelled by the Clerk of this Court, and that the said defendants be and they are hereby perpetually enjoined from using, setting up, or asserting the same. And it is further considered, ordered adjudged and decreed by the Court that the said deed from the said Josiah Pitts, to the said Applewhite and Chandler be cancelled and held for naught, and that they be perpetually enjoined from setting up or asserting the same.

And it is further considered, ordered adjudged and decreed by the Court, that unless the said plaintiff Wacker Wilson pay into Court the said Sum of one hundred and fifty six dollars, and the future interest thereon, within Sixty days from the rendition of this Judgment and decree, that an Execution issue from this Court, directing the Sheriff of Travis County to sell so much of the said

Fall Term, Wednesday Sept. 7th. A. D. 1853.

Eleven hundred and eleven acres of land, as set forth and described in the said plaintiffs Petition, as follows to wit, "Being a part of the Headright League and labor) Containing Eleven hundred and eleven acres of land, lying on the South side of Onion Creek in the then County of Travis" as shall be sufficient to satisfy said Sum of money.

And it is further considered, ordered, adjudged, and decreed by the court that the said plaintiff Walker Wilson have and recover of and from the said defendants, and the said Intervenas all of his costs in this behalf, in and about this suit laid out and expended, and that the costs herein adjudged against the said Defendant Josiah Fisk administrator of the Estate of William B Goodrum dec'd be properly taxed by the clerk, and by him certified to the Probate court of Travis County as an established claim against said succession and that the costs herein adjudged against the other defendants and said Intervenas. Execution issue therefor.

63 Matthias Wilbarger Plaintiff } Debt on Contract
vs
William Chandler and Benjamin C Marks Defendants

On the above cause this day came the parties to the above cause by their attornies, Whereupon the plaintiffs attorneys filed their motion in terms of the law. Suggesting in said motion the death of the said plaintiff, Matthias Wilbarger, and also Suggested in the same, that Sarah Wilbarger and William C Dalrymple had been legally appointed by the County Court of Williamson County, The Administrators of the Estate of the said Matthias Wilbarger deceased and moved the Court that the said Administrators be made parties plaintiffs to said suit, And the Court after considering said motion, and fully understanding the same, doth hereby order adjudge and decree that the said motion be and the same is hereby sustained, and that the said Sarah Wilbarger and William C Dalrymple Administrators of the Estate of Matthias Wilbarger deceased, be and they are hereby made parties plaintiffs in said suit, And that the said Suit do thus proceed in the name of Sarah Wilbarger and William C Dalrymple Administrators of the Estate of Matthias Wilbarger deceased, vs William Chandler and Benjamin C Marks

Fall Term Thursday Sept 8th A. D. 1853.

Ordered by the Court that Court adjourn until Thursday morning 9 o'clock A M
September 8th A D 1853

Thursday morning 9 o'clock A M
Court convened pursuant to adjournment September the 8th A D 1853 Present the Honorable Robert I Jones Judge of said Court. John M Bailey Clerk of said Court and Georg H Cook Sheriff of Inuis County. Whereupon the following proceedings were had by said court as follows to wit:

51

Reuben D Wood } Plaintiff
vs } For the recovery of a
Joseph H Robertson } Defendant } Sum of Mo

And now on this day came the parties to the above entitled cause. by their attornies. and thereupon the said parties announced themselves ready to proceed to the Trial of said cause. and moved the Court for a Jury Whereupon came a jury to wit Samuel G Woods. George D Glascock. William C Reager James D Easton. Edward R Oliver. Nicholas Broadway. Truman B Buck. Sandy Shaw Luis Wiley Hudson. Leander Brown. James H Riley and Hugh Collins. Twelve good and lawful men of the County of Inuis. who being duly elected empannelled and sworn to try said cause. and after hearing the Evidence in the case. and the argument of Counsel thereon retired under the Charge of the Court to consider of their Verdict. Whereupon the said Jury by their Foreman returned in to Court the following Verdict to wit "We the Jury find for the Plaintiff. and assess the damages. as rents" Eighteen dollars ($18.00) - Geo D Glascock
"Foreman"

51

Fall Term. Thursday Sept. 8th A. D. 1853.

Reuben H Wood Plaintiff
vs Suit for possession of a town lot in the city of Austin & Damages
Joseph H Robertson Defendant

And now on this day came the parties to the above entitled cause by their attornies. and the court rendered the following Judgment upon the Verdict of the Jury heretofore rendered in said cause And thereupon It is ordered adjudged and decreed by the court here that the said plaintiff Reuben H Wood do have and recover of and from the said Defendant. Joseph H Robertson. the possession of the said lot of land. and premises thereon situate. in the said plaintiffs petition. as follows to wit; Lot Numbered Two. in Block number Sixtynine in the City of Austin, and that a Writ of possession do issue to the Sheriff of Travis County. commanding and requiring him the said Sheriff to divest the said Defendant Joseph H Robertson of the possession of the aforedescribed Lot and premises. and to the same in the peaceable and quiet possession of the said plaintiff Reuben H Wood

And it is further considered. ordered adjudged and decreed by the court here. that the said plaintiff Reuben H Wood do have and recover of and from the said Defendant Joseph H Robertson the said Sum of Sixhundred dollars. the damages aforesaid. in manner and form as aforesaid. by the jury assessed, as well as all of his costs by him about his suit in this behalf by him laid out and expended and that Execution issue therefor &c &c

60

Fall Term. Thursday Sept 8th A. D. 1853

Thomas L Campbell Plaintiff } Specific
vs } Performance
William Custard Defendant } of Contract—
Decree

And now on this day came the parties to the above entitled cause by their Attorneys and thereupon the defendant abandoned his demurrer and thereupon came a jury to wit Benjamin Shaw Thomas E Rowe James M Piney Johns Edwards Joshua Carson James R Jackson Joseph Corwin Benjamin C Drake Lewis Knight Jesse W Ronick Orlin Thompson and John B Stone, twelve good and lawful men of the County of Davis, who being duly elected, empannelled and sworn to try said cause and after hearing the evidence in the cause, and the argument of Counsel thereon, retired under the Charge of the Court to consider their Verdict, and returned in to Court the following verdict to wit "We the Jury find for the Plaintiff John B Stone Foreman"

It is therefore ordered, adjudged and decreed by the Court here that a Specific Performance of the Contract is hereby decreed, and that the said William Custard, be and he is hereby divested of all his right, title, and interest in and to Three Hundred acres of land, on which the said William Custard resided on the 22d day of June 1849 and to be Stricken off by a Straight line running North 60° West parallel with the North line of said Survey from the East to the West line so as to Contain Three Hundred acres of land, and that the right, title and interest to the said Three Hundred acres of land above described, be and it is hereby vested in the said Thomas L Campbell and his heirs forever, it being the same land described in said Contract which said Defendant William Custard, agreed to convey to the said plaintiff, Thomas L Campbell, and that this decree operate as a muniment of title to the said plaintiff, Thomas L Campbell.

And it is further considered ordered adjudged and decreed by the Court here, that the said plaintiff Thomas L Campbell do have and recover of and from the said Defendant William Custard all of his costs in this behalf by him in said suit laid out and expended and that Execution issue therefor &c &c

Fall Term. Thursday Septr 8th A. D. 1853.

55

Gustavus Kerchberg Administrator of the Estate of William Kerchberg Deceased vs Burchard Miller } Plaintiff / Defendant — To revive a Judgment by Scire facias

And now on this day came the parties to the above entitled cause by their attorneys. whereupon the said parties announced themselves ready to proceed to the trial of said cause. and waiving a Jury submitted the matters in controversy to the court. upon the petition, exhibits, and proofs in the case And the Court upon inspection of the Petition exhibits. and proofs in the case, finds in favor of the defendant. Whereupon it is considered ordered adjudged, and decreed, by the Court that the said plaintiff take nothing by his suit in this behalf, and that the said Defendant Burchard Miller go hence without day and have and recover of and from the said plaintiff Gustavus Kerchberg Administrator of the Estate of William Kerchberg deceased, all of his costs in this behalf by him laid out and expended. And it is further considered, ordered adjudged, and decreed by the court that the costs of said suit be properly made out and taxed by the clerk of this court. and certified to by him according to law. and that the same be certified to the Probate Court of Travis County, Texas. as an Established claim against the succession of the said William Kerchberg deceased.

94

Thomas J Chapman vs Edward R Oliver et al } Plaintiff / Defendants — Injunction & Sequestration &c.

And now on this day came the parties to the above cause by their attornies and thereupon upon motion and by consent of parties. It is ordered by the court that the above cause be and the same is hereby set for trial, to wit, on the nineteenth day of September next A D 1853

Fall Term. Thursday Sept. 8th A. D. 1853.

603

Sarah Wilbarger and William C Dangerfield Administrators of the Estate of Matthias Wilbarger, deceased Plaintiffs

vs

William Chandler and Benjamin C Oaks Defendants

And now on this day came the parties to the above entitled cause by their attorneys. whereupon the said parties announced themselves ready to proceed to the trial of said cause. and moved the court for a Jury whereupon came a jury to wit: Benjamin Shaw. Thomas E Love. Elias M Surley, John Edwards. Josephus Cowan. James D Jackson. Joseph Corwin. William Wickes Lewis Knight. Jesse H Renick. Erwin Thompson. and John B Stone. twelve good and lawful men of the county of Travis. who being duly elected. empannelled. and sworn to try said cause. who after hearing the evidence in the case. and the argument of Counsel thereon retired under the charge of the Court to consider of their Verdict. Whereupon the said Jury returned into Court the following verdict. to wit: "We jury find for the plaintiffs his claim. one hundred and twenty five Dollars. John B. Stone"

It is therefore considered ordered adjudged and decreed by the court that the said plaintiffs Sarah Wilbarger and William C Dangerfield administrators of the Estate of Matthias Wilbarger deceased, do have, and recover of and from the said defendants, William Chandler and Benjamin C Oaks. the said sum of one hundred and twenty five Dollars. the amount so found by the Jury as aforesaid. together with all of their costs in this behalf laid out and expended. and that Execution issue therefor &c &c

Fall Term Friday Sept 9th A. D. 1853.

Ordered by the Court that Court adjourn until Friday morning 9 oclock A. M. September the 9th 1853 Friday morning 9 oclock A. M. September 9th 1853 Court convened pursuant to adjournment. Present Robert J Downs Judge of said Court John McCaslin Clerk and George W Scott Sheriff of Travis County. Whereupon the following proceedings were had to wit-

69 R. H. Grimes Plaintiff Suit for
vs Damages
Josiah Dirk Defendant

And now on this day came the parties to the above entitled cause by their attornies and upon motion of defendants attorney and it appearing to the Court that the Court at former term of this Court had ruled the plaintiff to enter into Bond and security for costs of said Suit on or before the first day of the present term of this Court otherwise that said Suit would be dismissed at the cost of said plaintiff.
And whereupon in obedience to said rule the said plaintiff by attorney brought into open Court with him Williamson S Oldham and Joseph Lee and thereupon the said Williamson S Oldham and Joseph Lee acknowledged themselves jointly and severally to be bound unto the said defendant Josiah Dirk for all the costs that has accrued or may have after accrue in said Cause

69 R. H. Grimes Plaintiff Suit for
vs Damages
Josiah Dirk Defendant

And now on this day came the parties to the above entitled cause by their attornies Whereupon the defendants demurrer to the sufficiency of plaintiffs petition being taken up by the Court for consideration and determination and the Court after hearing the argument of counsel for and against said demurrer and the Court considering the same and being well advised in the premises is of opinion that said demurrer be sustained Whereupon it is considered ordered adjudged and decreed by the Court that the said demurrer be and the same is hereby sustained and thereupon the said plaintiff

Fall Term. Friday September 9th A. D. 1853

by attorney move a the Court for permission to file an amended petition in said cause which said permission was granted by the Court and said amended petition filed accordingly Whereupon it is ordered by the Court that said cause be continued until the next term of this Court

77 X ✓ Moses Wells vs George Cook } Plaintiff } Defendant } For decree of title to land

Now this case this day came the plaintiff by attorney Joseph Lee Cogn and on his motion it is ordered by the Court that said Cause be Continued until the next term of this Court

239 X ✓ James. L. Malone vs Samuel K Jennings & James S Payne } Plaintiff } Defendants } Debt on note

And now on this day came the plaintiff by his attorney and the said defendants failed to appear and answer the plaintiffs petition within the time prescribed by law but wholly made default and the plaintiff having produced to the Court the instrument of writing sued on in this cause which gives sufficient evidence to the Court that the defendants after having allowed and deducted all the payments made by said defendants on said claim Stile owe the said plaintiff on said claim the sum of one hundred and three dollars and fifty cents as a balance due thereon It is therefore considered ordered adjudged and decreed by the Court here that the said plaintiff James. L Malone do have and recover of and from the said defendants Samuel K Jennings Junior and James S Payne the said sum of one hundred and three dollars and fifty cents for the balance of his debt and interest together with all of his costs in this behalf by him laid out and expended and that Execution issue therefor

Fall Term Friday Sept 9th A. D. 1853.

238 ✓

James L. Malone Plaintiff } Debt on
vs } Note
William K. Brown & Samuel K Demings Jr. Defendants }

And now on this day came the plaintiff by his attorneys and the said defendants having failed to appear and answer said plaintiffs petition within the time prescribed by law and wholly made default thereto and the plaintiff having presented to the Court the instrument of writing sued on in this case which gives sufficient evidence to the court that the said defendants after having allowed all the payments made by them are still indebted to the said plaintiff on the said Claim the sum of seven hundred and forty one dollars and ninety four cents as a balance due for the debt and interest on said instrument of writing It is therefore considered ordered adjudged and decreed by the Court here that the said plaintiff James L Malone have and recover of and from the said defendants William K. Brown & Samuel K Demings Jr the aforesaid sum of seven hundred and forty one dollars and ninety four cents for his debt and interest together with all of his Costs in this behalf by him laid out and established and that Execution therefor

297 ✓

Brenna & Van Alstyne Plaintiffs } Debt on
vs } Note
John Horan Defendant }

In this case the plaintiffs appeared by their attorney and it appearing to the satisfaction of the Court that the defendant had failed to appear and file his answer in this Cause within the time prescribed by law but made default It is therefore ordered adjudged and decreed by the Court that the plaintiffs Paul Brenna and William A Van Alstyne under the firm name and style of Brenna & Van Alstyne do have and recover of and from the said defendant John Horan the sum of nine hundred and eighty seven dollars for their principal debt and interest up to this date with interest thereon at the rate of ten per cent per annum until paid together with all of their costs in this behalf expended for which Execution may issue

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294 ✓

Nelson Burch vs Shennan Case — Plaintiff — Debt on Note — Defendant

On this case the plaintiff appeared by his attorney and it appearing to the satisfaction of the Court that the said defendant Shennan Case has failed to appear and file his answer in this cause within the time prescribed by law but made default. It is therefore ordered adjudged and decreed by the Court that the said plaintiff Nelson Burch do have and Recover of and from the said defendant Shennan Case the sum of one hundred and forty 92/100 dollars for his principal debt and interest up to this date with interest thereon at the rate of ten per cent per annum until paid together with all of his costs in this behalf laid out and expended and that Execution issue therefor

297 ✓

Mary O Moore and William P. Miles Administrators of the Estate of Thomas A Moore. Dec'd — Plaintiffs — Debt on Note

vs

Thomas Puckett, George I Glascock and William S Ashkins — Defendants — Judgment

And now on this day came the plaintiffs to the above entitled cause by their attorney, and it appearing to the satisfaction of the Court here, that the said defendants has failed to appear and file their answer in this cause, within the time prescribed by law but wholly made default. It is therefore ordered adjudged and decreed by the court that the said plaintiffs recover of the said defendants in accordance with the prayer of their said petition.

Whereupon it is considered ordered adjudged, and decreed by the Court that the said plaintiffs Mary O Moore and William P Miles Administrators of the Estate of Thomas A Moore deceased, do have and recover of and from the said defendants, Thomas Puckett

Fall Term Friday September 9th A. D. 1853.

George J Glascock and William S Hotchkiss, the sum of Seven Hundred and forty three dollars and Sixty cents, the amount of their principal debt, and interest up to this date, together with interest thereon at the rate of Eight per centum per annum until paid, together with all of their costs in this behalf by them laid out and expended, and that Execution issue therefor &c

291

Mary D Moore and William P Miles Administrators of the Estate of Thomas A Moore, deceased Plaintiffs

vs

Augustus Fore James J Thompson and John M Castleg Defendants

Debt on Note

Judgment

And now on this day came the plaintiffs by the above entitled cause by their attorney, and it appearing to the Satisfaction of the court here, that the said defendants has failed to appear and file their answers in said cause, within the time prescribed by law, but wholly made default thereto, It is therefore ordered, adjudged, and decreed by the Court, that the said plaintiffs recover of and from the said defendants, in accordance with the prayer of their said petition,

Whereupon it is considered, ordered, adjudged and decreed by the court, here that the said plaintiffs Mary D Moore and William P Miles, Administrators of the Estate of Thomas A Moore deceased, do have and recover of and from the said defendants Augustus Fore James A Thompson and John M Castleg the sum of Seven Hundred and eighty three dollars, and Seventy nine cents the amount of their principal debt and interest, up to this date, with interest thereon at the rate of Eight per centum, per annum, until paid, together with all of their costs in this behalf by them laid out and expended, and that Execution issue therefor &c &c

Fall Term Friday September 9th A. D. 1853

318 John S Green Administrator of The Estate of Samad Moore decd vs James G Smithes — Plaintiff — Debt on Note.

Defendant — Judgment

In this case this day Came the plaintiff by attorney, and it appearing to the satisfaction of the Court here, that the said defendant James G Smithes has failed to appear and file his answer to said plaintiffs petition, within the time prescribed by law. but wholly made default thereto. It is therefore ordered, adjudged, and decreed by the Court, that the said plaintiff have, and recover of and from the said defendant in accordance with the prayer of his said petition,

Whereupon it is considered, ordered adjudged and decreed by the Court that the said plaintiff John S Green Administrator of the Estate of Samad Moore deceased, do have and recover of and from the said defendant James G Smithes the sum of One hundred and Sixty three dollars. for his principal debt and interest up to this date together with interest thereon at the rate of Eight per centum per annum until paid together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

289 James S Halliday — Plaintiff — Debt on Note

Luke Bott vs — Defendant — Judgment

And now on this day came the plaintiff to the above entitled cause, by his attorney, And it appearing to the Satisfaction of the Court here, that the said defendant Luke Bott has failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law. but wholly made default thereto. It is therefore ordered adjudged and decreed by the Court that the said

Fall Term Friday Sept 9th A. D. 1853.

plaintiff have and recover of and from the said Defendant in accordance with the prayer of his said petition

Whereupon it is considered, ordered, adjudged and decreed by the court that the said plaintiff James L Holliday do have and recover of and from the said defendant Luke Bott the sum of One Hundred and eighty one dollars, and Seventy cents for his principal debt, and interest up to this date with the interest thereon at the rate of Eight per centum per annum upon said amount until paid, together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

Bill of Exceptions

S G & S & I Haynie Trading under the Name Style and Firm of S G Haynie & Co vs Josiah Fisk

Plaintiffs

Debt on Note

Defendant

Judgment.

And now on this day came the plaintiffs to the above entitled cause by their attorney, and it appearing to the satisfaction of the court here, that the said defendant Josiah Fisk has failed to answer and file his answer to the said plaintiffs petition, within the time prescribed by law, but wholly made default thereto, It is therefore ordered, adjudged, and decreed by the court that the said plaintiffs have and recover of and from the said Defendant Josiah Fisk in accordance with their said petition,

Whereupon it is considered, ordered, adjudged and decreed by the court, that the said plaintiffs, S G and S & I Haynie Trading under the name (and) Style and firm of S G Haynie & Co do have and recover of and from the said defendant Josiah Fisk the sum of Two Hundred and eighty five dollars, and Sixty eight Cents for their principal debt and interest up to this date, together with the interest thereon at the rate of Eight per centum per annum until paid, together with all of their costs, and that Execution issue therefor &c &c

Fall Term. Friday Sept.r 9th A. D. 1853.

S. G. & S. A. Raynie Plaintiffs
Trading in Merchandize
in Partnership under the
name and Style of
S & G Raynie & Co
Vs
B16. S Ms Jennings Jr. Defendant

And now on this day
came the plaintiffs to the above entitled cause
by their attorneys. And it appearing to the
satisfaction of the court here. That the said def-
endant S M Jennings had failed to appear
and file his answer to the said plaintiffs
petition within the time prescribed by Law
but wholly made default thereto. It is
therefore ordered. adjudged. and decreed by
the Court. that the said plaintiffs have and
recover of and from the said defendant in
accordance with the prayer of their said
petition.

Whereupon it is considered. ordered
adjudged. and decreed by the Court that the
said plaintiffs S G & S A Raynie. trading
in Merchandize. in Partnership under the
name and Style of S G Raynie & Co do have
and recover of and from the said defendant
S M Jennings Jr. the sum of One Hundred
and Sixty Six Dollars and forty three cents, for
their principal debt and interest. up to this
date. with interest thereon at the rate of 8
per centum per annum until paid. as well
as all of their costs in this behalf laid out and
expended, and that Execution issue therefor &c

George Wyncoop Plaintiffs Debt on
Morgan C. Hamilton note -
284 Vs
Thomas Banks Defendant Judgment

And now on this day came
the plaintiffs to the above cause by their attor-
neys. and it appearing to the satisfaction of
the court here, that the said defendant Thomas
Banks, had failed to appear and file his answer

Fall Term Friday September 9th A D 1853

to the said plaintiffs petition within the time prescribed by law. but wholly en=ade default thereto It is therefore ordered. adjudged and decreed by the court that the said plaintiffs do have and recover of and from the said defendant Thomas Banks in accordance with the prayer of their said petition,

Whereupon it is considered ordered. adjudged. and decreed by the court here that the said plaintiffs George Hancock and Morgan & Hamilton do have. and recover of and from the said defendant Thomas Banks, the sum of Two Hundred and twenty nine dollars. and twenty four cents, for their principal debt and interest up to this date, with the interest thereon at the rate of eight per centum per annum until paid, together with all of their costs in this behalf laid out and expended. And on motion of plaintiffs attorney. It is ordered by the court that Execution be stayed on the foregoing Judgment until the first day of December next A D 1853. at which time Execution may issue on said Judgment. D.C.P.C.

309

Thomas H Jones Plaintiff Debt on Note
vs
James G Smithes Defendant Judgment.

And now on this day came the plaintiff to the above cause by his attorney. and on motion, and it appearing to the Satisfaction of the court here, that the said defendant James G Smithes had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by Law. but wholly made default thereto. It is therefore ordered. adjudged and decreed by the court that the said plaintiff Thomas H Jones do have and recover of and from the said defendant James G Smithes, in accordance with the prayer of his said petition,

Whereupon it is considered ordered, adjudged, and decreed by the court here that the said plaintiff Thomas H Jones do have and recover of and from the said defendant

Fall Term, Friday Sept. 9th A. D. 1853.

James G Swiskes the sum of "Four Hundred and ninety three dollars and Eighty Seven Cents" for his principal debt and interest up to this date, with the interest thereon at the rate of eight per centum, per annum from the rendition of this Judgment until paid together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

288 Henry Thomas Plaintiff } Debt on Note &c
vs
Thomas J Chapman Defendant } Judgment

And now on this day came the plaintiff in the above cause by his attorney and on his motion, and it appearing to the Satisfaction of the Court here, that the said Defendant Thomas J Chapman has failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law but wholly made default thereto. It is therefore Ordered adjudged and decreed by the Court that the said plaintiff have and recover of and from the said defendant in accordance with the prayer of his said petition

Whereupon it is Considered Ordered adjudged and decreed by the court that the said plaintiff Henry Thomas do have and recover of and from the said Defendant Thomas J Chapman the sum of "Seven-hundred and fifty five dollars" for his principal debt and interest up to the date of this Judgment with interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until paid together with all of his Costs in this behalf laid out and expended and that Execution issue therefor &c

Fall Term Friday September 9th A. D. 1853.

299 George W. Barrett Plaintiff Debt on note
vs
Owen O. Brien Defendant Judgment

And now on this day came the plaintiff in the above cause by his attorney, and on motion of plaintiffs attorney, and it appearing to the satisfaction of the Court that the said defendant Owen O'Brien has failed to appear and file his answer in said cause within the time prescribed by law, but wholly made default thereto. It is therefore ordered adjudged and decreed by the Court, that the said plaintiff do have and recover of and from the said defendant in accordance with the prayer of his petition.

Whereupon it is considered, ordered, adjudged and decreed by the Court that the said plaintiff George W Barrett, do have and recover of and from the said defendant Owen O'Brien the sum of Five Hundred and Sixty four dollars and twelve cents, for his principal debt and interest up to this date, with the interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, together with all of his costs in this behalf by him laid out and expended, and that Execution issue therefor &c &c

298 John R Slocomb Plaintiff
vs
Diana Gilliland Defendant

On this case this day came the plaintiff by attorney, and on his motion leave is granted him by the Court to file an amended Petition in said cause.

262 George Nanecks Plaintiff
vs Arbitration
Morgan C Nanieton Defendant

268 George Nanecks Plaintiff
vs Arbitration
Morgan C Nanieton Defendant, On motion and it appearing to the court that the above mentioned causes were brought by the same plaintiff against the same defendant, for the same cause of action, it therefore ordered that the same be and are hereby consolidated—

901

Fall Term. Friday Sept 9th A. D. 1853.

William Bonner and
Elizabeth Bonner his wife — Plaintiffs
vs
Algeatus Beck
John Stanton Beck
Sarah Francis Beck
and James S. P. Beck
Minor Heirs of John
Beck. deceased — Defendants

Commissioners Report &
Confirmation thereof

And now at this Term of the Court, the above entitled cause came on to be heard upon the Report of the Commissioner for the Sale of Lands of John Beck deceased, appointed at the March Term of this Court, and it appearing to the Court that said Commissioner John A Green, has in obedience to the said Decree obtained at the March Term of this Court as aforesaid, exposed for Sale, after giving the required Notice, the Tracts of land therein Described to be sold, and more particularly described containing nine hundred and ninety four acres on the South Bank of the Colorado River.

Whereupon Samuel Craft Jr. became the purchaser thereof, for the sum of Seven thousand two hundred and Six 50/100 Dollars, and the said Craft having paid in Cash the first Instalment to wit One thousand eight hundred and one 50/100 Dollars, and having given his Notes for the balance, in three equal Instalments, said Notes being payable respectively in one, two, and three years, and bearing eight per cent Interest from date, and having also executed to said Commissioner a Deed of Trust on the said land, Securing the payment of the purchase Money Whereupon the said Commissioner, executed to the said Samuel Craft Jr. a Deed to said Land, and now at this Term of the Court files his Report.

And it appearing from said Report, and vouchers, that the said Commissioner has paid the Sum of Fifty five 35/100 Dollars, the Costs of said Case into Court, and also the Sum of Fifty Dollars each to S & Anderson and Gibson & Sneed, and the Sum of Five Dollars for Printing Advertisements of Sale. and the Sum of Two 35/100

Fall Term Friday Sept. 9th A. D. 1853.

releas for Recording aforesaid deed of trust from the said Samuel Croft Jr. to himself, and having retained his Commissions on the Instalment aforesaid, and it appearing that said Commissioner has in all things acted in Conformity to the decree by which he was appointed, It is therefore ordered adjudged and decreed that the said Report of the said Commissioner John A Green be confirmed, and all his acts, and doings as above recited be ratified, and that the aforesaid payments out of the fund in his hand be allowed, and confirmed.

The State of Texas
County of Travis

And now on this day came and appeared in open Court the Grand Jury (entire except John L Errington excused) for said County of Travis, duly elected, empannelled and Sworn, for the present Term of this Court, as follows, to wit: Thomas P Washington Enoch S Johnson, John A. P. Carr, Ernst Raven, James Byers, Giles M Burdit, James P McKinney, Nelson Walsh, Alfred Smith, Edward Sellers, William B Buchman, Daniel McKenzie, William McCutchin, Henry Johnson, Joseph Barnhart, Riley B Nichols, Gideon G Pace and Jesse H Burdit, and by their Foreman and Thomas P Washington, presented to the Court the following Bills of Indictments to wit:

316 ✓

The State of Texas — Plaintiff
vs
John A Green. — Defendant
Betting at Faro

3 Cts

The State of Texas — Plaintiff
vs
John H Pluo — Defendant
Betting at Faro

Fall Term Friday September 2 A. D. 1853.

318	The State of Texas vs Thomas E Anderson	Plaintiff Defendant	Betting at Pool	
319	The State of Texas vs Henry W. Sublett	Plaintiff Defendant	Betting at Pool	
320	The State of Texas vs Horace L Upshur	Plaintiff Defendant	Betting at Pool	
321	The State of Texas vs Charles A Harrison	Plaintiff Defendant	Betting at Pool	
322	The State of Texas vs Edward Dinnin	Plaintiff Defendant	Betting at Pool	
323	The State of Texas vs Henry B Brewster	Plaintiff Defendant	Betting at Pool	
324	The State of Texas vs William P Normandie	Plaintiff Defendant	Betting at Pool	
325	The State of Texas vs Charles E Davis	Plaintiff Defendant	Betting at Pool	
326	The State of Texas vs Arthur A Lott	Plaintiff Defendant	Betting at Pool	
327	The State of Texas vs James M H Hale	Plaintiff Defendant	Betting at Pool	
328	The State of Texas vs James G Pace	Plaintiff Defendant	Betting at Pool	
329	The State of Texas vs Theophilus Anderson	Plaintiff Defendant	Betting at Pool	

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330	The State of Texas vs Joseph F. Smith	Plaintiff Defendant	Betting at Pool	
331	The State of Texas vs Geo. Calhoun	Plaintiff Defendant	Horse Stealing	
332	The State of Texas vs Michael Finnin	Plaintiff Defendant	Assault and Battery	
333	The State of Texas vs Charles Reese	Plaintiff Defendant	Cutting timber on land not his own	
334	The State of Texas vs Ashford B McGill	Plaintiff Defendant	Betting at Pool	
335	The State of Texas vs Ewing F Cochran	Plaintiff Defendant	Betting at Pool	
336	The State of Texas vs Henry Vines	Plaintiff Defendant	Betting at Pool	
337	The State of Texas vs Newton Jackson	Plaintiff Defendant	Betting at Pool	
338	The State of Texas vs James R Jackson	Plaintiff Defendant	Betting at Pool	
339	The State of Texas vs Constantine A Hopkins	Plaintiff Defendant	Betting at Pool	
340	The State of Texas vs G W Scott	Plaintiff Defendant	Betting at Pool	
341	The State of Texas vs Geo W Logan	Plaintiff Defendant	Betting at Pool	

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342	The State of Texas	Plaintiff		Horse Stealing
	Wm. Walton	Defendant		
343	The State of Texas	Plaintiff		Betting at Keno
	James M. H. Hall	Defendant		
344	The State of Texas	Plaintiff		Betting at Keno
	Thomas Pitts	Defendant		
345	The State of Texas	Plaintiff		Betting at Keno.
	Lewis Beardsley	Defendant		
346.	The State of Texas	Plaintiff		Betting at Keno
	William Hyatt	Defendant		
347.	The State of Texas	Plaintiff		Betting at Keno
	Thomas P. Cartmell	Defendant		
348	The State of Texas	Plaintiff		Betting at Keno
	Constantine A. Hopkins	Defendant		
349	The State of Texas	Plaintiff		Betting at Keno
	Henry Vines	Defendant		
350	The State of Texas	Plaintiff		Betting at Keno
	James R. Jackson	Defendant		
351.	The State of Texas	Plaintiff		Exhibiting Keno
	Robert. Clements	Defendant		
352	The State of Texa	Plaintiff		Betting at Keno
	Perry Grumbles	Defendant		
353	The State of Texas	Plaintiff		Betting at Keno
	Newton Jackson	Defendant		

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354	The State of Texas	Plaintiff	Betting	
	vs		at	
	James A Pace	Defendant	Keno	
355	The State of Texas	Plaintiff	Betting	
	vs		at	
	Arthur A Lott	Defendant	Keno	
356	The State of Texas	Plaintiff	Betting	
	vs		at	
	Horace L Upsher	defendant	Keno	
357	The State of Texas	Plaintiff	Betting	
	vs		at	
	Alexander Eanes	Defendant	Keno	
358	The State of Texas	Plaintiff	Betting	
	vs		at	
	Edward Finnin	Defendant	Keno	
359	The State of Texas	Plaintiff	Betting	
	vs		at	
	Thomas Eanes	Defendant	Keno	
360	The State of Texas	Plaintiff	Betting	
	vs		at	
	Hugh. Eanes	Defendant	Keno	
361	The State of Texas	Plaintiff	Betting	
	vs		at	
	Geo. W Logan	Defendant	Keno	
362	The State of Texas	Plaintiff	Betting	
	vs		Exhibit-	
	Gray Clements	Defendant	ing Keno	
363	The State of Texas	Plaintiff	Betting	
	vs		at	
	George W. Scott	Defendant	Keno	

And thereupon the said Grand Jury by their Foreman informed the court, that they had not disposed of all the business before them, - Whereupon the Court charged said Grand Jury to retire upon the discharge of their duties —

Fall Term Saturday Sept. 10th A. D. 1853.

Ordered by the Court that Court adjourn until Saturday morning 9 O Clock A M September the 10th A D 1853

Saturday Morning 9 O'clock A M September 10th A D 1853 Court Convened Pursuant to adjournment, Present. The Honorable Robert S Jones Judge of said Court. John McGaskey Clerk and George W Scott Sheriff of Travis County. Texas when upon the following proceedings were had to. wit,

180 ✓ R S Morgan & wife vs R N Peck Et. al — Plaintiffs / Defendants — Injunction

In this case this day came the defendants by attorney, and on his motion it is ordered by the court that they be permitted to file an amended answer in said cause

181 ✓ R S Morgan & wife vs George Hancock Et al — Plaintiffs / Defendants — Injunction

And now on this day came the defendants in the above cause by attorney and on his motion it is ordered by the court that they be permitted to file an amended answer in said cause

246 Sam. Houston vs Thomas William Ward — Plaintiff / Defendant — For the recovery of Monies received &c

And now on this day came the plaintiff in the above cause, and on motion of his attorney leave is granted by the Court to the said plaintiff to file an amended Petition in said cause, and said amended Petition was filed accordingly.

Fall Term Saturday September 10th A. D. 1853.

Sidney J Brown Administrator de bonis non of the Estate of James Smith deceased — Plaintiff — Sequestration

86. vs

Alfred Smith — Defendant — Judgment

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the defendants demurred to the sufficiency of the plaintiffs petition in said cause. being taken up by the court for consideration and determination, and the court after hearing the argument of counsel for and against said demurrer and the court considering the same and the questions of law thereon arising, is of opinion that said demurrer be and the same is hereby overruled, by the court. To which ruling of the court in the premises, the defendant by his counsel at the time excepted.

Betsy B Rowe and James J Rowe as Heirs at Law of William J Rowe alias Rowan deceased — Plaintiffs

vs

James M Raymond Treasurer of the State of Miss. and William Ryan and Benjamin Adkins. — Defendants

And now on this day came the plaintiffs by attornies, and the said James M Raymond, by Attorney, and the said Ryan, and Adkins, being solemnly called, came not, but made default, and thereupon upon motion of the plaintiffs attornies, It is ordered adjudged, and decreed by the court here that, the facts, allegations, and charges, in the plaintiffs petition be taken as confessed, but because the damages claimed, are unliquidated, It is therefore ordered, adjudged and decreed by the court here, that a writ of enquiry issue-

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returnable into court here requiring a Jury to come and assess the damages as to said Regan and Adkins, and thereupon the said plaintiffs filed a demurrer to the answer of said James H. Raymond, Treasurer of the State of Texas.

Edward H Pearson Administrator de bonis non of the Estate of Albert Gibbs, deceased — Plaintiff

vs

Giles H Burdett, James Mapes, John Oliver and William Oliver, and Archelaus Gibbs and Howard Gibbs Intervenors — Defendants

Action of Trespass to try title to Lands

266 ✝

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said Archelaus Gibbs and Howard Gibbs by their attorney and moved the court to be permitted to file their petition of Intervention in said cause, as the only heirs and Legatees of the said Albert Gibbs, deceased, which said motion was by the Court granted and said petition of Intervention was filed, "nunc pro tunc" as on the Sixth day of the present Term of this court, the same having been filed on the said Sixth day of said Term, by leave of the court then had and obtained, and entitled to be entered upon these minutes of this court unto the present day of this Term to wit September the tenth A.D 1853.

Court Room.

10th Sept. 1853.

The undersigned who were appointed by the Court to examine Frank Giddart an applicant before your Honor for License to practise Law, touching his qualifications Beg leave to Report to your Honor that they have performed the duty assigned them, and report that they are satisfied with the qualifications of the applicant, and think he is entitled to a License

To the Hon'd

Very Respectfully

R T Jones

S G Sneed

A. J. Hamilton

Fall Term Saturday Sept. 10th A. D. 1853.

Sidney P. Brown Administrator de bonis non of the Estate of James Smith, deceased Plaintiff — Sequestration of Slaves &c &c

vs

Alfred Smith Defendant

86

And now on this day came the parties to the above entitled cause by their attornies, and thereupon announced themselves ready to proceed to the trial of said cause. and moved the court for a Jury to try the same and thereupon came a jury to wit: Samuel G Powell, William O Reager, George W Glascock, James D Easton, Josephus Conaway, William Eustard, Nicholas Bradway, Hugh Wiggins Riley Hudson, James H Riley, Jesse W Ronicks and Truman D Beck, twelve good and lawful men of the County of Davis who being duly elected, empannelled, and sworn to try said cause, and after hearing the evidence in the case and the argument of Counsel thereon, retire under the charge of the court, to consider of their verdict. Whereupon said Jury returned into court the following Verdict to wit

We the Jury find the Plaintiff as follows to wit

Negro Man	named	Isaac,	valued	$ 900 00
"	"	Obadiah	"	900 00
"	"	Cyrus	"	800 00
"	"	David	"	400 00
" Woman	"	Sarah	"	500 00
"	"	Nancy	"	400,00
"	"	Nancy	"	300 00

Damages for Seven years hire of the above Slaves at $400. 00 per annum 2800. 00

Geo. W. Glascock
Foreman

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The State of Texas
County of Navis

And now on this day came and appeared in open Court the Grand Jury entire (except John L Arrington excused) for the said County of Navis, duly elected Empannelled and sworn. for the present Term of this Court as follows to wit; Thomas P Washington, Enoch S Johnson, John A Pearce, Enos Raven, James Rogers, Giles A Burditt, James P McKinney, Dennis Nash, Alfred Smith, Edward Seiders, William R Buchman, Daniel McKenzie, William McCutchin, Henry Johnson, Joseph Bamhart, Wiley B Nichols Gideon G Pace, and Jesse S Burditt and by their Foreman. Thomas P Washington presented to the Court the following Bills of Indictments to wit

364 The State of Texas vs Perry Grumbles, Augustus Fore, Gray Clements, Henry Sims and John. A Mexican — Plaintiff vs Defendants — Assault and Battery

365 The State of Texas vs Perry Grumbles, John S Grumbles, Augustus Fore, Gray Clements, Henry Sims and John A Mexican, whose is is unknown. — Plaintiff vs Defendants — Murder

366 The State of Texas vs Gray Clements — Plaintiff vs Defendant — assault with intent to Kill

366 cp The State of Texas vs Owen Akins, John Woolridge, John Haynie and Thomas E Elgin — Plaintiff vs Defendants — disturbing Religious Worship

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368	The State of Texas vs John Rein	Plaintiff Defendant	Selling Liquor to a Slave
369	The State of Texas vs John Wahrenberger	Plaintiff Defendant	Selling Liquor to a Slave
370	The State of Texas vs Doc Calhoun	Plaintiff Defendant	Horse Stealing
371	The State of Texas vs Adolphus Ware and Benjamin Ware	Plaintiff Defendants	Killing Ox.
372	The State of Texas vs Gray Clements	Plaintiff Defendant	Gaming
374	The State of Texas vs Andrew Yaeger	Plaintiff Defendant	Marking Cattle not his own
375	The State of Texas vs Adolphus Ware	Plaintiff Defendant	Killing Hog

And thereupon the said Grand Jury by their Foreman informed the Court that they had disposed of all the business before them at the present Term of this Court and prayed the Court to be discharged. Whereupon the Court ordered that said Grand Jury be discharged from further attendance on said Court at said Term. which was accordingly done.

Whereupon it is ordered by the Court that Court do now adjourn until Monday Morning 9 O'clock A M September the 12th A D 1853

Monday Morning 9 O'clock A M September the 12th A D 1853 Court convened pursuant to adjournment. Present the Honorable Robert A Jones Judge of said Court John Measley Clerk of said Court and George W Scott Sheriff of Travis County Texas

Fall Term, Monday September 12th A.D. 1853

Whereupon the following proceedings were had by said Court to wit;

Alexander Drew Plaintiff
vs
Samuel Whiting Defendant

In this case it is ordered on motion that the above entitled cause which improperly disappeared from the Docket at the Spring Term of this Court A.D. 1848 be and the same is hereby reinstated, and that the same stand for Judgment, upon Service by republication upon said Samuel Whiting.

R J Vowell Plaintiff
vs
Wesley Smith Defendant

For the recovery of Horse and damages

273

And now on this day came the parties to the above cause by attorney and the motion heretofore filed in this cause by defendants attorney to rule the plaintiff to enter into Bond and Security for the costs of said suit, being taken up by the Court for consideration and determination, and the Court after hearing the arguments of Counsel for and against said motion, and the Court considering said motion and being well advised in the premises, Sustains said Motion

It is therefore ordered, adjudged, and decreed by the Court that the said plaintiff enter into Bond and Security for the costs of said suit on or before the first day of the next Term of this Court. otherwise the said suit will be dismissed at the costs of the said plaintiff

Sarah A Wharton et ux Plaintiffs
vs
Joel Lee Defendant

Trespass to try title to Land

39

Upon motion it is ordered that both parties in the above cause decided in this Court, at the Fall Term A.D. 1852. and now pending an appeal in the Supreme Court of this State, have leave to withdraw their title papers from the Record in this Court.

Fall Term. Monday September 12th. A. D. 1853.

The State of Texas
County of Davis } And now on this day, Monday September the 12th A D 1853 being the day set apart at a former day of the present Term of this Court, for the taking up of the Criminal Dockets for the disposition of the same, and the same being taken up in accordance with said order, the following proceedings were had therein to wit:

5. The State of Texas vs Joshua Holden } Plaintiff, Defendant } Murder

On motion of the District Attorney it is ordered by the Court that the above cause be continued, until the next Term of this Court, and that process issue therein &c

By. The State of Texas vs Rawley Autry } Plaintiff, Defendant } Betting at a Faro Bank

In this Case the State appears by Attorney Alexander S Chaemers. and enters a Nolle prosequi in said cause

111 The State of Texas vs Andrew Jackson } Plaintiff, Defendant } Murder

111 On Motion of Alexander S Chalmers. District Attorney it is ordered by the Court that the above cause be continued and that Capias issue generally.

94 The State of Texas vs Juan Jose Gonzales } Plaintiff, Defendant } Larceny

In this case now comes the District Attorney, and enters a Nolle prosequi in said cause.

1103 The State of Texas vs William Cruz } Plaintiff, Defendant } Assault with intent to Kill &c &c

In this case on Motion of Alexander S Chalmers District Attorney. It is Ordered that the above cause be continued. until the next Term of this Court

Fall Term. Monday September 12th 1853

130 The State of Texas Plaintiff
vs
Burrel S Sides Defendant Forgery

On this case an motion of A H Chalmers district attorney of the 2nd Judicial District, It is ordered by the Court that the above cause be continued until the next Term of this court and that Pluries Capias issue returnable to the next Term of this Court &c

132 The State of Texas Plaintiff Assault
vs with intent
Blake Thompson Defendant to Kill &c

On this case this day came Alexander H Chalmers District Attorney who prosecutes for the State in this behalf, and on his motion it is ordered by the Court, that the above cause be continued until the next Term of this Court, for the purpose of perfecting Service

133 The State of Texas Plaintiff Assault
vs with intent
Jane Simms, alias to Kill and
Jane Robinson Defendant Murder

And now on this day came the plaintiff by Attorney Alexander H Chalmers District Attorney who prosecutes for the State in this behalf, and says that he will not prosecute said cause further &c

It is therefore ordered, adjudged and decreed by the Court that the said defendant go hence without day fully acquitted of said Charge

135 The State of Texas Plaintiff Living in
vs Fornication
William Gentry Defendant

On motion of the District Atty It is ordered by the Court that this case be continued until the next Term of this Court and that Capias issue,

143 The State of Texas Plaintiff
vs Larceny
E E Snodgrass Defendant

The above cause continued until the next Term of this Court &c

Fall Term. Monday September 12th A. D. 1853.

143 The State of Texas vs Madison Redhand — Plaintiff, Defendant — Murder

On Motion of the District attorney it is ordered by the Court that the above cause be continued until the next term of this Court.

145 The State of Texas vs John Owen — Plaintiff, Defendant — Larceny

On this case the State appeared by attorney Alexander N. Chalmers and on his motion it is ordered by the Court that the above cause be continued until the next term of this court.

146 The State of Texas vs E. E. Travelstead — Plaintiff, Defendant — Larceny

On this case on motion of the District attorney it is ordered by the Court that the above cause be continued until the next term of this Court.

152 The State of Texas vs E. E. Travelstead — Plaintiff, Defendant — Larceny

And now on this day comes the plaintiff in the above cause by attorney Alexander N. Chalmers who prosecutes for the State in this behalf and on his motion it is ordered by the Court that the above cause be continued until the next term of this court.

153 The State of Texas vs Blake N. Thompson — Plaintiff, Defendant — Murder

On this case on motion of the District attorney it is ordered by the Court that the above entitled cause be continued until the next term of this court.

165 The State of Texas vs John A. Greer — Plaintiff, Defendant — Betting at Dice

Nolleprosequi entered herein

Fall Term. Monday September 12th A.D. 1853

1657 The State of Texas Plaintiff Permitting persons to
vs
Thomas Cofidy & Edward Quinn Defendants Exhibit

And now on this day came the plaintiff by attorney Alexander M Eckaemes who prosecutes for the State in this behalf, as well as the defendants in their own proper person and by attorney, and on motion and by consent of parties hereto, It is ordered by the court, that the above cause be continued until the next term of this court. to await the final determination of a similar question now pending in the Supreme Court of the State of Texas

259 The State of Texas Plaintiff
vs
John McBride Defendant Murder

And now on this day came the plaintiff in the above entitled cause by the District attorney, Alexander M Eckaemes who prosecutes for the State in this behalf, as well as the defendant. John McBride, in his own proper person, and also by attorney And thereupon on motion of the said plaintiffs attorney. it is ordered by the court that a Special Venire issue in said cause Substance returnable on Tuesday. September 13th A.D. 1853 Commanding the Coroner of said County of Travis to Summon Thirty Six good and lawful men of the County of Travis. to be and personally to appear before said court on Tuesday Morning 9 Oclock September the thirteenth A.D. 1853 Then and there to serve as Jurors in the said cause of the State of Texas vs John McBride. on a charge of Murder. And thereupon, on Motion and by consent of parties hereto It is ordered by the court that Thursday Morning next 9 O'clock A.M. September the 15th A.D. 1853 be and the same is hereby set apart for the trial of said cause

Fall Term Monday September 12th A.D. 1853.

166 The State of Texas Plaintiff } Betting
vs } at Faro
Benjamin Hinds Defendant }

and now on this day comes Alexander A Chalmers who prosecute on behalf of the State and on his motion it is ordered by the Court that the forfeiture of recognizance entered into in this case at the last term of this Court be and is hereby set aside and thereupon came the defendant by attorney and plead guilty to the charge in this case and thereupon came a Jury to wit John B Stone, Benjamin Shaw, Riley Hudson, James M Riley, James Paine, Josephus Corwin, James M Riley, W A Morris, Jesse W Renick Sherman Case James Wall and Leander Brown, twelve good and lawful men of the County of Travis who after having been duly sworn and having heard the evidence returned to the Court the following verdict to wit- We the Jury find the defendant guilty and assess the fine of ten dollars Jesse W Renick Foreman- It is therefore considered by the Court the State of Texas have and recover of and from the said defendant the sum of ten dollars as a fine aforesaid together with all of her cost in this case laid out and expended

159 The State of Texas Plaintiff } Playing
vs } at Poker
Benjamin Hinds Defendant }

and now on this day came Alexander A Chalmers who prosecutes on behalf of the State and on his motion it is ordered by the Court that the forfeiture of Recognizance entered into in this case at the last term of this Court be and is hereby set aside and thereupon came the defendant by attorney and plead guilty to the charge in this case and thereupon came a Jury to wit- John B Stone Benjamin Shaw Riley Hudson, James M Riley James Paine Joseph Corwin James M Riley W A Morris Jesse W Renick Sherman Case James Wall and Leander Brown, twelve good and lawful

Fall Term, Monday September 12th A.D. 1853

Jury of the county of Travis who after being duly sworn returned to the court the following verdict to wit- We the Jury find the defendant guilty and assess the fine of ten dollars

Jesse W Renick foreman.

It is therefore considered by the court that the State of Texas have and recover of and from the said defendant the sum of ten dollars by the fine assessed as aforesaid together with all of her cost in this behalf. laid out and expended

167 ✓

The State of Texas vs William B Lilly } Plaintiff / Defendant } Exhibiting Bond

and now on this day came the District attorney A A Chalmers and on his motion it is ordered by the court that this case be continued until the next term of this court.

168 ✓

The State of Texas vs John A Conner } Plaintiff / Defendant } Betting at Monte

On this case this day came the District attorney who prosecutes for the State in this behalf. and the defendant John A Conner being three times solemnly called came not but made default and it appearing to the court that the said defendant John A Conner as principal together with James M. H. Hall and W. G. Wood as sureties had executed their Joint Bond payable unto the State of Texas in the sum of one hundred dollars dated the 10th day of February A.D. 1853 conditioned that the said John A. Conner make his personal appearance at the District Court of the County of Travis to be held at the first Monday in March 1853 then and there to answer an Indictment preferred against him by the Grand Jurors of said County of Travis for betting at a Monte Bank then and there to abide the Judgment of said Court and that he do not depart therefrom without leave and the said defendant John A Conner

Fall Term Monday September 12th A. D. 1853.

being solemnly called and required to answer said charge came not but made default and the said sureties being also solemnly called and required to bring with them the body of the said John H Conner to answer said charge which they failed to do it is therefore considered ordered adjudged and decreed that the said Bond of the said John H Conner and the said James M. T. Hall. and W. G. Wood be forfeited and that the State of Texas do have and recover of and from them the sum of one hundred dollars the amount of said Bond and that Scire facias do issue to each of them returnable to the next term of this court Commanding them then and there to show cause if any they can why this Judgment should not be made final against them.

171 ✓ ✓ The State of Texas vs Thomas Cofsidy & Edward Dunnio } Plaintiff } Defendants } Permitting Gaming in their House

And now on this day came the District attorney who prosecutes on behalf of said State and on his motion it is ordered by the Court that this case be continued until the next term of this court.

178 ✓ The State of Texas vs Randy Autry } Plaintiff } Defendant } Betting at Faro

On motion of the District attorney it is ordered by the Court that this case be continued until the next term of this court and that alias Scire facias issue

✓179 The State Texas vs Randey Autry } Plaintiff } Defendant } Exhibiting Faro Bank

On motion of the District attorney it is ordered by the Court that this case be continued until the next term of this court and that alias Scire facias issue

Fall Term. Monday September 12th A D. 1853

50

Walker Wilson Plaintiff
vs
Josiah Fisk Adm
inistrator of William
B Goodman Deceased
and Isaac Aspelewhite
and Frederick W. Chandler
Defendants. and Isaac
Aspelewhite and Frederick
W Chandler Intervenors Defendants
Intervenors

And now on this day came the parties to the above entitled cause, respectively by their attornies, and thereupon the said Defendants, and the said Intervenors Submitted to the court their motion for a New Trial in said cause, and the court considering said motion and the questions of law thereon arising, is of opinion that said motion be overruled. Whereupon it is considered, ordered adjudged and decreed by the court, that the said motion of the said Defendants, and the said Intervenors for a New Trial in said cause be and the same is hereby overruled.

And thereupon the said Defendants and the said Intervenors, by their attornies excepted to the ruling and Judgment of the Court in overruling said Motion for a New Trial in said cause. and gave Notice in open Court of their intention to Appeal said cause to the Supreme Court of the State of Texas.

50

Walker Wilson Plaintiff
vs
Josiah Fisk Administrator of the Estate of William B Goodman Deceased, and Isaac Aspelewhite and Frederick W Chandler Defendants
and Isaac Aspelewhite and Frederick W Chandler Intervenors Intervenors

And now on this day came the parties to the above entitled cause by their—

attornes, respectively. and thereupon the said defendants and the said Intervenors, by their attornies. Submitted to the court their motion in arrest of Judgment in said case. and the same being fully considered by the court. and the court being well advised in the premises. is of opinion that said motion be overruled. It is therefore considered, ordered, adjudged, and decreed by the court that the said Motion in arrest of Judgment. in said cause be and the same is hereby overruled. Whereupon the said Defendants and the said Intervenors by their attornies, excepted to the ruling and Judgment of the court, in overruling the said motion in arrest of Judgment. and thereupon, the said Defendants, and the said Intervenors by their attornies in open court gave Notice of their Intention to appeal said Cause to the Supreme court of the State of Texas in accordance with the Statute in such case made and provided.

William B Clark and his wife Amyra Lavinia Clark. Martha Hicks Mary E Hicks, and William Hicks, by his next friend, William B Clark — Plaintiffs

vs

John P Hutchinson Benjamin F Young and his Wife Isabella Young. — Defendants

282
281.

And now at this Term of the Court, came the parties to the above entitled Cause by their attornies, and it appearing to the Court from the evidence offered and adduced by the plaintiffs and defendants, in said Cause, that Amos King. died in the County of Cass. State of Texas. Lawfully seized and possessed of the following described tract of Land. among others, to wit One Twelfth of a League of land situated and described as follows, In Bowie County East of the Colorado River. Thirty five miles above Preston. Beginning at the North East corner of No 24. this Survey being No 26. on Sannohills. line. —

Thence North 35° East with said line. Eleven hundred and three varas. to a Stake and mound Thence North 60° west. Eighteen hundred and Eighty varas to a Stake and mound. Thence South 35° West Eleven hundred and three varas to the North west corner of No 25. Thence South 60° East Eighteen hundred and Eighty eight varas to the place of Beginning. Patented the twenty ninth day of July Anno Domini. One thousand eight hundred and forty five. and another portion of said tract, adjoining thence Beginning at the North west Corner of No 11. (this Survey being numbed 24) Thence North 30° East. One thousand varas to a Stake. and mound, Thence South 60° East One Thousand varas to a Stake and mound, Thence South 30° West One Thousand varas to the North East corner of Number Eleven. Thence North 60° West one thousand varas to the place of Beginning. patented July the twenty ninth Anno Domini One thousand eight hundred and forty five. And it appearing to the court here. that the said Ennis Ivy was domiciled in said County of Cass at the time of his death, and that the County Court of the said County, had lawful jurisdiction over the administration of his said Estate, and that said Estate was duly administered upon in said County, and it further appearing that upon a lawful division, and partition of the property of said Estate, during the continuance of said Administration by the County Court of Cass County aforesaid, the above described tracts of Land fell to the Share of the Heirs of Lavinia Hicks, and of Wilson and Sarah Hutchinson to wit, an undivided interest of three Hundred and twenty five acres, to the Heirs of Lavinia Hicks, and an undivided interest of Two Hundred and twenty three acres, being the balance of said tract, to the Heirs of Wilson and Sarah Hutchinson, as appears from the Records of said County, a certified copy whereof was introduced as evidence in the trial of said cause,

And it further appearing to the Court here that the said Elmyra Lavinia Clark Martha Hicks Mary E Hicks, and William Hicks. plaintiffs in this Suit, are the sole and only heirs of —

the said Lavinia Hicks, and that the said defendants are the sole and only heirs of Wilson and Sarah Hutchinson aforesaid, and the said William B Clark appeared and asked leave of the Court to prosecute this suit for William Hicks, a minor and one of the plaintiffs in this suit, and the Court being satisfied that it is for the interest of the said minor, grants leave to the said William B Clark so to appear for said minor. Whereupon the Court ordered that the said William B Clark stand as the next friend of the said Minor William Hicks, in this suit, And it further appearing to the satisfaction of the Court here that the division of the land as herein after ordered is beneficial to all the parties therein concerned and that all the aforesaid premises were established on the trial of this cause, by competent, and sufficient evidence. It is therefore considered adjudged, adjudged and decreed by the Court here that the said tract of land, be divided in two parts, the one containing Two Hundred and twenty three acres, to be allotted to the defendants, the other containing three Hundred and twenty five acres of Land, to be allotted to the said, Elmyra Lavinia Clark, Martha Hicks, Mary E Hicks, and William Hicks, plaintiffs in this cause, and that Charles Wagner, Charles D Mann, Isaiah M Blackwell & George W Scott Sheriff Fairfield and they are hereby appointed, and vested with authority to act as Commissioners for the purpose of making the aforesaid division, in accordance with the laws, and Statutes thereto, relating and appertaining, And it is further ordered adjudged and decreed by the court here that the Clerk of this Court make out and certify according to Law, a copy of this decree, to the said Commissioners, for their governance and observance, and that they the said Commissioners make due return of their proceedings in said matter, to this Court as soon as practicable.

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John D. Graves

And now on this day came and appeared in open Court the said John D Graves and presented to the court there his petition praying to be admitted to practise as an Attorney and Counsellor at Law in the Several District and inferior Courts of the State of Texas and the said John D Graves having presented to the court here sufficient evidence that he is a man of good reputation for moral character and honorable deportment, and also that he has emigrated to the said State of Texas with a view of permanently residing therein, And it further appearing to the satisfaction of the court here that the said John D Graves has been regularly and legally admitted to practise as an Attorney and Counselor at Law and Solicitor in Chancery in the Several Courts of the State of Missouri

It is therefore considered ordered adjudged and decreed by the court here, that the said John D Graves be and he is hereby admitted to practise as an Attorney and Counsellor at Law in the Several District and inferior Courts of the said State of Texas. Upon the taking of the oath prescribed by law. And that a License issue accordingly.

Frank Gildart

And now on this day came and appeared in open Court the said Frank Gildart, who had heretofore made application for License to practise law. And it appearing to the court here from the report made by the Committee appointed at former day of the present Term of this court for the purpose of examining the said Frank Gildart touching his qualifications to be admitted to practise Law, has made their report recommending the said applicant, as being competent to be admitted to practise as an attorney and counsellor at law

It is therefore ordered by the court that the said Frank Gildart be and he is hereby admitted to practise as an attorney and Counsellor at Law in the Several districts and inferior Courts of the

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State of Texas. Upon the taking of the oath prescribed by law and that a License issue to him accordingly

180 ✓ The State of Texas vs Louis H Boyan — Plaintiff, Defendant — Betting at a Monte Bank &c

And now on this day came the district attorney who prosecutes for the State in this behalf. and says that he will not prosecute said cause further. It is therefore ordered adjudged and decreed by the court that the said defendant go hence without day fully acquitted aforesaid Charge

181 ✓ The State of Texas vs William G H Sowers — Plaintiff, Defendant — Playing Cards.

In the above cause on motion of the district attorney, it is ordered by the court that said cause be continued until the next Term of this Court, and that alias Capias issue returnable to said Term.

182 ✓ The State of Texas vs William G H Sowers — Plaintiff, Defendant — Betting at a Faro Bank

And now on this day, in this case come the district attorney and on his motion it is ordered by the court that the above cause be continued until the next Term of this court, and that alias Capias issue returnable to said Term of said Court

183 ✓ The State of Texas vs Simeon Cooley — Plaintiff, Defendant — Betting at a Faro Bank

And now on this day in this case came the district attorney and on his motion it is ordered by the court that the above cause be continued until the next term of this court and that alias capias issue returnable to said term of said court.

184 ✓ The State of Texas vs Simeon Cooley — Plaintiff, Defendant — Exhibiting a Faro Bank

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And now on this day came the District attorney and on his motion it is ordered by the Court that this case be continued until the next term of this Court and that alias Capias issue returnable to said term of said Court.

185

The State of Texas vs Benjamin F. Hill } Plaintiff } Betting at Monte. } Defendant

And now on this day Came the State by attorney A. H. Chalmers and on his motion it is ordered by the Court that the forfeiture of recognizance entered into in this case at the Spring term of this Court A.D. 1853 be and the same is hereby set aside and held for naught. And thereupon the said defendant by attorney plead guilty to the Indictment in said Case and the allegations therein containing Whereupon came a Jury to wit. John B Stone. Benjamin Shaw. Riley Hudson. James H Riley James Paine, Joseph Conoly John H Bailey William H Morris, Jesse H Renick Sherman Case James Hall, and Leander Brown, twelve good and lawful men of the County of Travis who after being elected empanelled and sworn to try said Cause and after hearing the evidence in the Case and the argument of Counsel thereon, retired under Charge of the court to consider on their verdict and returned into Court the following verdict to wit— We the Jury find the defendant guilty and assess a fine of Ten dollars J. H. Renick foreman It is therefore considered by the court that the State of Texas have and recover of and from the said defendant the sum of ten dollars as a fine assessed as aforesaid together with all of her cost in this behalf laid out and expended

186

The State of Texas vs Benj. F. Hill } Plaintiff } Betting at Faro. } Defendant

And now on this day came the State by attorney A. H. Chalmers and a

Fall Term. Monday Sept 12th A. D. 1853.

On his motion it is ordered by the Court that the forfeiture of Recognizance entered in this Case at the Spring Term of this Court the 1853 be and the same is hereby set aside and thereupon the said defendant by attorney plead guilty to the indictment in said Case.

Whereupon came a jury to Wit John B Stone, Benjamin Shaw, Wiley Hudson James H Riley, James Paine Joseph Corvin John D Bailey William A Morris Sebee H Kenick Sherman Case James Hall and Leander Brown twelve good and lawful men of the County of Travis who after being duly sworn to try said Cause and after hearing the evidence in the Case and the argument of Counsel thereon retire under Charge of the Court, and returned into Court the following Verdict to Wit. We the jury find the defendant guilty and assess a fine of ten dollars J. H. Kenick foreman ——— It is therefore considered by the Court that the State of Texas have and recover of and from the said defendant the sum of ten dollars as a fine assessed as aforesaid together with all of her Cost laid out and expended

188 The State of Texas Plaintiff Betting at Faro-
vs
A F Bee Defendant
Nolle prosequi entered

191 The State of Texas Plaintiff Betting at Faro
vs
William R Allen Defendant
For this case an motion of Alexander D Chalmers District Attorney, who prosecutes for the State in this behalf it is ordered by the Court that the above cause be continued until the next Term of this Court and that alias Scirefacias issue in said cause, and also that Alias Capias issue, both writs returnable to said Term

192 The State of Texas Plaintiff Betting at Monte
vs
N G Grinsted Defendant
Nolle Prosequi entered in this case

Fall Term Monday September 12th A D 1853.

194 The State of Texas Plaintiff Betting at Monte
vs
Rufus Doane Defendant

And now on this day came the district attorney and says that he will not prosecute said cause further. It is therefore ordered, adjudged, and decreed by the Court that the said Defendant go hence without day fully acquitted of said charge.

195 The State of Texas Plaintiff Betting at a Faro Bank
vs
Benjamin F Dankesy Defendant

On this case this day came the district attorney who prosecutes for the State in this behalf and on his motion it is ordered by the court that the above cause be and the same is hereby dismissed and held for naught

196 The State of Texas Plaintiff Exhibiting a Faro Bank
vs
William B Allen Defendant

On this Case this day came the district attorney Alexander & Chaeners who prosecutes for the State in this behalf, and on his motion it is ordered by the court that the above cause be continued until the next Term of this court and that alias Scire facias issue in said cause, returnable to said Term

197 The State of Texas Plaintiff Betting at a Faro Bank
vs
Rufus Doane Defendant

And now on this day came the District attorney who prosecutes for the State in this behalf and says that he will not prosecute said cause further. It is therefore ordered, adjudged, and decreed by the Court that the said Defendant go hence without day fully acquitted of said charge.

198 The State of Texas Plaintiff On motion Alexander & Chaeners
vs
B E Sarver Defendant

District Attorney it is ordered by the Court that this cause be continued, and that alias Capias issue &c

Fall Term. Monday September 12th A. D. 1853.

213 The State of Texas Plaintiff Playing Cards
vs
Randolph Odom Defendant

On this case this day come the district attorney who prosecutes for the State in this behalf, and says that he will not prosecute said cause further. It is therefore ordered adjudged and decreed by the court that the said defendant go hence without day fully acquitted of said charge.

215 The State of Texas Plaintiff Betting
vs at
Antonio Manchaca Defendant Faro.

On Motion of the district attorney it is ordered by the court that the above cause be continued until the next Term of this Court, and that alias capias issue &c

216 The State of Texas Plaintiff Betting
vs at
Snowdigo Ward Defendant Monte

On Motion of Alexander A Chaumes. District Attorney it is ordered by the court, that the above cause be continued until the next Term of this court and that alias Capias issue in said cause returnable to said Term of said Court

217 The State of Texas Plaintiff Playing
vs Poker
James K Jackson Defendant

And now on this day came the parties to the above entitled cause to wit. the plaintiff by Attorney Alexander A Chaumes who prosecutes for the State in this behalf, and the said defendant James K Jackson in his own proper person and also by Attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, whereupon the said Defendant James K Jackson was arraigned in said cause, and pleaded "not Guilty thereto" whereupon came a Jury to wit John B Stone. Benjamin Shaw. Wiley Hudson. James H Riley. James Paine. Joseph Cannin Lloyd Railey. William S Morris. Jesse H Renick Sherman Case. James Hall, and Leander Brown

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twelve good and lawfull men of the County of Rains who being duly elected, empannelled and Sworn to try said Cause, and after hearing the evidence in the Case, and the argument of Counsel thereon retired under the Charge of the court 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 fine at twelve 50/100 Dollars. J. W. Penick Foreman"

Whereupon it is considered, ordered, adjudged and decreed by the court that the said State of Texas do have and recover of from the said defendant James R Jackson the said Sum of Twelve Dollars and fifty Cents the amount of fine so assessed by the Jury as aforesaid, together with all of her Costs in this behalf laid out and expended. And it is further ordered by the Court that the said defendant James R Jackson remain in the Custody of the Sheriff of Rains County until said fine and Costs are paid

234 The State of Texas Plaintiff Dealing Faro
vs
William Stone Defendant

On Motion of Alexander H Chalmers District Attorney it is ordered by the Court that the above cause be continued until the next Term of this court and that alias Capias issue in said cause returnable to said Term.

240 The State of Texas Plaintiff Dealing Faro.
vs
Edward Wagstaff Defendant

And now on this day came the District attorney who prosecutes for the State in this behalf. and thereupon the death of the said Defendant being suggested to the Court It is therefore ordered by the Court that said cause do now abate.

241 The State of Texas Plaintiff Playing Poker
vs
Josiah H Crosby Defendant

On Motion of plaintiff Attorney this case is continued, and alias Capias ordered therein

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247 The State of Texas Plaintiff } Permitting
vs } Jars to be
Thomas Glasscock Defendant } dealt in his
house

And now on this day came the parties to the above cause to wit the plaintiff by attorney Alexander & Chalmers who prosecutes for the State in this behalf and the said defendant in his own proper person and also by attorney and thereupon the motion heretofore filed by defendants attorney to quash the indictment in this case being taken up by the court for consideration and determination and the court after hearing the argument of Counsel for and against said motion and the court being well advised in the premises is of opinion that said motion of the said defendant be sustained and said indictment quashed, it is therefore ordered adjudged and decreed by the court that the said indictment be and the same is hereby quashed. to which ruling and Judgment of the court in the premises the said plaintiff by her said attorney at the time excepted and gave notice of his intention to appeal said cause to the Supreme Court of the State of Texas

247 The State of Texas Plaintiff } Permitting Jars
vs } to be dealt in his
Thomas Glasscock Defendant } house

And now on this day came the Plaintiff by attorney Alexander & Chalmers who prosecutes for the State in this behalf who heretofore on this day prayed an appeal to the Supreme Court and thereupon on application of the said plaintiff the Court fixed the amount of the Recognizance of said defendant in the sum of two hundred dollars and now come the said defendant Thomas Glasscock into open court and also comes Williamson S. Oldham and John B. Costa into open court and thereupon the said Thomas Glasscock as principal and the said Williamson S. Oldham and John B Costa as securities and acknowledged themselves jointly and severally to owe and be indebted unto the State of Texas in the sum of two

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hundred dollars to be levied each of their respective goods and chattles lands and tenements but to be void on condition that the said Thomas Glascock make his personal appearance at the next term of the District Court for the County of Travis and from day to day and from term to term thereafter then and there to abide whatever ever judgment or decree the Supreme Court of the State of Texas may render in the matter of said appeal aforesaid.

256 The State of Texas vs Thomas Glascock } Plaintiff } Defendant } Permitting Gaming in his house

On this case this day came the parties to the above entitled cause the plaintiff by attorney A. A. Chalmers who prosecutes for the State in this behalf as well the defendant Thomas Glascock in his own proper person and also by attorney and thereupon the motion heretofore filed in this case by the defendants attorney to quash the indictment in this case being taken up by the Court for consideration and determination and the Court after hearing the argument of Counsel for and against said motion and the Court considering the same and the questions of law thereon arising is of opinion that the said motion of the said defendant be sustained it is therefore considered ordered adjudged and decreed by the Court that the said motion of the said defendant to quash the indictment in this cause be sustained and that the said indictment be and the same is hereby quashed set aside and held for naught and that the said defendant go hence without day fully acquitted of said charge.

Fall Term Monday September 12th A.D. 1853.

247

The State of Texas Plaintiff
vs Permitting
Thomas Glascock Defendant Fine to be
Assessed in this Term

And now on this day came the parties to the above entitled cause the plaintiff by Attorney Alexander & Chalmers who prosecutes for the State in this behalf and also the defendant Thomas Glascock in his own proper person and also by attorney, and thereupon on motion of the said District attorney, it is ordered by the court that the entry heretofore made at the present Term of this Court to wit on this day, quashing the Indictment in said cause. and the notice of an appeal thereon, be and the same is hereby amended and reformed so as to read as follows to wit And now on this day came the parties to the above cause by their attornies. the defendant being present in open Court. at the time, and thereupon the said defendants motion to quash the Indictment in said cause being taken up by the court for consideration and determination and the court after hearing the argument of Counsel for and against said motion, is of opinion that the said motion be sustained. and that said Indictment be quashed and held for naught. It is therefore Considered, ordered, adjudged, and decreed by the Court that the said Motion of the said defendant to quash the Indictment in said cause be and the same is hereby sustained, and that the said Indictment in said cause be and the same is hereby quashed set aside and held for naught. and that the said defendant go hence with out day fully acquitted of said charge, To which ruling and Judgment of the court in the premises, the plaintiff by attorney at the time excepted, and in open court gave Notice of his intention to appeal said cause to the Supreme Court of the State of Texas

Ordered by the Court that court adjourn until Tuesday Morning 9 O'clock A M September the 13th A.D 1853

Tuesday Morning 9 O'clock A M Court convened pursuant to adjournment. September the 13th A.D 1853 Present the Honorable Robert S Jones Judge of said Court, John McCauley clerk and George W Scott Sheriff. Whereupon the following proceedings were had to wit

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225 The State of Texas Plaintiff
vs Betting
John B Stone Defendant at Roadeau

And now on this day came the district attorney who prosecutes for the State in this behalf, and says that he will not further prosecute said cause. It is therefore ordered by the court that the said defendant John Stone go hence without day fully acquitted of said charge.

227 The State of Texas Plaintiff
vs Gaming
Thomas Glascock Defendant

And now on this day came the plaintiff in the above cause by the district attorney who prosecutes for the State in this behalf and the defendant Thomas Glascock in his own proper person and also by attorney and thereupon the said parties announced themselves ready to proceed to the trial of said cause and thereupon the said defendant was arraigned in said cause and pleaded "not guilty" to the indictment in said cause and the allegations therein contained. Whereupon came a jury to wit James H Riley, James Wall, Ervin Thompson Wiley Hudson, Hugh Collins, Benjamin Shaw, Jesse W Renick, Nathan B Beck, William H Morris, Leander Brown, Thomas Case and John B Railey twelve good and lawful men of the county of Davis who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the case and the argument of counsel thereon, retired under the charge of the court to consider of their verdict. Whereupon said jury returned into court the following verdict to wit- "We the jury find the defendant not Guilty. Leander Brown Foreman"

It is therefore considered, ordered adjudged and decreed by the court, that the said defendant Thomas Glascock go hence without day fully acquitted of said charge.

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168

The State of Texas } Betting at a
vs } Monte Bank
John S Conner }

On this case this day came the District Attorney Alexander H Chalmers who prosecutes for the State in this behalf, and the said defendant John S Conner being three times Solemnly called came not but made default. And it appearing to the court here that the said defendant John S Conner who signs his name John S Conner as principal together with W G Wood, who signs his name W G Wood and James M W Hall who signs his name J M W Hall as Sureties had executed their Joint and several Bond payable unto the State of Texas in the Sum of one hundred Dollars dated the tenth day of February A D 1853 Conditioned that the said John S Conner make his personal at the District Court of the County of Travis to be held on the first Monday in March A D 1853. Then and there to answer to an Indictment preferred against him the said John S Conner by the Grand Jurors of said County of Travis, at the Fall Term of said District Court of Travis County A D 1853. for "Betting at a Monte Bank" Then and there to abide the judgment of said court, and that he remain from day to day and from Term to Term of said court, and that he do not depart there from without leave of said court. And the said defendant John S Conner being three times Solemnly called and required to answer said Charge came not but wholly made default, and the said Sureties being also three times Solemnly called and required to bring with them into Court the Body of the said defendant John S Conner to answer said Charge, which they wholly failed to do. It is therefore Considered ordered, adjudged and decreed by the court that the said Bond of the said John S Conner and the said W G Wood and the said James M W Hall be forfeited, and that the said State of Texas do have and recover of and from them jointly and Severally the Sum of one Hundred Dollars the Amount of said Bond. And that Scire facias do issue to each of them, returnable to the next Term of this court Commanding them then and there to show cause if any they may have why this Judgment should not be made final against them as aforesaid.

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228 The State of Texas Plaintiff Playing Poker
vs
John A Conner Defendant

In this case, this day came the District attorney Alexander A Chaemen who prosecutes for the State in this behalf, and the said defendant John A Conner being three times Solemnly called came not, but made default, And it appearing to the Court that the said defendant John A Conner who signs his name John A Conner as principal, together with Edward R Peck, who signs his name Ed R Peck and James W Smith who signs his name Jas W Smith as his Securities had executed their Joint and Several Bond payable unto the State of Texas in the Sum of One Hundred Dollars dated the 11th day of March A D. 1853. Conditioned that the said defendant John A Conner make his personal appearance Instanter before the Honorable District of said County of Travis, then in Session in the City of Austin at the Court House of said County, then and there to answer to an Indictment preferred against him the said John A Conner by the Grand Jurors of said County of Travis at the Spring Term of said District Court A D 1853. for "Playing Poker" Then and there to abide the Judgement of said court and that he remain from day to day, and from term to term, of said court, and that he do not depart therefrom without leave of said Court. And the said defendant John A Conner being three times Solemnly called to come and answer said charge came not but wholly made default, and the said Securities being also three times Solemnly called and required to bring with them into Court the Body of the said defendant John A Conner to answer said charge, which they wholly failed to do. It is therefore Considered, Ordered adjudged and decreed by the court that the said Bond of the said Defendant John A Conner, and the said Securities Edward R Peck and James W Smith be Forfeited and that the said State of Texas do have and recover of and from them Jointly and Severally, the Sum of One hundred dollars, the amount of said Bond and that Scire facias do 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

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may have why this Judgment should not be made final against them as aforesaid-

244 The State of Texas Plaintiff Pleading Fact
vs
Rawley Autry Defendant

In this case this day came the District attorney who prosecutes for the State in this behalf. and on his motion it is ordered by the Court that the above cause be continued until the next Term of this Court and that alias process issue in said cause returnable to said Term of said Court

244 The State of Texas Plaintiff Pleading Motion
vs
Edward Bennett Defendant

In the above cause, on motion of the District attorney it is ordered by the Court that the above cause be continued until the next Term of this Court, and that alias Capias issue returnable to said Term.

245 The State of Texas Plaintiff Exhibiting Roulette
vs
Weaver Defendant

And now on this day came the District attorney Alexander Mckamens. who prosecutes for the State in this behalf, and on his motion it is ordered by the Court that the above cause be continued until the next Term of this Court and that alias Capias issue in said cause returnable to said Term.

246. The State of Texas Plaintiff Allowing Roulette to be
vs
John Horan Defendant Dealt in his House

In this cause this day came the State by the District who prosecutes for the State in this behalf and the said defendant in his own proper person and also by attorney, and thereupon on motion and by consent of parties it is ordered by the Court that the above cause be continued until the next Term of this Court for the purpose of awaiting the determination of a similar question now pending in the Supreme Court of the State of Texas-

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250 The State of Texas Plaintiff
vs
Michael Siller
John Giesi and
John Klein Defendants Affray

And now on this day came the plaintiff in the above cause by the District Attorney Leander H Chalmers, who prosecutes for the State in this behalf, and one of the said Defendants John Giesi in his own proper person and also by attorney, and thereupon the said defendant Giesi moved the court to be severed from the other defendants, on the trial of said cause which was granted by the court. and thereupon the said defendant Giesi was arraigned in said cause, and pleaded "not guilty" thereto. Whereupon came a jury to wit James H. Riley, James Wallen Thompson, Wiley Hudson, Hugh Collins, Benjamin Shaw, Lewis H Renick, Truman B Beck, William H Morris, Leander Brown, Sherman Case, and John D Railey, twelve good and lawful men of the county of Travis, who being duly elected empannelled, and sworn to try said cause, and after hearing the evidence in the case and the arguments of Counsel thereon, 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 defendant guilty and assess the fine, One dollar. Leander Brown, Foreman"

It is therefore ordered, adjudged and decreed by the court that the said State of Texas do have & recover of and from the said defendant John Giesi the sum of One dollar. the amount of fine so assessed by the Jury as aforesaid, together with all of her costs in this behalf laid out and expended, and that the said defendant remain in the Custody of the Sheriff of Travis County until said fine and costs are paid. And thereupon the said defendant John Giesi came forward and paid said fine and costs.

257 The State of Texas Plaintiff Assault
vs and
Robert Brown Defendant Battery

On this day on motion of the District Attorney, the same is continued, and alias Capias ordered returnable to the next Term of this Court

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250

The State of Texas Plaintiff

vs

Michael Giller
John Liesi and
John Klein Defendants

Affray

And now on this day, in this cause came the district attorney, Alexander S. Chalmers who prosecutes for the State in this behalf, and one of the said defendants, Michael Giller in his own proper person. and also by attorney, and thereupon the said defendant Michael Giller moved the Court to be permitted to sever from the other defendants, on the trial of said cause, which leave was granted by the Court. And thereupon the said parties announced themselves ready for the trial of said cause. and thereupon the said defendant Michael Giller was arraigned in said cause, and plead "not guilty" to the Indictment in said cause and the allegations therein contained. Whereupon came a jury to wit Thomas E. Ross, Allen E. Brown, Nathaniel S. Cox. William Wilkes, E. S. Matthews, James Layfield, Joseph Erwin, Fielding S. Roy, Abner Lee, Saliafero Bostick, Jonathan Vanbleve. and William Custard, twelve good and lawful men of the County of Travis who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the case. and the argument of Counsel thereon, retired under the charge of the Court to consider of their verdict, and thereupon the said Jury returned into court the following verdict to wit "We the jury find the defft. M. Giller guilty and assess the punishment of one hundred. F. Bostick Foreman" Whereupon it is considered ordered, adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said defendant Michael Giller the said Sum of one dollar. the amount of fine so assessed by the Jury as aforesaid. together with all of her costs in this behalf laid out and expended, And it is further considered, ordered adjudged and decreed by the Court that the said Defendant Michael Giller remain in the custody of the Sheriff of Travis County, until said fine and costs are paid. And thereupon the said defendant by his attorney filed his motion for a new trial in said cause.

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235 ✓

The State of Texas — Plaintiff
vs
Michael Tillis
John Liesi and
John Klein — Defendants
Affray

And now on this day again came the parties to the above entitled cause to wit the plaintiff by attorney Alexander & Chalmers who prosecutes for the State in this behalf and the said defendant Michael Tillis in his own proper person and also by attorney. And thereupon the motion this day filed by defendants attorney for a new trial in said cause coming on to be heard by the court. and the court after hearing the argument of Counsel for and against said motion and the court considering the same, and the questions of law thereon arising is of opinion that said motion be overruled. It is therefore considered ordered. adjudged. and decreed by the Court that the said motion of the said defendants for a new trial in said cause be and the same is hereby overruled. To which ruling. and Judgment of the court. in overruling the defendants motion for a new trial in said cause, the said defendant Michael Tillis by attorney excepted at the time of the ruling of the court in said premises. and in open court gave notice of his intention to appeal said cause to the Supreme Court of the State of Texas.

250. ✓

The State of Texas — Plaintiff
vs
Michael Tillis
John Liesi and
John Klein — Defendants
Affray

And now on this day again came the plaintiff by attorney Alexander & Chalmers who prosecutes for the State in this behalf. and the said defendant Michael Tillis in his own proper person, and also by attorney And thereupon the said defendant Michael Tillis who had heretofore prayed an appeal in said cause. moved the court to fix the amount of recognizance of said defendant for said appeal Whereupon the court fixed the amount of recognizance at the sum of One Hundred Dollars. And now

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comes the said defendant Michael Tiller in to open court and also comes Sebron G Sneed and Benjamin Grumbles in to open court. and thereupon the said defendant Michael Tiller as principal, and the said Sebron G Sneed and Benjamin Grumbles as Sureties, and 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 each of their respective goods and Chattles, Lands and tenements, But to be void on condition that the said Michael Tiller make his personal appearance at the next Term of the District Court of the County of Travis, and from day to day and from Term to Term thereafter, there and there to abide whatever Judgment or decree the Supreme Court of the State of Texas may render in the matter of said appeal as aforesaid.

252

The State of Texas vs Samuel Stone and Samuel Stovell — Plaintiff — Defendants — Affray

And now on this day came the plaintiff by the District attorney who prosecutes for the State in this behalf, and one of the said defendants, Samuel G Stovell in his own proper person, and also by attorney, and thereupon the said defendant Stovell moved the court to be permitted to sever from the other defendant on the trial of said cause, which said motion was granted by the court. and thereupon the said parties announced themselves ready to proceed to the trial of said cause. and thereupon the said defendant Samuel Stovell was arraigned in said cause and plead "not guilty", whereupon came a Jury to wit, James Cadelfield, Thomas Freeman, E S Matthews, David I Miller, Joseph Corwin, Benjamin Shaw, William Wilkes, Jonathan Nusbeers, Bleeding & Roy, Allen & Brown, Thomas W. Ward and Nathaniel A Cox, twelve good and lawful men of the County of Travis, who being duly elected, empannelled, and Sworn to try said cause and after hearing the evidence in the case, and the argument of Counsel thereon, retired under the charge of the court to consider of their Verdict, and returned into court the following Verdict to wit We the

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Jury find not guilty. S VanCleve, Foreman. It is therefore ordered, adjudged and decreed by the Court that the said defendant Samuel Stovall go hence without day fully acquitted of said Charge.

253 The State of Texas vs John Swan. — Plaintiff / Defendant — Permitting Bail to be dealt in his house

On motion of the District Attorney it is ordered by the court that the above cause be continued until the next Term of this Court

254 The State of Texas vs Thomas Pitt — Plaintiff / Defendant — Permitting Man to be dealt in his House

On motion of the District Attorney it is ordered by the court that the above cause be continued until the next Term of this Court

258 The State of Texas vs John C Hyde — Plaintiff / Defendant — Assault with a deadly Weapon

On this cause this day came the District attorney Alexander S Chalmers, who prosecutes for the State in this behalf, and the said defendant John C Hyde in his own proper person, and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said Cause. and thereupon the said defendant John C Hyde was arraigned in said cause, and plead not guilty to the Indictment in said cause, and the allegations therein Contained. Whereupon came a jury to wit; James W Riley, James Hall, Erwin Thompson, Wiley Hudson, Hugh Collins, Benjamin Shaw, Jesse W Renick, Truman P Beck, William S Morris Leander Brown, Sherman Case, and John D Railey, twelve good and lawful men of the County of Travis, who being duly elected, empannelled and sworn to try said cause and after hearing the evidence in the case, as well as the argument of Counsel thereon, retired under the Charge of the Court to Consider of their Verdict. Whereupon said Jury returned into Court the following Verdict to wit

"We the jury find the Defendant guilty of a-

Common assault. and assess the punishment of Thirteen Dollars. Leander Brown Foreman". It is therefore considered. ordered. adjudged, and decreed by the court. that the said State of Texas do have and recover of and from the said defendant John C Hyde the said Sum of Thirteen dollars. the amount of punishment so assessed by the Jury as aforesaid. together with all of her cost in this behalf laid out and expended. And it is further ordered adjudged and decreed by the court that the said defendant John C Hyde remain in the Custody of the Sheriff of Travis County until said fine and cost are paid &c

264. The State of Texas Plaintiff Betting
vs at
William H Taylor Defendant Rondo

On motion of the District attorney it is ordered by the court, that the above cause be continued until the next Term of this court, and that alias Capias issue in said cause, returnable to said Term.

Ordered by the Court. that Court adjourn until Wednesday Morning 9 O'clock A.M. September the 14th Anno Domini 1853

Wednesday Morning 9 o'clock. A M September the Fourteenth A D 1853 Court convened pursuant to adjournment. Present the Honorable Robert J Jones Judge of said Court John M Austin clerk. and George W Scott Sheriff of Travis County. Whereupon the following proceedings were had to wit:

139 The State of Texas Plaintiff Malicious
vs mischief
Josephus Cowan Defendant

And now on this day came the plaintiff in the above cause by attorney, and the said defendant Josephus Cowan in his own proper person, and also by attorney, and thereupon the said defendant filed his affidavit within terms of the law for a continuance. It is therefore ordered by the court that said cause be continued until the next Term of this court

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x 189 The State of Texas Plaintiff Malicious Mischief
vs
Josephus Cowan Defendant

And now on this day came the plaintiff in the above cause by attorney Alexander S Chalmers. who persecutes for the State in this behalf, and the said defendant Josephus Cowan in his own proper person and also by attorney, and thereupon, upon motion and by consent of parties It is ordered by the court that the above cause be continued until the next Term of this Court. as upon affidavit of the said defendant. Josephus Cowan.

21/4 x The State of Texas Plaintiff Playing Poker
vs
James R Jackson Defendant

And now on this day came the District attorney Alexander S Chalmers who prosecutes for the State in this behalf, and the said defendant James R Jackson in his own proper person and also by attorney, and thereupon the motion of the said defendant filed in this case for a new trial therein coming on to be heard, and the court after hearing the arguments of Counsel for and against said motion and the Court considering the same, and the questions of law thereon arising is of opinion that said motion of said defendant for a new trial in said cause be allowed, It is therefore ordered adjudged, and decreed by the Court that a new trial be and the same is hereby awarded in said cause, And thereupon the said plaintiff by her said attorney said that he would not prosecute said cause further. It is therefore ordered adjudged, and decreed by the court that the said defendant James R Jackson go hence without day fully acquitted of said charge

269 x The State of Texas Plaintiff Betting at Ponds
vs
Robert Cravens Defendant

On Motion of the district atty it is ordered by the court that the above cause be continued until the next Term of this court and that alias capias issue

Fall Term Wednesday September 14th A.D. 1853.

222 The State of Texas Plaintiff Assault with a
vs deadly weapon
Newell W Burdit Defendant

And now on this day came the plaintiff in the above cause by Alexander S Chalmers who persecutes for the State in this behalf, as well the said defendant Newell W. Burdit in his own proper person. and also by attorney, and thereupon on motion and by consent of parties it is ordered by the court that the above cause be and the same is hereby set for Trial on Tuesday next at 9 o'clock a m. September the 27th A.D. 1853. And thereupon the court ordered the said defendant into the custody of the Sheriff of Travis County and thereupon the said defendant moved the court to be permitted to be recognized for his appearance on the said twenty-seventh day of September A.D. 1853. and thereupon the Court fixed the amount of recognizance of the said defendant in the sum of Three Thousand Dollars. And thereupon came into open Court the said defendant Newell W Burdit, as principal and Giles A Burdit, and Edward B Peck as securities, and acknowledged themselves Jointly and Severally to owe and be indebted unto the State of Texas in the Sum of Three Thousand Dollars. to be levied each of their respective goods and chattles Lands, and tenements, But to be void upon condition that the said defendant Newell W Burdit make his personal appearance before this Court on Tuesday next September the 27th A.D. 1853. at 9 o'clock a m. of said day, and that he remain from day to day and from term to term of said Court thereafter, then and there to abide whatever Judgment, or decree the said court may pronounce in said matter, of "The State of Texas. vs Newell W. Burdit" for "an assault with a deadly Weapon"

223 The State of Texas Plaintiff Assault with a dead-
vs ly weapon
Newell W Burdit Defendant

And now on this day again came the plaintiff by attorney Alexander S Chalmers, who persecutes for the State in this behalf, and thereupon on motion of the said attorney

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the Court ordered that the witness Subpoenaed on behalf of the State be recognized for their appearance in said Cause. Said witness Subpoenaed on behalf of the State being as follows to wit. Charles S Reese. Nathaniel S Cox Sherman Case. Richard N Lane. and Andrew O Horne and thereupon came and appeared in open Court the said Witnesses. to wit Charles S Reese. Nathaniel S Cox. Sherman Case. Richard S Lane. and Andrew O Horne. and thereupon the Court fixed the amount of recognizance in which each of the said witnesses were to be recognized in. in the Sum of Two Hundred and fifty dollars each Severally, and thereupon the said Charles S Reese, Nathaniel S Cox. Sherman Case Richard S Lane. and Andrew O Horne, each Severally, acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of Two hundred and fifty dollars. to be levied each of their respective goods and Chattels. Lands and tenements. But to be void upon Condition that the said Charles S Reese. Nathaniel S Cox. Sherman Case. Richard S Lane. and Andrew O Horne make their personal appearance before this Court on Tuesday morning 9 o Clock A M September the 27th A.D 1853. Inst then and there to give evidence on behalf of the plaintiff, to wit The State of Texas vs Nevill N Burdit. Charged with an "assault with a deadly weapon" and that they there remain from day to day thereafter. and from term to term of said Court thereafter. and that they do not depart said Court without leave thereof.

$15 The State of Texas Plaintiff Betting
Edward Walpole Defendant at Ronde
vs
In this cause this day came the District, and on his motion it is ordered by the Court that this cause abate, the death of the said Defendant being suggested

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259 The State of Texas Plaintiff
vs
John M Brite Defendant Murder

And now on this day came the plaintiff in the above cause by attorney Alexander & Chalmers who persecutes for the State in this behalf. and the said defendant John M Brite in his own proper person and also by attorney and thereupon on motion, and it appearing to the court that the Venire facias heretofore issued in this cause at this Term of the court has been returned, not executed, the Sheriff being related to the defendant. It is therefore ordered by the court that a Pluries Venire Facias issue in said cause instanter. directed to the Coroner of said County of Travis, and that the said Venire Facias be made returnable on Monday the 19th inst A.D. 1853 And thereupon on motion and by consent of parties It is ordered by the court that said cause be and the same is hereby set for trial on the 26th day of September A.D. 1853 inst at 9. O'clock A.M.

271. The State of Texas Plaintiff
vs
Thomas Ward Defendant Affray

And now on this day came the plaintiff by attorney Alexander & Chalmers who prosecutes for the State in this behalf, and says that he will not prosecute said cause further. It is therefore ordered adjudged and decreed by the court that the said defendant Thomas Ward go hence without day fully acquitted of said charge.

331 The State of Texas Plaintiff Horse Stealing
vs
Doc Calhoun Defendant

And now on this day come the plaintiff in the above entitled cause by her attorney Alexander & Chalmers District attorney who prosecutes for the State in this behalf and the said defendant in his own proper person person and also by attorney. and thereupon the said parties announced themselves ready to—

Fall Term. Wednesday Sept. 14th A. D. 1853.

proceed to the trial of said cause, and thereupon the said defendant, Levi Calhoun, was arraigned in said cause and pleads not Guilty to the Indictment in said cause and the allegations therein contained. Whereupon came a Jury to wit- Sherman Cass, Truman B Beck William A. Morris, John D Raley, Thomas E Rowe, Josephus Brown, James Hall, Hugh Collins Jesse H Renick, Abner Lee, Taliafero Bostick, and Oscar D Cullen, twelve good and lawful men of the County of Travis, who being duly elected, empannelled, and sworn to try said cause, and after hearing the evidence in the case and the argument of Counsel thereon, retired under the charge of the Court to consider of their verdict, Whereupon said Jury returned in to Court the following verdict to wit: "We the Jury find the defendant guilty, and assess his punishment to four years imprisonment in the Penitentiary. T Bostick Foreman"

1153

The State of Texas Plaintiff } Assault
vs } with intent
William Cruz Defendant } to Kill &c

And now on this day came the District attorney Alexander H Phaemes who prosecutes for the State in this behalf, and says he will not prosecute said Cause further. It is therefore considered, ordered, adjudged, and decreed by the Court that the said Defendant William Cruz go hence without day, fully acquitted of said Charge.

Ordered by the Court that Court adjourn until Thursday Morning 9 O'clock A M. September the 15th A D 1853

Thursday morning 9 O'clock A M. Court convened pursuant to adjournment September the 15th A D 1853 Present the Honorable Robert J Jones Judge of said Court. John M Easley Clerk, and Geo W Scott Sheriff of Travis County. Whereupon the following proceedings were had by said Court as follows to wit:

Fall Term Thursday September 15th A. D. 1853.

204 The State of Texas Plaintiff } Cutting Timber
vs on land not
Josiah Hutson Defendant } his own

In this case this day came the District Attorney, Alexander S. Chambers. who prosecutes for the State in this behalf, and the said defendant Josiah Hutson in his own proper person and also by attorney, and thereupon the motion to quash the indictment in said cause, heretofore filed by defendants attorney, being taken up by the Court for consideration and determination, and the Court after hearing the argument of Counsel for. and against said motion, and the Court considering the same, and being well advised in the premises is of opinion that said motion be sustained.

It is therefore ordered adjudged and decreed by the court that the motion to quash. the Indictment in said cause filed by said defendant be and the same is hereby Sustained and that said Indictment be and the same is hereby quashed, set aside and held for naught and that the said defendant go hence without day fully acquitted of said Charge. And thereupon the said plaintiff by attorney in open court gave notice of his intention to appeal said cause to the Supreme Court of the State of Texas.

204 The State of Texas Plaintiff } Cutting
vs timber on
Josiah Hutson Defendant } land not his
own

In this case. this day again came the plaintiff by Attorney Alexander S. Chambers who prosecutes for the State in this behalf. and the said defendant Josiah Hutson in his own proper person, and also by attorney, and thereupon the said plaintiff by Attorney moved the Court that the said defendant be recognized in the matter of appeal of which notice was given in open Court at this day, which motion was by the court granted, and said defendant ordered to be recognized, and thereupon the court fixed the amount of recognizance in which the said defendant is to be recognized, in the sum of

Hall Term. Thursday Sept. 15th. A. D. 1853.

of Three Hundred Dollars. And now come the said defendant Josiah Hutson into open Court as principal, and Archibald Martin as his Security, and thereupon the said Josiah Hutson and the said Archibald Martin acknowledged themselves to owe and be indebted unto the State of Texas in the Sum of Three Hundred dollars to be levied of their respective goods and Chattels Lands and tenements. But to be void on Condition that the said Josiah Hutson make his personal appearance before the Honorable District Court for the County of Travis at the next Term thereof, and from term to term thereafter then and there to abide whatever Judgment or decree, the Supreme Court of the State of Texas may render in the matter of said appeal as aforesaid.

264 The State of Texas Plaintiff
vs
Josiah Hutson, Defendant
Cutting Timber on land not his own

In this Case this day again came the the plaintiff by attorney Alexander Thomas who had heretofore perfected an appeal in said cause. And moved the Court that the witnesses Summoned on behalf of the plaintiff in said cause be recognized, for their appearance in said matter, said witnesses being as follows to wit Thomas Adams and David Scott, and thereupon the Court granted said motion, and fixed the amount of said recognizance in the Sum of Fifty dollars each. And now comes the said Witnesses into open Court. to Wit Thomas Adams and David Scott and thereupon the said witnesses, Thomas Adams and David Scott acknowledged themselves Severally to owe and be indebted unto the State of Texas in the Sum of Fifty dollars each, to be levied each of their respective goods and Chattels, lands and tenements. But to be void upon condition that the said Thomas Adams and David Scott do make their personal appearance at the next Term of this Court and from term to term thereafter, then and there to give evidence in said Cause, of The State of Texas versus Josiah Hutson, for cuteing timber on land not his own. and not depart the Court, without leave-

Fall Term Thursday September 15th A.D. 1853.

226 ✓ The State of Texas vs Samuel Norvell } Plaintiff / Defendant — Playing Poker

In this case, this day came the district attorney Alexander S Chambers who prosecutes for the State in this behalf and the said defendant Samuel Norvell in his own proper person, and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant Samuel Norvell was arraigned in said cause and pleaded not guilty thereto, to the allegations in the indictment in said cause contained Whereupon came a Jury to wit William St Mons Alexander Eanes, Calia Jeno Bostick, John D Railey, Truman B Beck, Hugh Loveins, Josephus Cowan, Jesse H Renick, John H Brown James H Riley, James Wall and Oscar A Cullen twelve good and lawful men of the county of Travis who being duly elected, empannelled and sworn to try said cause, and after hearing the evidence in the case and the argument of counsel thereon, retired under charge of the court 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 Ten Dollars. J H Renick Foreman" It is therefore ordered, adjudged, and decreed by the Court. that the said State of Texas do have and recover of and from the said defendant Samuel Norvell the sum of Ten Dollars the amount of fine so assessed by the Jury as aforesaid, together with all of her costs in this behalf laid out and expended, and that the said defendant Samuel Norvell remain in the Custody of the Sheriff of Travis county until said fine and costs are paid, and thereupon the said defendant Samuel Norvell came forward and paid said fine and costs, and was by the court discharged.

229 ✓ The State of Texas vs Henry Vines } Plaintiff / Defendant — Playing Poker

And now on this day came the

Fall Term. Thursday September 15th. A. D. 1853.

State by the District Attorney Alexander S Chaumes who prosecutes for the State in this behalf. as well the said defendant Henry Vines in his own proper person and also by attorney and thereupon the said parties announced themselves ready to proceed to the trial of said cause and thereupon the said Defendant was arraigned in said cause and pleaded "not guilty" And thereupon came a Jury to wit. Thomas Freeman, Jonathan Vanlowe, Joseph Erwin, Fielding S Roy Benjamin Shaw. David S Miller, James Caudfield, & S Matthews William Wilkes. Nathaniel Scott. Allen E Bonn, and James Gibson, twelve good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said cause and after hearing the evidence in the case as well as the argument of Counsel thereon, 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 defendant not Guilty J Caulfield Foreman. It is therefore ordered adjudged and decreed by the Court that the said defendant Henry Vines go hence without day fully acquitted of said Charge.

365

The State of Texas Plaintiff

vs

Perry Grumbles
John S Grumbles
Augustus Fore
Henry Vines
Gray Clements and
John A Mexican Defendants

Murder

And now on this day in this cause came the State by the District Attorney Alexander S Chaumes who prosecutes for the State in this behalf and also the said defendants John S Grumbles Augustus Fore Henry Vines & Gray Clements, in their own proper person and also by attorneys, and thereupon on motion of the District Attorney the said defendants was arraigned in said cause, and plead not guilty to the Indictments in said cause, and the allegations therein contained And thereupon on Motion

Fall Term. Friday September 16th A. D. 1853.

and by Consent of parties. It is ordered by the court that the 26th day of September inst A D 1853 be and the same is hereby set apart for the trial of said Cause. And upon motion of the District Attorney It is ordered by the court that a Venire Facias issue returnable on the 21st day of September inst A D 1853 Commanding the Sheriff of Travis County to Summon Thirty six good and lawful men of the County of Travis to be and appear before said Court on the 21st day of said Month of September A D 1853. Then and there to serve as Jurors in the aforesaid Cause.

Ordered by the Court that Court adjourn until Friday Morning 9 o'clock A M September the 16th A D 1853

Friday Morning 9 o'clock A. M. Court Convened pursuant to adjournment September the 16th A D 1853 Present the Honorable Robert J Townes Judge of said Court. John Moseley Clerk and George W. Scott Sheriff of Travis County Whereupon the following proceedings were had by said court to wit:

3149

The State of Texas Plaintiff } Betting
vs } at
John W Blue Defendant } Bar

In this Cause this day came the District attorney Alexander S Chalmers who prosecutes for the State in this behalf, and the said Defendant John W Blue in his own proper person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said Cause, and thereupon the said defendant was arraigned in said Cause and plead not guilty to said Charge and the allegations in the Indictment in said Cause contained, Whereupon came a Jury to wit Abner Lee, Allen E Brown, Benjamin Shaw James Gibson, E E Matthews, Jonathan Wapleve, Hugh Collins, Nathaniel H Cox, Thomas Freeman, David J Miller, William Custard and James Gibson, twelve good and lawful men of the County of Travis, who being duly elected, empannelled and Sworn to try said Cause, and after hearing the evidence in the Case and the argument

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of Counsel thereon, retired under the charge of the Court to consider of their verdict, Whereupon the said Jury returned into court the following verdict to wit; "We the Jury find the defendant not Guilty Wm. J Miller Foreman" It is therefore considered ordered, adjudged and decreed by the court that the said defendant John W. Dee go hence without day fully acquitted of said charge.

The State of Texas vs Nero Deaton. Plaintiff Defendant Horse Stealing

848

And now on this day came the plaintiff in the above cause by the District Attorney, Alexander St. Chalmers who prosecutes for the State in this behalf, and the said defendant Nero Deaton in his own proper person and not by attorney, and thereupon the said defendant was arraigned in said cause, and plead not Guilty. to the Indictment in said cause, and the allegations therein contained Whereupon came a Jury to wit; Abner Lee, Allen E Brown, Benjamin Shaw, Joseph Erwin, E S Matthews, Jonathan Vanbleve Hugh Collins, Nathaniel Allen, Thomas Freeman, David J Miller, William Custard, and Jesse H Renick, twelve good and lawful men of the County of Travis. who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel thereon, retired under the charge of the court to consider 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 One Year's hard labor. in the State Penitentiary. Wm. J Miller Foreman"

The State of Texas vs Charles K Reese Plaintiff Defendant Cutting timber on land not his own &c

333

And now on this day came the plaintiff in the above cause by her attorney Alexander St Chalmers, District Attorney who prosecutes

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for the State in this behalf, and the said defendant Charles S Reese in his own proper person, and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause. And thereupon the said defendant Charles S Reese was arraigned in said cause and plead not guilty to said charge, and the allegations in the indictment in said cause contained

Whereupon came a jury to try said cause to wit; Fielding S Roy, Durham B Beck, Joseph Lemon Dalafors Bostick, James H Riley, James Hall, John B Stone, Oscar S Cullen, John D Railey John H Brown, William S Morris and Daniel Caulfield, twelve good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the cause, and the argument of Counsel thereon, retired under the Charge of the Court 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 fine of Sixty dollars. John B Stone. Foreman" It is therefore, considered ordered, adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said defendant Charles S Reese, the sum of Sixty dollars the amount of fine so assessed by the jury as aforesaid, together with all of her costs in this behalf laid out, and expended, And it is further considered, ordered, adjudged, and decreed by the Court that the said defendant Charles S Reese remain in the Custody of the Sheriff of Davis County until said fine and costs be paid

Ordered by the Court that Court adjourn until Saturday Morning 9 o'clock A M September the 17th A D 1853.

Saturday Morning 9 o'clock A M September the 17th A D 1853 Court convened pursuant to adjournment. Whereupon the Honorable Robert J Jones being present John McCauley clerk and George W Scott Sheriff of Davis County. Whereupon the following proceedings were had to wit

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343 The State of Texas Plaintiff Betting
vs at
James W H Hall Defendant Kins

In this case this day came the plaintiff in the above cause by the District Attorney Alexander S Chalmers and says that he will not prosecute said cause further. It is therefore ordered by the court that the said defendant go hence without day fully acquitted of said charge

345 The State of Texas Plaintiff Betting
vs at
Lewis Beardsley Defendant Kins

In this case on motion of the District Attorney, it is ordered by the Court that the above cause be continued, and that alias capias issue

346 The State of Texas Plaintiff Betting
vs at
William Wyatt Defendant Kins

And now on this day came the plaintiff in the above cause by the District Attorney, Alexander S Chalmers who prosecutes for the State in this behalf, as well the said defendant William Wyatt in his own proper person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said. Whereupon the said defendant William Wyatt was arraigned in said cause and plead "Not guilty" Whereupon came a jury to wit: Josephus Corran, Fielding S Roy, Duncan H Beck, William S Morris, John H Railey, Joseph Corgin, James Hall, James Barefield, Oscar S Cullen, John C Wilson, James S Baker and James H Riley twelve good and lawful men of the County of Travis who being duly elected empannelled, and sworn to try said cause, and after hearing the evidence in the case as well as the argument of Counsel thereon, retired under the Charge of the court to consider their Verdict. Whereupon said Jury returned into court the following Verdict to wit "We the Jury find the defendant guilty, and assess the fine, Ten Dollars, F S Roy Foreman" It is therefore considered, and adjudged, and decreed by the court that the said

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State of Texas, do have and recover of and from the said defendant William Wyatt the said Sum of Ten dollars the amount of fine so assessed by the Jury as aforesaid together with all of her costs in this behalf laid out and expended, and that the said defendant William Wyatt remain in the custody of the Sheriff of Brazos County until said fine and costs are paid.

347 The State of Texas vs Thomas P Cartmell — Plaintiff — Defendant — Betting at Kino

In this case, this day came the District Attorney Alexander H Chalmers, and says that he will not prosecute said cause further It is therefore ordered, adjudged and decreed by the Court that the said defendant Thomas P Cartmell go hence without day fully acquitted of said charge -

348 The State of Texas vs Constantine A Hopkins — Plaintiff — Defendant — Betting at Kino

In this case on motion of the District Attorney. It is ordered by the Court that this cause be continued, and that alias Capias issue in said cause

352 The State of Texas vs Perry Goumbles — Plaintiff — Defendant — Betting at Kino

In this case on motion of the District Attorney. It is ordered by the court that the above cause be continued, and that alias Capias issue in said cause

353 The State of Texas vs Newton Jackson — Plaintiff — Defendant — Betting at Kino

And now on this day came the plaintiff by attorney Alexander H Chalmers who prosecutes for the State in this behalf, and on his motion it is ordered by the court that the above cause be continued until the next Term of this Court and that alias Capias issue.

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354 The State of Texas Plaintiff Betting
vs at
James R Pace Defendant Fines

In this case this day came the District attorney Alexander Mckamies who prosecutes for the State in this behalf, and the said defendant James R Pace in his own proper person, and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause. Whereupon the said defendant James R Pace was arraigned in said cause and pleaded not guilty Whereupon came a jury to wit Joseph Condon Fielding E Roy, Duncan B Beck, William M Morris, John R Railey, Josephus Corouns, James Nall, James Canefield Asa D Cullen, John C Wilson, James L Baker and James W Riley twelve good and lawful men of the County of Travis, who being duly elected empannelled, and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel thereon, 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 defendant not guilty Duncan B Beck Foreman It is therefore considered ordered, adjudged and decreed by the Court that the said defendant James R Pace go hence without day fully acquitted of said Charge,

353 The State of Texas Plaintiff Betting
vs at
Arthur S Lott Defendant Fines

In this case, this day came the plaintiff by attorney Alexander Mckamies who prosecutes for the State in this behalf, and the said defendant Arthur S Lott in his own proper person, and also by attorney, and thereupon the said defendant was arraigned in said cause and plead not guilty to the indictment in said cause and the allegations therein contained Whereupon came a Jury to wit Abner Lee, Allen E Brown Benjamin Shaw, James Gibson, E S Matthews, Jonathan Van Cleve

Fall Term. Saturday September 17th. A. D. 1853.

Hugh Collins, Nathan Cox, Thomas Freeman David S Miller, William Custard, and James Gibson twelve good and lawful men of the county of Travis who being duly elected, empanelled, and sworn to try said cause, and after hearing the evidence in the case, as well as the argument of Counsel thereon, retired under the charge of the court to consider of their Verdict. Whereupon said Jury returned into court and informed the court that they could not agree as to a Verdict in said cause And thereupon on motion and by consent of parties it is ordered by the court that a mistrial be awarded in said cause and that the same be continued until the next Term of this Court

344 The State of Texas Plaintiff Betting at
vs
Thomas Pitts Defendant Keno

And now on this day came the plaintiff by attorney Alexander N Ohlenmers. District Attorney, who prosecutes for the State in this behalf, and the said defendant Thomas Pitts, being three times solemnly called came not but made defaut. And it appearing to the satisfaction of the court here that the said defendant Thomas Pitts who signs his name T S Pitts as principal together with Wash Hammett who signs his name Wash Hammett and S A. Burdett who signs his name S A Burdett, as his securities, had executed their joint and several Bond payable unto the State of Texas in the sum of One hundred dollars dated the 12th day of September A D 1853 Conditioned that the said defendant Thomas Pitts, who signs his name T S Pitts do make his personal appearance instanter before the Honorable District court of Travis County, then in Session at the court house of said County in the City of Austin, to answer to an Indictment preferred against him by the Grand Jurors of Travis County at the Fall Term A D 1853 of said court for Betting money at a certain Gaming Table called Keno. there and then to abide the Judgment of said court and there remain from day to day and from term to term of said Court and that he do not depart the court without leave

Fall Term Saturday September 17th A D 1853

and the said defendant Thomas Pitts as aforesaid being again three times solemnly called and required to come in to court and answer said charge, came not but wholly made default and the said Sureties being also three times Solemnly called and required to bring with them into Court the Body of the said Thomas Pitts to answer said charge which they wholly failed to do. It is therefore considered, ordered, adjudged and decreed by the court that the said Bond of the said Thomas Pitts and the said Wash Bennett, and the said J A Burdett. be forfeited and that the said State of Texas do have and recover of and from them Jointly and Severally the Sum of One hundred Dollars, the amount of their said Bond, And that Scire facias do issue to each of them, returnable to the next Term of this court Commanding them, then and there to show cause if any they may have, why this Judgment should not be made final against them as aforesaid.

349

The State of Texas vs Henry Vines — Plaintiff — Defendant — Betting at Keno

On this cause this day came the plaintiff in the above cause by her Attorney Alexander S Chalmers District Attorney who prosecutes for the State in this behalf. And the said Defendant Henry Vines in his own proper person and also by Attorney, and thereupon the Motion to quash the Indictment in said cause, heretofore filed in this cause by defendants Attorney being taken up by the court for consideration and determination, and the court after hearing the argument of counsel for and against said said Motion, and the court considering the same is of opinion that said Motion be overruled. It is therefore considered, ordered adjudged and decreed by the court that the said Motion of the said Defendant to quash the indictment in said cause, be and the same is hereby overruled—

Fall Term. Saturday September 17th A.D. 1853.

349 The State of Texas Plaintiff Betting at Faro
vs
Henry Vines Defendant

In this case this day came the plaintiff by her attorney Alexander St Chalmers who prosecutes for the State in this behalf. and the said defendant Henry Vines being three times solemnly called, came not but made default.

And it appearing to the satisfaction of the Court here that the said defendant Henry Vines who signs his name Henry Vines as principal. together with Sherman Case who signs his name Sherman Case and Washington Hammett who signs his name Washington as Securities had executed their joint and several Bond payable unto the State of Texas in the Sum of One Hundred Dollars. dated the 14th day of September A.D 1853. Conditioned that the said defendant Henry Vines do make his personal appearance instantes before the Honorable the District Court of Travis County then in Session at the Court House of said County. in the City of Austin, to answer an Indictment preferred against him by the Grand Jurors of Travis County at the Fall Term of said District Court. A.D 1853 for "Betting Money at a certain gaming Table at Faro" And then and there to abide the Judgment of said Court. and that he remain from day to day of said Court and from term to term of said Court and that he do not depart thence without leave And the said defendant Henry Vines being three times solemnly called again, and required to come into court and answer said Charge, came not but wholly made default And the said Securties Sherman Case and Washington Hammett, being also three times solemnly called and required to bring with them into court the Body of the said Henry Vines to answer said Charge. which they wholly failed to do. It is therefore Considered ordered adjudged and decreed by the Court that the said Bond of the said Henry Vines and the said Washington Hammett and the said Sherman Case be forfeited, and that the said State of Texas do have and recover of and from them Jointly and Severally the Sum of One Hundred Dollars, the Amount of said Bond, And that Scire facias do issue to each of

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them returnable to the next Term of this Court. Commanding them then and there to appear and Show cause if any they may have why this Judgment should not be made final against them as aforesaid.

351

The State of Texas vs James R Jackson — Plaintiff — Defendant — Betting at Faro.

In this case this day came the District Attorney, Alexander M Chaumes, who prosecutes for the State in this behalf, and the said defendant James R Jackson being three times Solemnly Called Came not but made default, and it appearing to the Satisfaction of the Court here that the said defendant James R Jackson, who signs his name J R Jackson had as principal together with J M W Hale who signs his name J M W Hale and A. J Lott who signs his name A. J. Lott as his securities, Executed their Joint and Several Bond, payable unto the State of Texas, in the Sum of One hundred Dollars, dated the 13th day of September A D 1853 Conditioned that the said defendant James R Jackson do make his personal appearance Instanter before the Honorable District Court of Travis County then in Session at the Court House of said County in the City of Austin, to answer an Indictment preferred against him by the Grand Jurors of Travis County at the Fall Term A D 1853 of said District Court for "Betting Money at a certain Gaming Table Called Faro" then and there to abide the Judgment of said Court and that he remain from day to day of said Court, and from term to term of said Court thereafter, and that he do not depart the Court without leave, and the said defendant James R Jackson being again three times Solemnly called, and required to come and answer said Charge, came not but wholly made default and the said Securities being also three times Solemnly called and required to bring with them in to Court the Body of the said James R Jackson to answer said Charge, which they wholly failed to do, It is therefore Considered, ordered, adjudged, and decreed by the Court that the said Bond of the

Fall Term. Saturday September 17th A. D. 1853.

said, James B Jackson and the said J M H. Hall and the said A J Lott be Forfeited and that the said State of Texas do have and recover of and from them Jointly and Severally the Sum of One Hundred Dollars the amount of said Bond, And that Scire facias do 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 may have why this Judgment should not be made final against them as aforesaid.

851. The State of Texas Plaintiff Betting at Faro
Robert Elements Defendant

On this case this day, came the State of Texas by her attorney, Alexander A Chalmers District Attorney who prosecutes for the State in this behalf, and the said defendant Robert Elements being three times Solemnly called came not but made default. And it appearing to the satisfaction of the Court here, that the said Robert Elements, who signs his name R A Elements as principal, together with A Fore who signs his name A Fore, and Wm C Elements, who signs his name Wm C Elements as his securities had executed their Joint and Several Bond payable unto the Said State of Texas in the Sum of One Hundred Dollars, dated the 13th day of September A D 1853. Conditioned that the said Robert Elements do make his personal appearance Instanter before the Honorable District Court of Travis County, then in Session at the Court House of said County in the City of Austin, To answer an Indictment preferred against him the said Robert Elements as aforesaid, by the Grand Jurors of Travis County at the Fall Term A D 1853 of said Court, for "Exhibiting a certain Gaming Table, for gaming, called Faro" Then and there to abide the Judgment of said court and that he remain from day to day and from Term to Term of said Court and that he do not depart said Court without the leave thereof. And the said defendant Robert Elements being again three times Solemnly called and required to come-

Fall Term. Saturday Sept. 17th A. D. 1853.

into Court and answer said Charge which he wholly failed to do. and the said Securities being also three times solemnly called and required to bring with them into Court the Body of the said defendant Robert Clements to answer said Charge which they wholly failed to do. It is therefore considered, ordered adjudged, and decreed by the Court that the Bond of the said Robert Clements, and the said A Fore and the said Wm Clements be Forfeited, and that the said State of Texas do have and recover of and from them Jointly and Severally the Sum of One Hundred Dollars the Amount of said Bond and that Scirefacias do issue to each of them returnable to the next Term of this Court, Commanding them, then and there to show Cause if any they may have why this Judgment should not be made final against them as aforesaid

Declaration of Intention to become a Citizen

State of Texas }
County of Travis } Edward Zimmerman being duly sworn according 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 1817 in Prussia, from whence he emigrated in the year 1846 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 Frederick Wilhelm King of Prussia, of whom he was late a Subject

Sworn and Subscribed to
before me in open Court Edward Zimmerman
in the City of Austin on
this the 13th day of September
A D 1853

W M Eastland
Clk
D C T C
Texas

Fall Term. Monday. Sept. 19th. A. D. 1853.

Declaration of Intention to become a Citizen

State of Texas } William Schnaudt being duly
County of Travis } sworn according 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 1828. in Germany, from whence he
emigrated in the year 1845. 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 Prince of Nassau. Wilhelm
Herzog of whom he is now a Subject

Subscribed and sworn to before me in open Court September 14th A.D. 1853

William Schnaudt

W. M. Eastley
Clerk
D. C. T. C.
Texas

Ordered by the Court that Court adjourn until Monday morning 9 O'Clock A.M. September the 19th A.D. 1853

Monday Morning 9 O'clock A.M. September the 19th A.D. 1853. Court Convened pursuant to adjournment. Present the Honorable Robert S. Jones Judge of said Court. Wm. M. Eastley Clerk of said Court. and Geo. H. Scott Sheriff of Travis County Texas

Whereupon the following proceedings were had by said Court in the premises as follows to wit

Fall Term. Monday Sept 19th A. D. 1853.

Isaac H. Sprowhitz et al Plaintiffs Suit for
vs Partition
Walker Wilson Defendant of Lands

101

And now at this day came the parties to the above cause by their Attornies and thereupon on motion and by consent of parties It is ordered by the court that the above cause be continued until the next Term of this Court

Alexander Eanes Plaintiff
vs Assumpsit
Thomas Anderson Defendant

93

And now on this day came the parties to the above cause by their attornies and thereupon, on motion and by consent of parties hereto It is ordered by the court that the above cause be continued until the next term of this court as upon affidavit of the said plaintiff Alexander Eanes

George Hancock and Morgan & Hamilton Merchants in Partnership Trading and doing business under the firm name and Style of Hancock & Co Plaintiffs
vs Debt on Note
William C Collinsworth Defendant

108

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause. Whereupon the said parties waived a Jury, and Submitted the matters in controversy in said cause to the court. upon the petition exhibits and proofs in the cause. And the Court after inspecting the said petition Exhibits and proofs in the cause. finds in favor of the said plaintiffs the sum of Two hundred and and Sixteen dollars and eighteen cents for their principal debt and interest up to this date

It is therefore considered, ordered, adjudged and decreed by the Court, that the said plaintiffs George Hancock and Morgan & Hamilton—

Fall Term. Monday September 19th A. D. 1853.

Merchants in partnership, trading and doing business under the firm name and style of B. Hancock & Co do have and recover of and from the said Defendant William C Collinsworth the said Sum of Two Hundred and Sixteen Dollars and eighteen cents, for their principal debt and interest up to this date, together with the interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until paid, together with all of their costs in this behalf laid out and expended, and that Execution issue therefor &c &c

George Hancock and Morgan C Hamilton Merchants in Partnership Trading and doing business Under the firm name and Style of Hancock & Co

vs

Leonard S Ford and John M Pitts

Plaintiffs

Defendants

Debt on Note &c

Judgment

120

And now on this day came the parties to the above entitled cause by their attorneys, and thereupon the said parties announced themselves ready to proceed to the trial of said cause Whereupon the said parties waived a Jury, and submitted the matters in controversy to the Court upon the petition, exhibits, and proofs in the cause, and the Court upon inspection of said petition exhibits, and proofs in the cause finds in favor of the said plaintiffs, the Sum of One Thousand and thirty Seven dollars and Sixteen cents, for their principal debt and interest up to this date

It is therefore considered, ordered, adjudged, and decreed, by the Court that the said plaintiffs George Hancock and Morgan C Hamilton, Merchants in partnership Trading and doing business under the firm name and Style of Hancock & Co. do have and recover of and from the said defendants Leonard S Ford and John M Pitts the said Sum of One Thousand and thirty Seven Dollars and Sixteen Cents for their principal debt and interest up to the rendition of this Judgment, together

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with the interest thereon at the rate of eight per-centum per annum from the rendition of this Judgment until paid, together with all of their Costs in this behalf laid out and expended, and that Execution issue therefor &c &c

105 Mahala Thompson & Erwin Thompson her Husband vs John M Castley } Plaintiff's / Defendant

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties moved the Court to dismiss the above the same having been comprised as per agreement in the words and figures following to wit;

No 105 "Mahu Thompson and Husband Erwin Thompson vs John M Castley } Suit pending in the District Court of Travis County Texas

"Be it remembered that on this the 25th day of May A D 1853 the parties to the above entitled cause now pending in the District Court of Travis County Texas, having compromised said Suit, the said plaintiffs having received from said defendant a Valuable consideration for all and singular the allegations contained in their petition filed in said cause in said Court. And it is hereby mutually agreed by and between the parties to said cause that said Suit be dismissed at the next regular Term of the Honorable District Court of Travis County Texas, And that the said Suit be dismissed at the Costs of the said defendant John M Castley Witness whereof we hereunto set our hands and Seals for Seals, on this the 25th day of May A D. 1853

Witness
John Bleasta

Erwin Thompson
Mahala her Thompson
J M Castley

Endorsed, File No. 105. M. Thompson et als. vs John M Castley. Agreement of Parties
Filed May 26th 1853 J M Castley Clk

Fall Term. Monday September 19th A. D. 1853.

It is therefore considered ordered adjudged and decreed by the Court that said Cause be dismissed in accordance with the aforesaid agreement Whereupon it is considered ordered adjudged and decreed by the Court that said Cause be and the same is hereby dismissed as aforesaid, and that the said plaintiffs take nothing by their suit in this behalf. and that the said defendant John M Eastley go hence without day and that the said plaintiffs have and recover of and from the said defendant John M Eastley all of the costs in this behalf laid out and expended (as per the aforesaid agreement) and that Execution issue therefore. Whereupon the said defendant came forward into open Court and paid all the costs of said Cause. &c. &c.

105 Martin Morro vs William Bohlesen — Plaintiff, Defendants — Suit for Damages &c &c &c

And now on this day came the parties to the above entitled cause by their attornies and thereupon the plaintiff by attorney moved the Court to continue said Cause for the purpose of perfecting service on one of the defendants in said Cause to wit Francis Mayers. It is therefore ordered by the court that the above cause be continued until the next Term of this court. and that alias process issue in said Cause returnable to the next Term of this Court.

109 ✓ Sidney D Brown et als vs Alfred Smith et als — Plaintiffs, Defendants — Suit for Partition of Land

And now on this day Came the parties to the above cause by their attornies. and thereupon on motion and by consent of parties it is ordered by the court that a decree be entered in said cause in accordance with the facts of the pleadings therein.

118 ✓ Martha Lewis et als vs M C Hamilton — Plaintiffs, Defendant — For Land and Damages

In this case the parties by their attornies and Submitted the matters in controversy to the court on an agreed Statement of facts.

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119 Nathan Bayley Plaintiff
vs
John W Bartley Defendant
Assumpsit

In the above entitled cause the parties appeared by their attornies, and on motion of defendants and pleantiff's attornies it is ordered by the court that the above cause be continued until the next Term of this court—

122 James R & Godlett for the use &c Plaintiff
vs
Bannuel H Bassford Defendant

In this case this day came the parties to the above entitled cause by their attornies, and thereupon on motion of the defendants attorney it is ordered by the Court that the said Plaintiff enter into Bond and Security for the costs of said Suit on or before the first day of the next Term of this court. otherwise the said cause will be dismissed at the costs of the said plaintiff

164 Sarah Ann Smith and Husband Joshua F Smith Plaintiffs
vs
Sarah Burch and Husband Ellison Burch Defendants
To Cancel deed &c

And now on this day came the parties to the above cause by attornies and thereupon on motion It is ordered by the Court that Ellison Burch husband of said Sarah Burch, formerly Sarah Burnham, be made a party defendant in said cause, and that said cause hereafter proceed in the name of "Sarah Ann Smith and Husband Joshua F Smith vs Sarah Burch and Husband Ellison Burch"

164 Sarah Ann Smith and Husband Joshua F Smith Plaintiffs
vs
Sarah Burch and Husband Ellison Burch Defendants
To Cancel deed &c

And now on this day came the

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parties to the above entitled cause by their attorneys and thereupon on motion of defendants attorneys It is ordered by the court that they have leave to file an amended answer in said cause, and thereupon said amended answer was filed accordingly

262	George Hancock vs Morgan & Hamilton	Plaintiff Defendant	Arbitration	
268	George Hancock vs Morgan & Hamilton	Plaintiff Defendant	Arbitration	

And now on this day came the parties to the above entitled causes by their attornies and on motion and it appearing to the Satisfaction of the Court here, that the two above mentioned Suits are brought by the same plaintiff, George Hancock against the said defendant Morgan & Hamilton, for the same cause of action. It is therefore Considered, ordered, adjudged and decreed by the court that the said above and foregoing two cause be and the same are hereby consolidated into one cause of action. And it further appearing to the Satisfaction of the court here, that the said George Hancock and the said Morgan & Hamilton entered into a Partnership in March 1849 for the purchase and Sale of Merchandise, which said partnership continued until April A.D. 1852 when the same was dissolved by mutual consent and that certain points of controversy had arisen with each other, as to their accounts with each other and with the firm, and it appearing to the court here, that the said parties in order to Settle said matters of difference, and divide the assets of said Partnership, agreed to Submit all the aforesaid matters to arbitration in accordance with an act, entitled "An act to authorize the Settlement of disputes by conciliation or Arbitration" approved 25th of April A.D. 1840 and that said arbitration and award should be a final Settlement of all their said matters of Controversy without the right of Appeal to either party

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and having appointed Edwin Nash and Phineas DeCordova, good and lawful men over the age of twenty one. Competent to serve as Jurors not related to either party by consanguinity or affinity, and disinterested in said Cause as Arbitrators She said Phineas DeCordova being Chosen by the said plaintiff George Hancock and the said Edwin Nash by the said Defendant Morgan Hamilton. And it appearing to the Court that the said arbitrators were duly sworn by the Clerk of the District Court of Travis County in the oath by said Statute required. And it further appearing to the Court here, that the said Arbitrators were unable to agree Frederick W Chandler was selected according to law to act as an umpire, and in like manner sworn, and being in like manner qualified to act as arbitrator, and the said Arbitrators and Umpire having examined into and heard all the Testimony concerning said Partnership business and accounts, delivered their award in the words and figures following to Wit:—

She undersigned Phineas DeCordova, and Edwin Nash Chosen respectively by George Hancock as plaintiff, and Morgan C Hamilton as Defendant. Together with Frederick W Chandler the Umpire Chosen by the Arbitrators aforesaid in the matter of Arbitration of the Partnership matters of the late firm of the said Hancock and Hamilton, do render the following as our decision and award.

First That there is no error in the Charge on the Books of said Hancock & Hamilton of the Stock taken by M. C. Hamilton at the dissolution of the Partnership, amounting to the Sum of Five Five Thousand Eight hundred and Eighty three 1/00 Dollars

Second. That the Claim for rent and interest on the House made by George Hancock be disallowed

Third The Charge of 2½ per cent for advancing made by Pickett Perkins & Co. to Hancock and Hamilton, amounting to Thirty Dollars and Charged up to George Hancock remain to his debit

Fall Term. Monday September 19th A. D. 1853.

and that the Twenty four dollars Charged to Pickett Perkins & Co as interest on the sum in their hands belonging to Hancock & Hamilton, shall belong to Geo Hancock when collected

Fourth, That we allow to Morgan & Hamilton three months Services rendered by him to the partnership concern at the sum of one hundred and twenty five dollars per month; instead of the Sum of Eight hundred and Seventy five dollars for Seven months Services as charged in the Books.

Fifth. That the Sum of Seven Thousand, Seven hundred, and thirty five dollars, and thirty three cents, Charged on the Books of Hancock & Hamilton, as the purchase of the Johnson and Hamilton Stock of goods standin as entered.

Sixth That the Sum of Eleven hundred and ninety 64/100 dollars be allowed to M. & Hamilton for his interest on Capitals advanced by said Hamilton; instead of the sum of Twenty one hundred and forty and 99/100 dollars Charged up to the credit of said Hamilton, on said Books

Seventh; That the sum of Two hundred and fourteen 3/4/100 dollars Credited to George Hancock as interest on Capitals advanced to the Firm of Hancock & Hamilton, be deducted from said account, and that the said George Hancock, be charged with the Sum of fifteen 58/100 dollars as interest upon monies overdrawn from said concern

From the foregoing dispositions we find the following result as to the Separate account of each partner with the firm

That George Hancock has overdrawn from the funds of the firm of Hancock and Hamilton the Sum of 2817 95

That Morgan & Hamilton has overdrawn from the funds of the Firm the Sum of 2629. 06

Bal. against said Hancock 188 89

The half of which sum amounting to Eighty nine 09/100 dollars the said Hancock has paid over to M & Hamilton, thereby equalizing the amount overdrawn by each party.

Whereupon the parties in the presence of the Arbitrators proceeded to divide the assets of the Firm of Hancock & Hamilton in accordance with the agreement on file, When the following notes, and

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and accounts fell to each party, respectively as will appear by the annexed abstract (Marked A) and made a part of this award.

And it is further determined that the outstanding claims against the firm of Hancock and Hamilton, (if any there be) shall be paid by the said parties Hancock & Hamilton in equal proportion, all of which we respectfully submit.

Austin June 28/53

D. K. McCord
Edwin Nash
Frederick W Chandler

X Notes and Accounts drawn by Morgan C. Hamilton

	Names	Amount of Note		Interest 30 April 1853		Name	Amount of Note		Interest 30 Apl 1853	
	A. N. Cook	23	75	1	63	Owen Shaw & c	140	10	2	29
	D°	384	18	45	61	M. T. Johnsons a/c	80	43		
	D°	39	77	4	09	McGehees Estate	5	50		
	D° a/c	234	71			Thomas Price	11	88	2	38
	Deals & Blue	38	10	1	43	Arch^d Martin	92	78	26	09
	D°	90	25	3	38	D°	90	00	4	50
1	Isaac Harris D/F	199	38	6	64	J. F. Gillett	64	50	5	16
						Levi Shackelford	11	55	0	07
	John S. Ake	89	85	11	10	J. B. Burleson	93	51	12	14
	J. B. Beck	37	93	2	13	Wm H. Kimball	31	85	3	15
2	D. Walsh	375	00	50	00	R R Germany	81	29	7	45
	Ernest Raven	21	79	3	97	Collins & Goodmans D/F	15	00	2	25
	Wm. Roby	27	74	3	90	H W. Davis	11	72		44
	Thos. J. Stone	68	50	2	27	D. H. Farr	81	28	9	11
	Nelson Merrill	39	16	3	47	M Wilbarger	6	50	2	57
	D°	16	40	1	23	W. R. Cannon	14	54	1	35
	John C. Lee	175	58	25	83	Thos. C. Collins	104	76	12	12
	E. C. Robertson	70	98	5	60	11 P. B. Calhoun	257	26	28	57
3	Wilbarger a/c	20	05							
	W. & H. Cushney	139	43	7	67	A. J. Hamilton	1795	22	205	70
	J. S. Spence	12	80	1	41	D° a/c	147	84		
	Enoch J. Johnson	40	98	4	85	W. A. Smith	207	08	24	65
	D°	25	00	2	63	12 Arch^d Martin	250	00	12	50
	James Stansby	6	27		57					
	Denis Walsh	21	26	2	20	Arch^d Martin	65	73	2	75
	N. C. Raymond	157	54	13	97	John Clements	24	26	2	80
	C. Zimmermann	28	38	1	40	13 J. Hamberger	9	71	1	11
	W. Bratton	5	21		39	Edward Fontaine	31	31	2	67
	Marcus Ruhig	32	83	3	76	L. C. Sims a/c	7	50		

Fall Term. Monday Septr. 19th. A. D. 1853.

Notes and Accounts drawn by Geo. Hancock.

Name	Amount of Note		Interest 30 April 1853		Name	Amount of Note		Interest 30 Apl 1853	
John Burleson	283	47	10	60	John Hancock & Co	142	55		
A. G. Ware	424	34	23	55	Walker Wilson	57	49	1	55
H. A. Burditt	21	34	2	00	Thos. A Moore	24	83		
I. L. Malone	38	98	3	52	Wm Lawrence	53	75	5	67
Archd. Martin	140	12	34	87	L. D Puckett	20	62	1	55
Wm B. Ozeta	8	00		43	Harvey Smith	32	100	3	66
1 John Bratton	35	13	57	78	Benj. F. Hill	12	33	8	72
					Jas. Mather	80	59	9	35
					A. H. Chalmers	87	21		65
S. G. Snow	251	76	50	79	10				
H. Cheatham	384	35	13	94	15 Hiram Bennett	157	39	21	41
Wade Henry	8	13		59	Judge Oldham & Co	11	75		
D°	250	23	29	19	H. Bingner		43		
J. B. Banks	33	00	2	75	Ann Davis	2	00		
D°	20	00		66	R. E. Flanigin	4	00		
G. Kuckoun	1	10		80	Frank Pendleton	30	80	1	42
S. M. Cain	49	59	5	71	J. A. Page	6	88	1	06
C. N. Breen & Co	79	42			Geo W. Grant	22	50	1	50
L. D. Nichols	17	80		34	Wash Hammett	11	79	3	48
					16 D. J. Dobbins	7	70	1	19
Jno J. Gumbles	169	80	40	32	Hiram Bennett	29	83	3	34
D°	74	10	36	32	Thos. J. Rowe	35	62	4	26
Stephen Crosby	29	70	7	92	17 A. S. Morgan	27	42	2	29
Edward J. Giles	13	27	1	45					
Jos. Garner	4	17		18	W. C. Collingsworth	211	14		
J. S. Todd	41	05	1	60	John Ashley	3	91		32
C. Kyle	21	27	2	83	Ellsler Hendree	64	09	7	19
Jno D Pitts	62	94	7	13	Enoch Moore	93	79	10	42
Jno Banks & Co 54.61					R. A. Boyce	18	10	2	40
4 Lsf W. R Baker 52.09	4	52			J. M. Harris & Co	38	44		

Fall Term. Monday September 19th. A. D. 1853

	Name	Amount of Note		Interest 30 Apl. 1853			Name	Amount of Note		Interest 30 April 1853	
							C. C. Hackman a/c	1	75		
	D. McKenzie	110	09	8	93		Do note,	7	79	"	78
	Matthew Morse	50	00	5	60		J. S. Gillett	59	20	11	23
	Do	86	12	9	63		E. W. Worthington	31	50		
	Ed. S. Giles	168	94		70		E. P. Thurston	2	17		
5	Jos Hampton	58	60	1	95		J. J. Trunham	9	41	1	37
	Pitts & Malone	72	12	2	27		J. R. Weems	40	69	2	01
	Calvin Bell	3	90		36		Geo H Gray	25	59	4	68
	Benjamin Allen	112	66	12	47		D. J. Knight	2	60		78
	Jno Phillips	25	45	2	15	15	Jno J. Quinn	9	12		47
	D. M. Dean	14	59		53						
	D. Walsh	96	38	11	03		Lyman Wright	2	21	1	07
	Joshua Bennett	39	81	4	16		J. B. Giles	1	76		
	Wm M. Wilson a/c	3	00				Chas Dodge &	16	43		
	Wm Hamilton a/c	15	97				Jas G. Spilling	13	72		
	J. M. Harrell a/c	3	00				D. C. Sullivans Estate	11	60		
	D. (Note)	49	40	5	97		E. J. Giles a/c	15	10		
	A. Herron (Estate)	7	18				W. C. Blankenship	14	20	2	63
6	Geo D. Glascock	20	30	2	55	16	Winslow Turner	3	00		02
	A. M. Luckett	413	89	37	02		Jno C Clements	85	27	13	85
	J. A. Burdett	54	30	4	72	17	J. R. Weems	75	00	3	72
7	M. B. Godwin	32	68	3	68	18	J. L. Murphy	146	75	16	19
	Ed Zimmerman	93	33	8	67						
	W. K. Brown	147	74	4	92		R. J. Morgan	94	89	7	90
	Augus McLaun	26	48		90						
8	William Pelham	209	87	16	62		Hendricks receipt for				
							Cert of Land Warrant	52	00		
	J. W. Robertson	18	32	2	89		Do. Receipt 2 Pay Rolls	250	00		
	Do	56	46	3	29		A. J. Lee a/c	28	00		
	Jno. C. Gooch	43	40	4	84		Thos W. Grayson a/c	1	80		
	James R. Pace	6	75	.	45		Thos H Duval "	1	50		
	A. A. Hopkins	202	72				J. P. Brown	73	45	2	42
	J. P. Matthews	39	73	3	84		Do	75	28	"	58
9	Josh Robbins	61	99	2	33						
		5016	69	348	80			4901	18	441	82
	D. W. Pegram	84	10	10	23						
	Do	46	74	5	29						
	J. Wells Judgt	16	53	2	28						
	C. Hendrick a/c	9	73								
	Stephen Boyce a/c	10	51								
	Jno B. Warren	50	71	8	48						
	A. Hopkins Judgt	21	64								
	Do Judgt	32	48	8	54						
								$11906	17		

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	Name	Amount of Note		Interest 30 April 1853.	
	Thomas Banks	203	33	18	64
	George Trail	195	18	20	95
	Jno C. Hampton	9	41		56
	A. A. Hopkins	33	03	3	79
5	Augustus Tore	13	34		58
	Mr Chalmers Ofc	181	58		
	James Baker Ofc	47	19		
	D° note	128	99	14	75
6	Cassidy & Timmin	127	75	10	09
	L. A. Thompson	123	43	7	22
	J. K. Payne	34	43	1	12
	Thomas Case	38	93	3	38
	D°	77	24	9	70
	Alfred Caldwell	11	40		55
	Casper Stouse	10	04		84
	John Sayles	124	37	5	20
	James Rodgers	12	31	3	82
7	Arch^d Martin	32	43	5	70
	Arch^d Martin	49	21	4	73
13	J. G. Harrall	55	89	4	82
	Asa Jennings	475	45	42	26
8	Gideon R Pace	16	80	1	60
	J G Harrall	12	72		99
	J R Williams	38	19	3	80
	B. Clements	24	91	5	06
14	Caulfield	62	25	8	55
9	Trust & Pitt	752	57		
		5367	95	513	97

	Name	Amount of Note		Interest 30 April 1853.	
	D. W. Dignan	81	22	12	48
	D°	49	87	6	53
	Warren Larkin Ofc	7	50		
	Munroe Hunt	16	60	1	94
	D. J. Payne	57	32	4	02
	D C. Cowan	12	31		60
19	Henry Vines	20	00		66
	A J Harrall	54	36	3	14
	Chas Harris	4	98		33
	Edw J Gay	4	00		38
	Jesse Gibson	12	93	3	71
20	Hugh H Collins	27	57	1	62
	W. J. Day	50	00	6	25
	J. W. Stokes	49	68	2	94
	J. M. Tinley	7	97		30
	B. C. Sarver	107	90	2	40
	B. J. Tankersley	188	17	21	16
	Nelson Morey	13	95	1	17
	Arch^d Martin	90	00	16	23
11	Lane Rodgers Jr	44	57	4	69
	J. G. Swisher	1441	11	232	17
	D°	29	00	2	94
	D°	17	00	2	12
	D°	678	43		
	W. B. Nichols	180	15	23	86
12	D°	23	73	2	24
	L. Shackleford	41	69	4	76
	W. B. Weir	17	65	2	34
	W. D Glascock	10	05	"	97
	Thos W Glascock	10	00	1	86
15	Benj. Gumbles	23	54	2	63
		4662	19	457	87
	To Balance	14	19		
		11001	98		

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Name	Amount of Note		Interest 30 April 53		Name	Amount of Note		Interest 30 April 1853	
Alexander Caines	83	65	4	42					
Joel Lee	12	26	2	48					
Callahans transfer to his Certificate № 304 170.00									
Dist 110.	60								
Browne & Jarbox Judgt	30	12	11	86					
A. J. Burton	4	25	4	91					
Martin Caines	21	59	3	75					
Josephus Scott	1	20							
Edward Voight	7	00							
Andrew Mays		81							
J. H. Mann	3	00							
Aaron Ruggle	2	87							
Richard H. Boyce		50							
Jesse Pudett Sen	4	48							
Lyman Carbox	1	50							
Moses Smalley	2	00							
Chas L. Mann	31	09	5	33					
J. Bostwick	17	25	.	55					
Jim Smith	27	10	3	42					
A. Patten	42	12	7	14					
W. D. Parris	5	98	.	96					
J. C. Elgin	31	80	7	42					
Do a/c appl?	13	59							
X. De Bray	8	91							
Fowler Hamilton	78	47							
								613	78

Thos Williams 304.27.

X It is therefore considered, ordered adjudged and decreed by the Court here that the that the same be in all things ratified, and confirmed in said cause expended, and that each party have

And thereupon the said parties to wit nies come into open Court and waive and release award. or this Judgment thereon.

Fall Term. Monday September 19th. A. D. 1853.

Name	Amount of note		Interest 30 April 1853		Name	Amount of Note		Interest 30 apl. 1853	
A. G. Brown	110	13	4	13					
A. J. Harrell	75	00	4	30					
J. Mufsett	50	50	10	05					
James Lindsey	20	88	4	10					
Wm. Needham	7	00		93					
J. B. Sickens	10	00	1	45					
Chas. E. Holburn	15	50	6	13					
F. Ostrich	19	60	4	08					
R. J. Crane Judgt.	35	00	5	54					
Alex. Peyser Do.	12	37		24					
H. H. Newton	153	21							
J. M. Hagey a/c	42	63							
Henry Summers	34	25							
Wm. Hudnuts	1	65							
Jno. Delano	16	93							
J. G. McDonald	4	00							
J. Sluting	37	13							
J. Nichols	20	22							
						692	76		
					Less discount as per agreement	78	98		
								613	78

H. J. Briggs Estate 543. 77
Discount off to Balance 239. 50
$304. 27

said award be made the Judgment of this Court, and fined, and that each party pay one half of the costs, against the other, & execution therefor.
Geo. Hancock and Morgan & Hamilton by their attorneys all errors, which might exist in said arbitration and

Fall Term Tuesday September 20th A. D. 1853.

Ordered by the Court that Court adjourn until Tuesday Morning 9 O'clock A M September the 20th A D 1853

Tuesday Morning 9 O'clock A M September the 20th A D 1853 Court convened pursuant to adjournment. Present the Honorable Robert J Townes Judge of said Court John M Castles Clerk. and George W Scott Sheriff of Travis County Texas. Whereupon the following proceedings were had to wit

74 ✓

Thomas J Chapman Plaintiff
vs
Edward B Olives and Robert D McAnelly Defendants

In Cause Conveyance &c

And now on this day came the parties to the above entitled cause by their attornies and thereupon the said parties announced themselves ready to proceed to the trial of said cause Whereupon the said parties moved the court for a Jury, whereupon came a Jury to wit. John D Bailey, Andrew J Bargely, Truman N Beck. Nathaniel H Cox. Hayes J McLaurin William M Dowler. Thomas J Laughlin. Jacob C Nebeisen, Daniel J Adams Robert Mays Alexander Johnson. and Joseph Harrell. twelve good and lawful men of the County of Travis who being duly elected impannelled and sworn to try said cause. and after the Jury in the case had heard a portion of the evidence in said cause. thereupon on motion and by consent of parties, the Court ordered that the proceedings in said cause be continued over until Wednesday Morning 9 O'clock A M. September the 21st A D 1853 at which time the said trial of said cause is to be resumed.

Ordered by the Court that Court do now adjourn until Wednesday Morning 9 O'clock A M. September the 21st A D 1853

Wednesday Morning 9 O'clock A M September the 21st A D 1853 Court convened pursuant to adjournment. Present the same as on yesterday Whereupon the following proceedings were by said Court as follows to wit—

Fall Term Wednesday Sept 21st A.D. 1853.

74

Thomas J Chapman Plaintiff
vs
Edward R Olin and
Robert D McAneny Defendants
Ju. Con-
cel deeds
&c &c

And now on this day again came the parties to the above by their attornies as well as the Jury empannelled in said cause to wit. John D Bailey, Andrew J Barqely, Truman B Beck, Nathaniel Allen, James J McLaurin, William M Power, Thomas J Laughlin, Jacob C Nebeiser, Daniel J Adams, Robert Mays Alexander Johnson and Joseph Morrell. and the said Jury being compleete, the said parties by their attornies proceeded to the further trial of said cause and the said parties having produced before the Court and Jury a number of witnesses in said cause and the evidence of the same having been given in before the Court and Jury. the parties thereupon moved the Court. that the said cause be continued over until Thursday Morning 9 O'clock A M at which time said cause to be resumed for trial It is therefore ordered by the Court that said cause be continued over until Thursday Morning 9 o'clock A M September the 22? A D 1853. at which time the said cause to be resumed for trial.

Ordered by the Court. that Court adjourn until Thursday morning 9 o'clock A M. September the 22? A D 1853

Thursday Morning 9 o'clock A M September the 22d A D 1853. Court convened pursuant to adjournment Whereupon. the following proceedings were had by said court as follows to wit

74

Thomas J Chapman Plaintiff
vs
Edward R Olin and
Robert D McAnney Defendants

And now on this day again came the parties to the above entitled cause by their attornies, as well as the Jury heretofore duly elected empannelled and sworn to try said cause as—

Fall Term. Thursday September 22nd. A. D. 1853.

follows to wit John D Bailey, Andrew J Bargely, Duman D Beck, Nathaniel S Co, James J McLaurin, William M Fowler, Thomas J Laughlin, Jacob C Siebeisen, Daniel J Adams Robert Mays, Alexander Johnson and Joseph Harrell, and thereupon the said parties continued to produce before the court and jury the evidence in said cause, and the said jury after hearing all the evidence in the case as adduced by the parties thereto, as well as the arguments of Counsel thereon, retired under the Charge of the Court to consider of their verdict in said cause.

X

Declaration of Intention to become a Citizen

√

State of Texas }
County of Travis } John Ernst Mowinckel being duly sworn according 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 1820 in the Kingdom of Norway, from he emigrated in the year 1848 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 King of Norway & Swan of whom he was late a Subject

Sworn and Subscribed
before John M Eastley
Clerk of the District Court
this September 22d. 1853

John Ernst Mowinckel

J W M Eastley Clk
By G S Walton D C.

Fall Term Thursday Sept. 22nd A. D. 1853.

Declaration of Intention to become a citizen

The State of Texas
County of Travis } Nubert N. Burgeson being duly sworn according 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 1822 in France, from whence he emigrated in the year 1848. 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 bonafide 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 King of France Louis Phillippe of whom he was late a Subject.

Subscribed and Sworn to before me in open Court in the City of Austin, Sept. 22. 1853

Nubert N Burgeson

W. M. Bosley Clk
D C T C Texas

Ordered by the Court that Court adjourn until Friday Morning 9 o'clock AM September the 23rd A.D. 1853

Friday Morning 9 o'clock A M September the 23rd A.D. 1853 Court convened pursuant to adjournment. Present the Hon Robert S Bowles Judge of said Court John M Bosley, Clerk and Geo W Scott Sheriff of Travis County, Texas. Whereupon the following proceedings were had by said Court to wit:

Fall Term Friday September 23rd A. D. 1853.

85 ✓

John S Gruber Plff Certiorari
vs from Justices
Thomas William Ward Defr. Court Davis Co

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury Whereupon Came a Jury to wit; Jonathan Vanleeve, John D Bailey, Washington Stanner, Joseph R Jones, James Gibson, Andrew J Bargely, William Custard, Stephen F Kirk Joseph Corwin, Murray G Beck, Josephus Cowan, and James W Riley, twelve good and lawful men of the County of Davis, who being duly elected, empannelled, and Sworn to try said cause, and after hearing the evidence in the case and the argument of Counsel thereon, retired under the Charge of the Court, to consider of their Verdict in said cause, Whereupon the said Jury returned into Court the following Verdict to wit; "We the Jury find for the Plaintiff 12 $ Jno D Bailey Foreman" It is therefore Considered, ordered, adjudged, and decreed by the Court, that the said plaintiff John S Gruber do have and recover of and from the said defendant Thomas William Ward the said Sum of Twelve Dollars, the amount so found by the Jury as aforesaid, together with interest thereon at the rate of eight per centum, per annum from the rendition of this Judgment until paid, together with all of his Costs in this behalf laid out and expended, and that Execution, issue therefor &c &c

136. Jedediah Wateman &c Plaintiffs Debt &c
vs
Thomas F Chapman Defendant Judgment

✓

On this case, this day came the parties plaintiffs and defendant by their Attornies and announced themselves ready for the trial of said cause, and moved the Court for a Jury. Whereupon Came a Jury to wit; Orrin Thompson, James W Riley, William Custard, James Wall, Benj-

Fall Term. Friday September 23rd A. D. 1853.

amin Shaw. James L Baker. Joseph Corwin, Jonathan Vanbleve. Hugh Collins, Charles W Bartlett, Stephen J Kirk, and Allen E Brown, twelve good and lawful men of the county of Travis and State of Texas, who being duly elected, empannelled and sworn well and truly to try the issue joined between the parties, and after having heard the evidence adduced by the parties, plaintiff and defendant, and the charge of the Court, retired to consider of their Verdict, and thereupon returned into Court the following Verdict to wit, "We the Jury find for the plaintiffs the Sum of $866-42 cts / Wm Custard Foreman" It is therefore, considered, ordered, adjudged, and decreed by the court that the said plaintiffs, Jedediah Waterman, Robert Waterman, and Charles M Waterman, under the firm name, and style, of J. Waterman & Co do have and recover of and from the said defendant Thomas J Chapman, the said Sum of Eight hundred and Sixty Six dollars, and forty two cents, for their principal debt and interest up to this date, with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, together with all of their costs in this behalf laid out and expended and that Execution issue therefor &c &c

141.

Sante M Swenson Plaintiff For use
vs
Thomas J Chapman Defendant Title &c

And now on this day came the parties to the above entitled cause by their attornies, and moved the Court to dismiss this cause, at the costs of the said plaintiff, the same having been compromised. It is therefore considered ordered, adjudged and decreed, by the Court, that the said cause be and the same is hereby dismissed at the costs of the said plaintiff, and that the said defendant Thomas J Chapman go hence without day, and have and recover of and from the said plaintiff Sante M Swenson all of the costs in this behalf laid out and expended, and that Execution issue therefor &c &c

Fall Term Friday September 23rd A.D. 1853

110 William Bohles Plaintiff Certiorari from Justices
vs Court Davisleo
Martin Moore Defendant

And now on this day came the parties to the above cause by their attornies and thereupon on motion and by consent of parties it is ordered by the court that the above cause be and the same is hereby consolidated with case number 106. to wit Martin Moore vs William Bohles et als.

106 Martin Moore Plaintiff Suit for
vs Damages
William Bohles Defendants

On this case, this day came the parties to the above cause by their attornies, and thereupon on motion, and by consent of parties It is ordered adjudged, and decreed by the Court, that the above cause be and the same is hereby consolidated with case Number 110. of William Bohles vs Martin Moore—Certiorari from Justices Court. Davis County, Texas and that both of said causes. so consolidated. are hereby refered to Arbitration.

133 Nelson Morey Plaintiff Debt
vs
Sherman Cass Defendant

And now on this day came the parties to the above cause, by their Attornies and thereupon on motion and by consent of parties it is ordered by the Court that the above cause be continued until the next Term of this Court

134 Joseph R Danner Guardian &c Plaintiff
vs
Claiborne Oldham & others Defendant

And now on this day came the parties to the above cause by attornies, and thereupon the said plaintiff entered into Bond and Security for the cost of said suit in compliance with a rule entered against him at a former Term of this court. And thereupon on motion and by consent of parties, this case is continued—

Fall Term. Friday September 23rd A.D. 1853.

James M Long Plaintiff Debt on Note

116. vs

John Syron
William O'Connell &
Owen O'Brien Defendants Judgment

And now on this day came the parties to the above entitled cause, by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the court for a Jury Whereupon came a Jury to wit: Ervin Thompson, James W Riley, William Custard, James Hall, Benjamin Shaw, James L Baker, Joseph Cowin, Jonathan Vanclave, Hugh Collins, Charles W. Bartlett, Stephen F Stirk, and Allen E Brown, twelve good and lawful men of the county of Daviess who being duly elected, empannelled, and sworn to try said cause, and after hearing the evidence in the case, and the arguments of Counsel thereon retired under the charge of the Court to consider of their Verdict: Whereupon said Jury returned into court the following Verdict to wit:

"We the Jury find for the plaintiff the Sum of Seven hundred, and fifteen dollars and forty eight Cents. A E Brown. Foreman" It is therefore considered, ordered, adjudged and decreed by the court that the said plaintiff James M Long do have, and recover of and from the said defendants John Syron, William O'Connell, and Owen O'Brien the aforesaid Sum of Seven Hundred and fifteen dollars, and forty eight Cents, for their principal debt and interest up to this date, with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, together with all of his costs in this behalf laid out and expended, and that Execution do issue therefor &c &c

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1211 ✓

George Hancock and Morgan & Hamilton Merchants in Partnership Trading and doing business under the firm name and Style of Hancock & Co

vs

Lenard S Friend and John D Pitts

Plaintiffs — Debt on Note

Defendants — Judgt

And now on this day came the parties to the above entitled cause by Attornies and thereupon the said plaintiffs by Attorney comes in to open Court and enters a remittitur of One hundred and Seventy five dollars and eighty cents of the Judgment heretofore entered in the above cause to wit; on the nineteenth day of September inst A.D. 1853. And it appearing to the Court here that after the entering of the said remittitur, in said cause that there is yet due the said plaintiffs from the said defendants the Sum of Eight hundred and Sixty one dollars and twenty eight cents. It is therefore considered ordered adjudged and decreed by the Court that the said plaintiffs George Hancock and Morgan & Hamilton do have and recover of and from the said defendants Lenard S Friend and John D Pitts the Sum of Eight hundred and Sixty one dollars and twenty eight cents as the amount due the said plaintiffs as aforesaid, with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid. together with all of their costs in this cause expended and that Execution issue therefor &c.

95D ✓

Willis Stewart et.als

vs

George Hancock et.als and Middleton & Johnson Intervenor parties &c

Plaintiffs — Defendants — Intervenors

In this case this day came the parties to the above cause, and on motion leave was granted by the Court for Middleton & Johnson to intervene in said cause, and the petition of Intervention was filed accordingly—

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Lambert Mims Administrator of the Estate of Benjamin F Mims deceased — Plaintiff

vs

270 Moro Phillips, and James S Gilett. Adjutant General of the State of Texas — Defendants

And now on this day. Comes the said plaintiff, Lambert Mims Administrator of the Estate of Benjamin F Mims deceased, by his attornies, and moves the Court that that Judgment nisi be entered of record in the above cause in favor of said plaintiff, in pursuance of the Statute in such case made and provided. And now on this day, September the 24th A D 1853, it being the twentieth day of the present Term of the Honorable the District Court for the County of Travis and State of Texas. Commencing on the first Monday in September inst A D 1853, and begun and holden at the Court House thereof in the City of Austin, on the day and date first aforesaid. The Court upon opening the Matter in the Petition filed in the above cause of Lambert Mims Administrator of the Estate of Benjamin F Mims deceased vs Moro Phillips and James S Gilett, Adjutant General of the State of Texas, and it appearing to the Satisfaction of the Court here, that the said defendant Moro Phillips has been duly and legally cited by Publication in the South Western American, a Newspaper published in the City of Austin in the said County of Travis and State of Texas, as required by law, to plead answer or demur to said plaintiffs petition, and that the said James S Gilett, Adjutant General of the State of Texas, has in vacation endorsed on said plaintiffs Petition, acknowledged due and legal service of said petition, and waived the issuance of any process in said matter. And it now appearing to the Court here that the said Defendant has Defailed to appear, and plead answer or demur to said plaintiffs petition within the time prescribed by law. It is therefore ordered adjudged and decreed by the Court here that the matters and things set forth in said plaintiffs Petition

Fall Term. Friday September 23rd A.D. 1853

be taken for confessed, and it is further ordered, adjudged and decreed by the court here that unless the said defendants Moro Phillips and James S Gillett Adjutant General of the State of Texas, appear at the next Term of this court and plead answer or demur to said plaintiffs within the time prescribed by law in such case made and provided, That a Judgment and decree shall be pronounced and entered of record in said court in said cause against the said defendants Moro Phillips and James S Gillett Adjutant General of the State of Texas in favor of the said plaintiff Lambert Mims Administrator of the Estate of Benjamin F Mims deceased, in accordance with the prayer of said plaintiffs petition—

815

George Hancock Plaintiff Debt on note

vs

William K Brown & Williamson S Oldham Defendants Judgment

And now on this day, this cause coming on to be heard, And it appearing to the court here, that the said defendants William K Brown, and Williamson S Oldham had filed no answer, but to do so had made default, and the plaintiff by his attorney, appearing in court and claiming a Judgment by default, And it appearing to the Court that the said defendants had duly acknowledged, service of the petition, and that this court had proper jurisdiction of the parties, It is therefore ordered, adjudged, and decreed by the court here that the said plaintiff do have and recover of and from the said defendants according to the prayer of his petition, And it appearing to court that this suit is founded upon a promissory note executed by the said William K Brown, dated 28th December 1852 and due 10th February thereafter for Five Hundred Dollars, payable to the said Williamson S Oldham and that the same was endorsed by the said Oldham to the said plaintiff, Whereupon it is ordered adjudged and decreed by the Court that the said plaintiff George Hancock do have and recover of and from the said William K Brown as principal, and the said Williamson S Oldham as Security the Sum of Five Hundred and twenty four dollars, and—

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Seventy seven cents, it being the principal and interest of said note to this date. together with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

145 James Wall Plaintiff
vs
William D Paris Defendant
Judgment

And now on this day come the parties, plaintiff and defendant in the above cause by their attornies, and announced themselves ready to proceed to the trial of said cause and moved the court for a Jury. Whereupon came a Jury to wit: Ervin Thompson, James W Riley, William Custard, Ellison Burch, Benjamin Thompson, James L Baker, Joseph Corwin, Jonathan Vanclere, Hugh Collins, Charles W Catlett, Stephen F Kirk, and Allen E Brown twelve good and lawful men of the county of Davis who being duly elected empanneled and sworn to try said cause. and after hearing the evidence in the case as well as the argument of counsel thereon retired under the charge of the court to consider of their verdict. Whereupon said Jury returned in to court the following verdict towit: "We the jury find for the plaintiff the sum of Three Hundred Dollars. Wm Custard Foreman" It is therefore considered, ordered, adjudged, and decreed by the Court that the said plaintiff James Wall do have and recover of and from the said defendant William D Paris the aforesaid sum of Three Hundred Dollars. with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment. until paid, together with all of his costs in this behalf laid out. and expended and that Execution issue therefor &c &c

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2nd 78

Joseph W. Hampton Plaintiff

vs

Lydia Jane Cushney and Francis Dieterich, Administrators of the Estate of William A Cushney, deceased Defendants

Judgment and decree in the premises viz

And now at this day and term of the court comes the said plaintiff in the above cause, by his attornies, and prays the court to decree that the said defendants Lydia Jane Cushney and Francis Dieterich Administrators of the Estate of William A Cushney, deceased, Specifically perform a contract entered into between the said plaintiff Joseph W Hampton, and the said William A Cushney on the first day of January Anno Domini, one thousand eight hundred and fifty one Whereby the said William A Cushney agreed to convey to the said Joseph W Hampton certain lots of Land Situate, lying, and being in the City of Austin in the County of Travis and State of Texas, That is to say lots Nos Seven (7) eight (8) nine (9) and ten (10) in Block Number Seventy two (72) in said City of Austin for the consideration Stated in plaintiffs petition.

And it appearing to the court from the answer of the said defendants to plaintiffs petition, that the said contract as set forth in the petition of plaintiff was made and entered into between the said Joseph W Hampton, and the said William A Cushney deceased, and that they (the said defendants) do not gainsay the same, nor make opposition to the Judgment of the court as prayed for in the petition of plaintiff, being rendered at the cost of the said plaintiff, in said cause. And it further appearing to the satisfaction of the court here, from the said answer of said defendants, that the said defendants acknowledged payment of the entire Sum due on said Sale, to their satisfaction, It is therefore considered ordered, adjudged, and decreed by the court that the said defendants Lydia Jane Cushney, and Francis Dieterich Administrators of the Estate of William A Cushney, deceased, do make execute, acknowledge and deliver to the said plaintiff Joseph W Hampton, on or before the first Monday in December next Anno Domini one thousand eight hundred and

Fall Term. Friday September 23rd A. D. 1853.

fifty three a good and sufficient deed to lots number Seven (7) eight (8) nine (9) and ten (10) in Block number Seventy two (72) in the City of Austin in the County of Travis and State aforesaid. And it is further considered ordered adjudged and decreed by the court here that the said defendants Lydia Anne Cushney and Francis Dietrich administrators of the Estate of William N Cushney deceased do have and recover of and from the said plaintiff Joseph H Hampton all of the costs in said cause expended, and that Execution issue therefor &c

161

Henry Steussy and Peter Steussy vs Richard S Morgan — Plaintiffs — Defendant — Injunction &c. Judgment.

And now on this day came the parties to the above entitled cause by their attornies and thereupon the said parties by their attornies moved the court to dismiss said cause, Suggesting that the same had been compromised, by and between the parties thereto, as per agreement on file and that the same is to be dismissed at the costs of the said plaintiffs. It is therefore considered, ordered, adjudged, and decreed by the court that said cause be and the same is hereby dismissed at per said agreement, and that the said plaintiffs take nothing by their suit in this behalf. and that the said defendant Richard S Morgan go hence without day and have and recover of and from the said plaintiffs Henry Steussy and Peter Steussy all of his costs in this behalf laid out and ~~defended~~ and that Execution issue therefor &c &c

175

Charles Bowes vs Joel A Burdett — Plaintiff — Defendant — Action on account

And now on this day came the parties to the above cause by their attornies, and Suggests to the court that said cause has been compromised, and that the same is to be dismissed at the costs of the said defendant, and thereupon the said parties moved the court that said cause be dismissed, according to said compromise

Fall Term Saturday the 24th Sept.r A. D. 1853

and the court considering said motion doth order adjudge and decree that said cause be dismissed and that the said plaintiff take nothing by his suit in this behalf. and that the said Defendants Joel A Burdett go hence without day. and that the plaintiff Charles Power do have and recover of and from the said defendant Joel A Burdett all of the costs in this behalf laid out and expended and that Execution issue therefor &c.

Ordered by the Court. that Court adjourn until Saturday Morning 9 O'clock A M September the 24th A D 1853

Saturday Morning 9 O'clock A M September the 24th A D 1853 Court convened pursuant to adjournment Present the Honorable Robert S Jones. Judge of said Cnty. John M Eastley Clerk of said Court and George W Scott Sheriff of Travis County Texas. Whereupon the following proceedings were in said Court as follows to wit:

Thomas J Chapman Plaintiff } Suit to
vs } Cancel
Edward R Oliver and } Deed &c.
Robert H McAnelly Defendants }

74

And now on this day again came the parties to the above entitled cause by their attornies, and thereupon came the Jury heretofore duly elected empannelled. and sworn to try said cause as follows. to wit. John D Railey Andrew J Bargely. Duncan B Beck. Nathaniel Alex. James M McLaurin. William M Fowler Thomas J Laughlin. Jacob C Nebeiser. Daniel J Adams. Robert Mays. Alexander Johnson and Joseph Harrell. and thereupon the said Jury returned into court the following Verdict to wit

T J Chapman
vs
Edward R Oliver

1st. We the Jury in the above cause find a Verdict for the plaintiff. T J Chapman. and find that

Fall Term Saturday 24th September A. D. 1853.

the plaintiff J J Chapman was not of sound mind caused by excessive use of ardent Spirits and pecuniary embarasments at the time the deeds and Bill of Sale were signed, dated August 7. 1850.

2. We the Jury find that fraud was practised in obtaining the deed and Bill of Sale.

3rd We the Jury find that no consideration was paid for the deeds and Bill of Sale.

Alex Johnston
Foreman

J J Chapman
vs
4. Robt McNally We the Jury find that said McNally had knowledge of the claim set up by the plaintiff J J Chapman the petitioner, and said McNally colluded with the said Olives in carrying the said property off, the said property being of the value of $3000.

Alex Johnston
Foreman

5 In consequence of said Chapman being dispossessed of his property by fraudulent deeds, We the Jury are of opinion that said Chapman be entitled to damages to the amount of $3000 dollars.

4 We the Jury find as follows, that the following property passed into the defendant Olives hand on the 6 August 1853 by fraud by said Olives; being partnership Property, viz:

		dolls.	cts
348.	acres Land Valued at	1914	00
1	Negro Woman Charlotte & child	862	00
4	Cows and Calves	40.	00
1	Jack	500.	00
100.	Sheep & Goats	150	00
3	Yoke Oxen	120	00
		3586	00

Property of Plaintiff

1	Negro Man Valued at	700.	00
40	Hogs	80	00
20	yoke or pair oxen 35	700.	00
4	Spanish Mares	40	00
575	feet Lumber	20	74
	Farming Tools	65.	00
216	Spanish Mules & Geldings	3152	00
		4757.	74

Fall Term. Saturday September 24th A. D. 1853.

Capt. Chapman put in to Partnership

	dalls	cts
Amt. paid by C. for Gil Charlotte & boy	400	00
" " Allen Bls for Stock, Cash 600. Bills 2000.	2 600	00
4 Mares paid by Chapman	40	00
3 Yoke Oxen	120	00
575 feet of Lumber	20	74
Provisions for concern	250.	00
40. Hogs	80.	00
320 Bushels Corn	160	00
	3 6.70.	74
Amt. paid by Alives	2608	80
Dif.	1061.	94

Mr. Alives Charges money recd 7 August 1853

" " " " " " " "

Nothing on Same as per Interrogatories

Due to Captain Chapman Money Amt	150.	00
Amt of property sold by Mc Nacy 162 Head	2500.	00
of Stock, and 1 wagon and Harness		
Amt received from Sheriff after Execution Hutchings	45.	00
Amt. turned over by Mr Mc Nally	552.	00

Partnership property belonging to Chapman & Alives August 7th 1853

Gil Charlotte & boy. Nick valued (Chap paid 400 Alives " 462 3)	862	00
191 Mares. 5 Stallions 5 Geldings. 16 Mules. paid		
by Chapman 600. Alives 21. Bills 2000.	2621.	00
4 Mares paid by Chapman	40.	00
3 Yoke Oxen paid by Chapman	120.	00
58 Sheep.		
42 Goats paid by Alives	100.	00
2 Wagons paid by Alives	250.	00
575 feet Lumber paid by Chapman	20.	74
Provisions furnished by Chapman	250.	00
40 Hogs furnished by Chapman	80.	00
Stock from Mr Beck by Alives	300.	00
320 Bushels Corn furnished by Chapman	160	00
221. Bushels " " Alives.	110.	50
Supposed Value of Standing Crop.	750	00
Amt of property on hand 7 Augt 1853.	5.653	24

Fall Term. Saturday September 24th A. D. 1853.

Private property of Capt. Chapman an
Slave 7 August 1853

Jim a Negro Supposed to be worth	700 00
Tools	65.00
1 Cow Strayed.	10 00
	775 00

Charges against Chapman of Cash.

Amt of Damages by Execution of Hutchings	300.00

Cash paid by Alives

Amt paid by Alives—	
Paid for Gil Charlotte & Child	462 00
to Dunbar in part for Stock	21 00
58 Sheep and 42 Goats	100 00
2 Wagons	250.00
Stock paid to Mrs Beck	300.00
221 Bushel Corn	110.50
	1243.50

Paid to Norton for Land	1116.80
Paid Hutchings for Negro hire. Oct 5	162.50
Amt paid for Rails by Alives to D Walsh	86 00
	$ 2608 80

Fall Term. Saturday Septr 21st A. D. 1853

Dr. Thomas Chapman in Accdunt of

		Dolls	Cts
	paid by Chapman as a bonus to James Matthews for Land.	114	00
	paid by Chapman to Dunbar for 190 Spanish Mares: 5 Stallions: 5 Horses: and 16 Mares. Cash 600 Note 2000	2600	00
1850 May 1st	paid Thomas Glascock in part for Negro Women Charlotte and Child, (boy Slick)	400	00
	paid Mr Smith for 4 Mares	40	00
	3 yoke of Oxen	120	00
	1 Cow	10	00
	40 Hogs	80	00
	575 feet of lumber at $3.50 Cts per hundred	20	14
	provision furnished for hands	250	00
1850 May 5th	Cash turned over to Olivir	150	00
	Corn furnished by Chapman 322 Bushels	161	00
	4 plows $20. farming Tools $45.	65	00
	Amt put in by Chapman up to Augt 6. 1850	$4010	14
	1/2 of Corn Crop of 1850 = 400 Bushel at 50 Cts per B	200	00
	1/2 hire of boy Sem. from August 6. 1850 to Sept 7. 1853 -	370	00
	1/4 of Charlotte and boy's hire from ditto ditto	148	00
	Chapmans average share of the Crop for 3 years. 1851 52 & 53 = estimated at 2813 Bushel at 50 Cts per Bushel	1407	50
	Cash returned to Officir by Sheriffs Officir	45	00
	Value of 46 Mules returned by Mr Mc Nally at $12.00 each	552	00
	20 yoke of Oxen Value $35.00 per yoke as named in deed.	700	00
		$7434	64

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Farm &c with Edwd. K Oliver. Cr.

		Dolls	Cents
1850	paid by Oliver to Dunbar for Mules	21	00
May 1st	paid this amount to Lylascock in share of the Negro woman Charlotte & Child	462	00
	58 Sheep and 42 goats	100	00
	2 Ocen Wagons	250	00
	150 Bushels Corn	75	00
Oct 5	Paid to Hutchings for Negro here	162	50
	paid Dennis Walsh for Rails 1723 at $5.00 per hundred	86	00
	Amount put in by Oliver up to Augt. 6. 1850.	1136	50
August 6th. 1850.	Total put in by both to date $3166. 64 c		
1851.			
April 1st.	Amount paid by Oliver to Albert G. Horton for farm.	1116	80
	Amt of Stock sold by Auction by Chapmans not paying Hutchings	350	00
	Balance due to Chapman by said Oliver	3811	34
		$ 7434	64

Austin Texas Sept 24. 1853.

Alex. Johnston
foreman.

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147

Harrison Whitson Plaintiff For Confirmation of Contract &c

vs

Alfred Smith
George Golden and
R C Manlove Defendants

And now on this day came the parties to the above cause. by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury. Thereupon came a Jury to wit Allen E Gordon, Harvey Smith, Edison Burch, Jonathan Vanclave, Stephen F Kirk, Charles H Carter, John S Choate, Erwin Thompson, Josephus Coman, James H Riley, Thomas E Rowe. and William Wyatt Sworn good and lawful men of the county of Davis. who being duly elected, empannelled, and sworn to try said cause, and after hearing the evidence in the cause and the argument of Counsel thereon, retired under the charge of the court to consider of their Verdict. Whereupon said Jury returned into Court the following Verdict in said Cause to wit " We the Jury find for the defendants upon the ground that plaintiff wholly and voluntarily abandoned the enterprize ——— Jno E Rowe. Foreman" It is therefore considered, ordered, adjudged and decreed by the Court. that the said plaintiff Harrison Whitson take nothing by his suit in this behalf, & that the said defendants Alfred Smith, George Golden and R C Manlove go hence without day and have and recover of and from the said plaintiff Harrison Whitson all of their costs in this behalf laid out and expended. and that Execution issue therefor &c &c.

Ordered by the Court. that Court adjourn until Monday morning 9 O'clock A M. September the 26th A D 1853

Monday Morning 9 O'clock A M September the 26th A D 1853 Court convened pursuant to adjournment. Present the Honorable Robert J Bowles Judge of said Court. John M Eastley Clerk and George W Scott Sheriff of Davis County Whereupon the following proceedings were by said Court as follows to wit &c—

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257

Robert A Rutherford assignee of James Rich-ardson ~~~~~~~~~~~~ Plaintiff — Debt on account

vs

James M Long — Defendant — Judgment

And now on this day, in the above cause, appeared the parties by their attornies and thereupon the said defendant by attorney agreed and consented that Judgment be rendered in favor of the said plaintiff against the said defendant in said cause for the sum of One hundred and fifty dollars. Whereupon it is considered ordered adjudged and decreed by the Court that the said plaintiff Robert A Rutherford as assignee of James. do have and recover of and from the said defendant James M Long the aforesaid Sum of Onehundred and fifty dollars for his principal debt and interest up to this date, together with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid. together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

603

Sarah E Wilbarger & William C Dalrymple Administrators of the Estate of Matthias Wilbarger deceased — Plaintiffs — Debt on contract &c Judgment awarding a new trial ~~

vs

William Chandler and Benjamin C Drake — Defendants

And now on this day came the parties to the above cause by their attornies and thereupon the motion heretofore filed in said cause by defendants attornies for a new trial in said cause coming on to be heard by the Court and the Court after hearing the argument of Counsel for and against said motion, and the Court considering the same and the questions of law thereon arising is of opinion that said motion be sustained and that a new trial be awarded in said cause. Whereupon it is considered ordered, adjudged and decreed by the court that

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the said defendants motion for a new trial in said cause be and the same is hereby sustained and that a new trial in said cause be and the same is hereby awarded And that said cause be continued until the next Term of this Court —

867 Sidney P Brown Administrator of the Estate of James Smith deceased Plaintiff vs Alfred Smith Defendant For decree of personal property pc —

And now on this day came the parties to the above entitled cause by their attorneys, and thereupon the Court proceeded to hear the argument of Counsel for and against the defendants "Motion for a new trial" heretofore filed in this cause, and the Court after having heard the argument of Counsel for and against said motion and the Court considering the same, and the questions of law thereon arising is of opinion that said Motion be overruled

Whereupon it is considered, ordered adjudged and decreed by the Court that the said Motion of the said defendant for a new trial in said cause be and the same is hereby overruled by the Court. And thereupon the said defendant by attorney in open Court gave notice of his intention to appeal said cause to the Supreme Court of the State of Texas.

259 The State of Texas Plaintiff vs John M Brite Defendant Murder

And now on this day came the plaintiff in the above cause by the District attorney Alexander McKaennes who prosecutes for the State in this behalf, as well the said defendant John M Brite in his own proper person and also by Attorney, and thereupon the said defendant John M Brite moved the Court to change the Venue of said cause, and thereupon the said defendant caused to be made and filed

affidavits within terms of the law. for said change of Venue, and the Court considering said motion and affidavits, and the questions of law thereon arising, and the court being well advised in the premises, doth order, adjudge, and decree, that the Venue of said cause be changed, and that the same be adjourned to the County of Hays in said State of Texas, it being the nearest adjoining County, as prescribed by Statute, and that said cause stand for trial at the next Term of the District Court to be holden in and for said County of Hays. And it is further ordered by the Court that the Clerk of this Court, make out and certify, according to law in such case made and provided, all the Original Entries in said cause, as it of Record in this court, and transmit the same together with all the original papers in said cause to the District Court of said County of Hays. on or before the first day of the next Term of said Court. So that proceedings therein may be had as to right and Justice may appertain &c

255 The State of Texas } Plaintiff
vs } Murder.
John M Brite } Defendant

And now on this day appeared in open Court John M Brite, the defendant in the above cause, as principal, and Henry Brite, Joseph Duty, and John Hamilton, as his Securities who acknowledged themselves, jointly and severally to owe and be indebted unto the State of Texas in the Sum of Five Thousand dollars, to be levied each of their respective goods and Chattels, Lands and tenements, upon the failure of the following Conditions. The Conditions of the above recognizance are such, That whereas at the present Term of this Court, of the District Court of Travis County Texas application having been made by the said defendant John M Brite, to change the Venue of the said cause, of the "State of Texas vs John M Brite, For "Murder from the said County of Travis, which said application was granted by the Court: and whereas the Court ordered that the said case be adjourned to Hays County in said State, (it being the nearest adjoining County-

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in this District) Now if the above bounden John M Brite, shall be and personally appear at the next Term of the Honorable District Court of said County of Hays, to be begun and holden in and for the said County of Hays at the Court House thereof in the Town of San Marcos. on the fifth Monday after the first Monday in September A D 1853 it being the third day of October next A D 1853. Then and there to remain from day to day and from term to term of said Court, then and there to answer to an Indictment preferred against him by the Grand Jurors of Travis County, at the Spring Term A D 1853 of said District Court of Travis County, for "Murder" and that the said John M Brite, do not depart said Court without leave, then the above recognizance to be null and void otherwise to be and remain in full force and virtue—

259 The State of Texas } Plaintiff }
vs } Murder
John M Brite } Defendant }

and now on this day appeared in open Court James Carter Thomas P. Morgan Henry S. Cheyne Johnes John R Simms and Theodore G. Beck, who acknowledged themselves severally to owe and be indebted unto the State of Texas in the sum of one thousand dollars to be levied each of their respective goods and chattles lands and tenements. but that this recognizance be void upon the conditions that the above bounden parties be and personally appear at the next term of the District Court to be holden in and for the body of the County of Hays on the fifth Monday after the first Monday in September A D 1853 it being the third day of October A D 1853 then and there to give evidence in behalf of the State in a certain Case wherein The State of Texas is plaintiff and John M Brite (Charged with Murder) is defendant that they do not depart the Court without leave otherwise this recognizance to be and remain in full force and virtue.

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259 The State of Texas } Plaintiff
vs } Murder
John W Brite } Defendant

And now on this day came and appeared in open Court Francis M Rennohan, John H. Brown Samuel M Strayhorn and Franklin W. Duty, and John P. Bacon who acknowledged themselves severally to owe and be indebted unto the State of Texas in the sum of one thousand dollars each to be levied of their respective goods and chattles lands and tenements but that this recognizance be void upon the conditions that they the above bounden parties be and personally appear at the next term of the District Court to be holden in and for the body of the County of Bay on the fifth Monday after the first Monday in September it being the third day of October A.D. 1853, then and there to give evidence on behalf of the defendant in a certain case wherein The State of Texas is plaintiff and John W Brite (charged with murder) is defendant and that they do not depart the Court without leave otherwise this recognizance to be and remain in full force and Virtue.

Adolph Smith.

And the said having here in open Court filed his petition to become a citizen of the United States and the Court being satisfied by the affidavit of Joseph W Hamilton and Josiah Dick that the said Adolph Smith was known to them for the last five years during two years of which time he has behaved as a man attached to the principals of the Constitution of the United States and well disposed to the good order and happiness of the same, and being also satisfied that the said Adolph Smith has made his declaration to become a citizen of the United States in accordance with the Act of Congress in such case made and provided and the said Adolph Smith having in open Court taken the oath prescribed by law to support the Constitution of the United States and to absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince Potentate State or Sovereignty whatsoever

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and particularly to the Duke of Dunstead of whom he was late a subject. It is therefore ordered adjudged and decreed by the Court that the said Adolph Smith be and he is hereby admitted a citizen of the United States and that the clerk of this Court issue to him a certificate accordingly.

365

The State of Texas — Plaintiff
vs
Perry Grumbles
John D. Grumbles
Augustus Dore
Gray Clements &
Henry Vries &
John a Mexican — Defendants
— Murder

And now on this day came the plaintiff in the above cause by the District attorney Alexander A. Chalmers who prosecutes for the State in this behalf and the said defendants John D Grumbles Augustus Dore Gray Clements and Henry Vries in their own proper person and also by attornies and moved the Court to continue said cause until the next term of this Court and thereupon the said defendants last aforesaid filed their affidavit in terms of the law for said Continuance whereupon it is ordered adjudged and decreed by the Court that said cause be and the same is hereby Continued until the next Term of this Court.

365

The State of Texas — Plaintiff
vs
Perry Grumbles
John D. Grumbles
Augustus Dore
Gray Clements &
Henry Vries &
John a Mexican — Defendants
— Murder

And now on this day again came the plaintiff in the above cause by the District attorney and on his motion it is ordered by the Court that the following named

Witnesses duly and legally summoned on behalf of the plaintiff in said cause be recognized in said cause and thereupon the Court fixed the amount of recognizance of each witness in the sum of five hundred dollars said Witnesses being as follows to wit. Robert N Lane Joseph Walker Thomas J. McKinney Edward Dimmitt John Horan Aaron Wilcox Mark B. Raper William. J. Patterson James R Jackson James M Durham and now comes into open Court the said Witnesses Robert N Lane Joseph Walker Thomas J McKinney Edward Dimmitt John Horan Aaron Wilcox Mark B Raper William J Patterson James R Jackson James M Durham. who acknowledge themselves to owe and be indebted to the State of Texas Severally in the sum of Five hundred dollars each to be levied each of their respective goods and chattles land and tenements but to be void upon condition that the above bounden parties be and personally appear at the next term of the District Court for the County of Travis to be holden in and for the body of the said County of Travis at the Court house thereof in the City of Austin on the first Monday in March next A D 1854 then and there to give evidence on behalf of the State of Texas wherein The State of Texas is plaintiff and Perry Brumbles John. G. Brumbles Augustus Pope Gray Clements Henry Vines & John d Mexicano (charged with Murder) are defendants and that they remain from day to day and from term to term and that they do not depart said Court without the leave thereof.

Ordered by the Court that Court adjourn until Thursday morning 9 O'clock A M September the 29th A D 1853

Thursday Morning 9 O'clock A M September the 29th A D 1853 Court convenes pursuant to adjournment. Present the Honorable Robert J Jones Judge of said Court John M Austin Clerk and Geo W Scott Sheriff of Travis County Texas When upon the following proceedings were had in said Court. to wit:

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222

The State of Texas } Plaintiff } Assault
vs } with a deadly
Newell W Burdit } Defendant } Weapon

In this case this day came the plaintiff in the above cause by the District Attorney Alexander H Phaelps who prosecutes for the State in this behalf, and the said defendant Newell W Burdit being three times Solemnly called came not but made defaults. And it appearing to the Satisfaction of the Court here that the said Newell W Burdit had at the present Term of this court to wit on the fourteenth day of September A D 1853. appeared in open court in proper person. and acted by attorney, and that upon motion and by consent of parties the Court ordered that said cause be Set for Trial on Tuesday next 9 O'Clock A M September the 27th A D 1853 and that the Court ordered the said defendant into the Custody of the Sheriff of Travis County, and that then and there the said defendant moved the Court to be recognized for his appearance on the said 27th day of September A D 1853 and that the Court then and there fixed the Amount of Recognizance of said defendant in the sum of Three Thousand Dollars. And that the said defendant came and appeared in open Court. (on the said 14th day of Sept A D 1853) as principal together with Giles W Burdit, and Edward R Peck as his Securities, and acknowledged themselves, Jointly and Severally to owe and be indebted unto the State of Texas in the Sum of Three Thousand Dollars, to be levied each of their respective goods and Chattels, lands and tenements, But to be void upon Condition that the said defendant Newell W Burdit, Make his personal appearance before said Court on Tuesday next thereafter, September the 27th A D 1853 at 9 O'clock A. M. of said day, and that he remain from day to day and from term to term of said Court thereafter, then and there to abide Whatever Judgment or decree the said Court might pronounce in said Matter of The State of Texas vs Newell W Burdit for "an assault with a deadly weapon" And the said Newell W Burdit being again three times Solemnly called

and required to come and answer said charge. came not but made default. and the said Securities on said recognizance to wit Giles H Burdett and Edward R Peck being also three times Solemnly called and required to bring with them in to Court the body of the said Newell W Burdett to answer said Charge which they wholly failed to do. It is therefore ordered adjudged and decreed by the Court that the said Recognizance of the said Newell W Burdett and the said Giles H Burdett and Edward R Peck be and the same is hereby forfeited and that the said State of Texas do have and recover of and from them jointly and severally the Sum of Three Thousand dollars the amount of said recognizance. and that Scire facias do issue to each of them returnable to the next Term of this Court. Commanding them then and there to apear, and show cause if any they may have why said Judgment should not be made final against them as aforesaid—

215— G G Baggerly for the use of Caroline E Townsend Plaintiff } Certiorari from Justice Court. Travis County Texas
vs
Sarah Barker Defendant }

And now on this day came the parties to the above cause by their attorneys, and thereupon the said plaintiffs Motion to dismiss the Certiorari in this cause. for the reasons therein set forth, being taken up by the Court for consideration and determination, and the Court after hearing the argument of Counsel for and against said motion. and the Court considering the same and the questions of law thereon arising is of opinion that said Motion of the said plaintiffs be Sustained. Whereupon it is considered, adjudged, adjudged, and decreed by the Court that the said Suit on Certiorari be and the same is hereby dismissed, and that the said defendant Sarah Barker take nothing by her Suit in this behalf and that the said plaintiffs go hence without day and have and recover of and from the said defendant all of the costs in this behalf expended and that Execution issue therefor, and that this Judgment be certified to the Justices Court below

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from whence said Suit was removed to this Court for said Justices governance and observance—

Joshua F Smith and Sarah Ann Smith his wife — Plaintiffs

vs.

Ellison Burch and Sarah Burch his Wife — Defendants

164 — Judgment and decree

And now on this day came the parties, plaintiffs, and defendants, by their attornies respectively, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said parties moved the Court for a Jury, Whereupon came a Jury to wit: Erwin Thompson, John L Gray, Hugh Collins, William Pratt, Thomas E Pope, Harvey Smith, Nathaniel Ross, James T McLaughlin, William M Fowler, Thomas Laughlin, Calvin St Naylor, and Charles H Carter, twelve good and lawful men of the County of Travis, who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict Whereupon said Jury returned in to Court the following Verdict to wit: "We the Jury find that the deed was obtained by fraud, We further find that the pltff has deposited with the Clerk of the Court $52.00 the amt of principal and interest rec'd as part of the Consideration mentioned in the deed. We further find for the pltff." "W M Fowler" "Foreman"

Whereupon upon the Verdict of the Jury aforesaid It is Considered Ordered, adjudged, and decreed by the Court, that the deed Executed by the plaintiff, to the defendant, on the 4th day of June A D One thousand eight hundred and fifty, and filed in the office of the County Court Clerk, of the County of Fayette, Texas, on the same day and Recorded in the Book for the Record of deeds on the Seventh day of June A D 1850, which deed was executed by the plaintiff when her name was

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Sarah Ann Burkham and the defendant bore the name of Sarah Burnham and more fully set forth and described in the said plaintiffs petition in said cause, that said deed be in all things annulled, set aside and held for naught.

And it is further considered ordered, adjudged, and decreed by the court that the said defendants Sarah Burch and her said husband Ellison Burch, be and they are hereby divested of all the right, title, or interest that they or either of them ever had or claimed to have, under the said deed, any to any interest whatever, either in the real or personal assets of the Estate of Alfred Burnham late of Fayette County Texas, deceased, and that all the right title interest and claim thereof, be and the same is hereby fully vested in the said plaintiff Sarah Ann Smith formerly Sarah Ann Burnham, and the said plaintiff Sarah Ann Smith, is hereby vested with all the legal and equitable right title and interest, in and to the Estate of her late husband, Alfred Burnham and to all the legal and equitable rights to her Separate property heretofore claimed by the said defendants Sarah Burch and Ellison Burch, by virtue of the Execution of the aforesaid deed from the said plaintiff to the said defendants, And it is further considered ordered adjudged, and decreed by the Court, that the Clerk of this Court pay to the Defendant Sarah Burch, formerly Sarah Burnham, the Fifty two dollars tendered the plaintiff in Court before the trial of said cause for the purpose of annulling and setting aside the aforesaid deed, And it is further considered Ordered adjudged and decreed by the Court, that the said plaintiffs Joshua F Smith and Sarah Ann Smith his wife, do have and recover of and from the said defendants Ellison Burch and Sarah Burch his wife all of their costs in this behalf laid out and expended, and that Execution issue therefor &c. And it is further considered, ordered, adjudged and decreed by the Court that the said plaintiffs Joshua F Smith and Sarah Ann Smith his wife do have and recover of and from the said defendants Ellison Burch and Sarah Burch his wife all of the costs by them in this cause laid out and expended, And the same to be levied of the Separate property of the said Sarah Burch formerly Sarah Burnham

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Sidney P. Bacon Administrator de bonis non of the Estate of James Smith deceased } Plaintiff } Judgment and Decree

vs

Alfred Smith } Defendant

86.

And now on this day came the parties to the above entitled cause by their attornies respectively, and it appearing to the Court by the verdict of the Jury heretofore entered in this cause, that the said plaintiffs Intestate. James Smith, deceased, died seized and possessed of the Slaves in the said plaintiffs petition mentioned and who were of the respective ages, annexed as follows to wit; Isaac of Black Complexion about Twenty five years of age, of the value of nine hundred dollars. Obediah of black Complexion about twenty one years of age, of the value of nine hundred dollars. Sydney of black Complexion about Seventeen years of age of the value of Eight hundred dollars. David of black complexion about fourteen years of age of the value of seven hundred dollars. Sarah a Girl of dark complexion, about twelve years of age of the value of Fivehundred dollars. Winney a Girl of dark complexion about Ten years of age of the value of Four hundred Dollars, and Phillis a negro woman who departed this life since the death of the said intestate James Smith. And it further appearing to the Court, that the said Negro Slaves, came into the possession of the said defendant as one of the administrators of the said James Smith, deceased, and after the same came to be administered by him as part of said Estate, and after the said Slaves came into his possession as aforesaid, the said Negro woman Phillis gave birth to a negro Child Slave, of black complexion who at the institution of this Suit, was about five years of age by the name of Vina And it further appearing to the Court, that the said defendant Alfred Smith, had the use and possession for the period of Seven years of the aforesaid Slaves and that the hire thereof is of the value of Twenty eight hundred dollars. It is therefore considered ordered, adjudged, and decreed by the Court here-

that the said plaintiff as administrator de bonis non of the Estate of the said James Smith deceased, as aforesaid, do have and recover of and from the said defendant Alfred Smith, the before mentioned and described negro slaves, and that the necessary process issue to put him in the possession thereof, And it is further considered ordered, adjudged, and decreed by the Court, that if the possession of the said negro slaves as aforesaid cannot be given as aforesaid, to the said plaintiff as Administrator de bonis non, as aforesaid, then that the said plaintiff Sidney P Brown as administrator de bonis non of the Estate of James Smith deceased, do have and recover of and from the said defendant Alfred Smith, The Sum of Four Thousand Five Hundred dollars, the value of said Negro Slaves as aforesaid, assessed by the Jury as aforesaid, And in the event that the possession of any or either of said Slaves cannot be given as aforesaid, It is further considered ordered, adjudged, and decreed by the Court, that the said plaintiff Sidney P Brown as administrator as aforesaid, do have and recover of and from the said defendant Alfred Smith, the value of such Slave, or Slaves, as assessed by the Jury as aforesaid, And it is further considered ordered, adjudged, and decreed by the Court here, that the said plaintiff Sidney P Brown, as administrator de bonis non of the Estate of the said James Smith, deceased, do have, and recover of and from the said defendant Alfred Smith, the further Sum of Twenty eight hundred dollars, the amount of the hire set assessed by the Jury as aforesaid, And it is further considered, ordered, adjudged, and decreed by the Court, that the said plaintiff Sidney P Brown as Administrator of the Estate of James Smith deceased, as aforesaid, do have and recover of and from the said defendant Alfred Smith all of his costs in this behalf laid out, and expended, and that Execution issue therefor &c &c.

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94 William S Mussett Plaintiff
vs
John W Cattley Defendant Assumpsit

In this case this day came the parties to the above cause by their attornies, and thereupon on motion and by consent of parties it is ordered by the Court that this cause be referred to George W Paschal and John Taylor attorneys at Law. for Arbitration and that the said referees make return of their award in said cause as soon as practicable, and that the said award be made the Judgment of this Court. when so returned as aforesaid

1470 Webb Kidd Plaintiff For
vs consummation
Morgan C Hamilton of agree-
And Grey I Kidd Defendants ment &c

And now on this day came the parties to the above cause by their attornies and thereupon on motion and by consent of parties it is ordered by the Court that the above cause be continued until the next Term of this Court

178 Matilda Stanger Plaintiff Divorce
vs
Love Adolph Stanger Defendant

And now on this day came the parties to the above cause by their Attornies and thereupon the death of the said Defendant was suggested, and the Court moved to dismiss said Cause It is therefore considered ordered adjudged and decreed by the Court that the said Cause be and the same is hereby dismissed, and that the said plaintiff pay all of the costs in this cause expended, and that Execution issue therefor &c.

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125 Samuel Graft adm. Plaintiff For
vs. and
John A. Grumbles Defendant

On this case this day came the plaintiff in the above cause as well the said defendant John A. Grumbles in his own proper person and also by attorney and thereupon the said defendant moved the Court that said cause be continued and thereupon filed his affidavit in terms of the law for a continuance of said cause. It is therefore by the Court ordered that said cause be continued until the next term of this Court.

Richard S. Morgan and Susan E. Morgan his wife Plaintiffs Judgment and Decree.
vs.
181 George Faucett and Morgan C. Hamilton and John D. Price Constable of Austin Precinct Travis County Texas. Defendants

And now on this day came the parties to the above cause by their attornies respectively and the motion to strike out a part of the petition of the plaintiffs coming on to be heard. It was ordered by the Court that so much of said bill as is copied into said motion be Stricken out and the motion to dismiss the bill and also the motion to dissolve the injunction coming on to be heard by the Court both of said motions were by the Court overruled And thereupon the said parties announced themselves ready to proceed to the trial of said cause and move the Court for a jury. Thereupon came a jury to wit- Johnathan Dunbleve- James H Riley John D Railey Daniel D. Adams Alexander Johnson Hall Medlin Martin James Milligan A Hamilton James Gibson James Wall. William M Riley and John S Chote. twelve good and lawful men of the County of Travis who being duly elected empannelled and sworn to try the issues joined and after hearing the evidence in the case and the argument of counsel there

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=on retired under the charge of the Court to consider of their verdict in said cause where= upon said jury returned into Court the following Verdict to wit.

"R. S. Morgan & wife D
vs
George Hancock et al D

We the jury find for the plaintiffs and find that there is but one lot with the improvements that they are not worth $2000-00 C. We the jury find the lot to be worth $400-00 and all the improvements thereon are not worth over $150.00

Davies & Adams foreman"

It is therefore considered ordered adjudged and decreed by the Court here that the injunction heretofore granted in said cause be and the same is hereby made perpetual and that the said defendants George Hancock Morgan & Hamilton and John J Price Constable of Austin Precinct Travis County Texas their agents and servants are hereby perpetually enjoined and restrained from selling or disposing of or in any way interfering with the said Lot No. 9. in Block No 56 in the City of Austin and the improvements and buildings thereon situated while the same continues to be the home Stead of the said plaintiffs Richard S Morgan and Susan C Morgan his wife And it is further considered ordered adjudged and decreed by the Court that the said plaintiffs Richard S Morgan and Susan C Morgan his wife do have and recover of and from the said defendants George Hancock Morgan & Hamilton and John J Price Constable of Austin Precinct Travis County Texas all of their costs in this behalf by them laid out and expended and that they have execution issue therefor et cetera

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180

Richard S. Morgan and
Susan E. Morgan his wife- } Plaintiffs

vs.

Richard H. Peck and
John J. Price Constable
of Austin Precinct Travis
County Texas } Defendants

" Decree

And now on this day came the parties to the above entitled cause by their attornies respectively and the motion to Strike out a part of the petition of the plaintiffs to said cause coming on to be heard by the Court and after arguments heard for and against said Motion it was ordered adjudged and decreed by the Court that so much of said bill as is copied into said motion be Stricken out and thereupon the motion to dismiss the bill and also the motion to dissolve the injunction in said cause coming on to be heard by the Court both of said Motions were by the Court overruled And thereupon the said parties announced themselves ready for the trial of said cause and moved the Court for a Jury Whereupon came a jury to wit- Johnathan Dubleve James W. Riley John W Railey. Wlames D Adams Alexander Johnson Hall Moseley Martin James. William A Hamilton James Gibson James Wall William M Riley and John S Chote. twelve good and lawful men of the County of Travis who being duly elected empannelled and Sworn to try said cause and after having heard the evidence in the case as well as the arguments of Counsel thereon retired under the charge of the Court to consider of their Verdict in said cause Whereupon said jury returned into Court the following verdict to wit-

R. S. Morgan and wife }
vs
R H Peck et als }

We the jury find for the plaintiffs and find that there is but one lot and improvements that they are not worth $200-00 ¢ We the jury find the lot to be worth four hundred dollars and all the improvements thereon are not

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worth over $150.00 Dollars & Adams forever and it is therefore considered ordered adjudged and decreed by the Court that the said injunction heretofore granted in said cause be and the same is hereby made perpetual and the said defendants Richard A. Peck and John D. Price Constable of Austin Precinct Travis County Texas their agents and servants be and they are hereby perpetually enjoined and restrained from selling or disposing of or in any way interfering with the said Lot No. 9. in Block 56 in the City of Austin and the improvements and buildings thereon situated while the same continue to be the Homestead of the said plaintiffs Richard S Morgan and Susan E Morgan his wife and it is further considered ordered adjudged and decreed by the Court that the said plaintiffs Richard S Morgan and Susan E Morgan his wife do have and recover of and from the said defendants Richard A. Peck and John D Price Constable of Austin Precinct Travis County Texas all of their costs in and about their suit laid out and expended and that Execution issue therefor.

287 P. A Monroe vs Richard Lloyd — Plaintiff — Defendant — Debt on account

And now on this day came the parties to the above entitled cause by their attornies and thereupon on motion and by consent of parties it is ordered by the Court that said cause be continued until the next term of this Court.

274 Betsey D. Rowe et al vs James A Raymond et al — Plaintiff — Defendants — Decree of cert No 828

On this case this day appeared the parties by their attornies respectively and thereupon on motion and by consent of parties to the above cause heretofore mentioned it is ordered by the Court that the Judgment by default heretofore entered in this cause at a former day of the present term of this Court

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be and the same is hereby set aside and held for naught as to one of the defendants in said cause to wit Benjamin D. Atkins, and that he the said Atkins have leave to file his answer in said cause and thereupon said answer was filed accordingly

301

Featherston R Roach Plaintiff
vs
James B Shaw Comptroller of the State of Texas, and James M Swisher Auditor of the State of Texas. Defendants } Mandamus

And now on this day came the plaintiff in the above entitled cause by his attorney, and also came the said defendants James B Shaw Comptroller of the State of Texas and James M Swisher, Auditor of the State of Texas and submitted their return to the rule to show cause why a peremptory Mandamus should not issue as prayed for in said plaintiffs petition and the parties, plaintiff and defendants having submitted the matter in issue upon the petition of the said plaintiff, and the return and answer of the said defendants, And the Court having fully considered of the questions of law presented by the said petition and answer or return. Because it seems to the Court here that the law is with the said plaintiff, and that the said Defendants were bound under the Statutes of the State to receive, and Audit the said Certificate described in said plaintiffs petition. It is therefore considered, ordered, adjudged, and decreed by the Court here, that the said Defendants James B Shaw Comptroller of the State of Texas, and James M Swisher Auditor of the State of Texas, be and they are hereby required to receive and Audit the said Certificate in said plaintiffs petition mentioned, as prayed for in said petition, and it is further considered, ordered, adjudged, and decreed by the Court, that the said plaintiff Featherston R Roach do have and recover of and from the said Defendants James B Shaw Comptroller and James M Swisher Auditor as aforesaid all of his costs in this behalf expended and that execution issue therefor &c

Fall Term, Tuesday. September 27th A. D. 1853

William B Clark and
his Wife Elmyra Lavinia
Clark. Martha Sticks
Mary E Sticks. and
William Sticks by his
next friend William B Clark
Vs
John. P Hutchinson and
Benjamin F Young and
his Wife Isabella Young
Defendants

281.

In this case. now on this day came the parties by their attornies with the exception of William Sticks. who appears by his next friend William B Clark., and it appearing to the Court here, that the Commissioners appointed at the present Term of the Court to partition and divide the land in Controversy, had made their report And it appearing to the Court that the said Land has been divided into two parts, one part giving to the said William B Clark. and Wife Elmyra Lavinia Clark, Martha Sticks, Mary E Sticks, and William Sticks the amount of three hundred and twenty 568/100 acres of land. and the other part giving to John P Hutchinson, and Benjamin F Young and his Wife Isabella Young, Two hundred and twenty 568/100. acres of land, the same being all the land embraced in said Surveys, which is set out in the original petition as ascertained in the resurvey and division thereof.— Which said report is in the following words and figures to wit:

The State of Texas } District Court Fall
County of Travis } Term A D 1853

William B Clark and
his Wife Elmyra Lavinia
Clark Martha Sticks
Mary E Sticks and
William Sticks by his
Plaintiffs

Fall Term. Tuesday September 27th A. D. 1853

next friend Williams
B Clark
vs
John P Hutchinson
Benjamin F Young and
Wife Isabella Young
Defendants

To the Honorable John Sprueck Judge of the Second Judicial District holding Sessions in and for the County of Travis.

In accordance with an order of your Honorable Court. to us directed by John M Castleg Clerk of said Court. at its Fall Term A D. 1853. Appointing us Commissioners to divide the Land in Controversy in the above entitled Cause. We proceeded to obey said order by Surveying and dividing said Land in the following manner. to wit: The Labor of Land granted to Dennis Ury assignee of Nemmore Simpson was divided equitably between the Heirs of Lavinia Hicks. and of William and Sarah Hutchinson, each tract containing 88 568/1000 Acres of Land, And the tract of Land Granted to said Ury assignee of Tho. Eldridge, Containing 364 acres was divided so as to give the Heirs of Lavinia Hicks 232 acres, and of William and Sarah Hutchinson 132 acres of Land.

Field Notes of Nimmore Simpsons Labor Beginning at its North Corner at a Stake and rock mound. Thence S 30° W with the S. E. boundary of Jas P Wallace Survey. at five hundred varas a Stake and mound off Rock. Thence S 60° E ast at One Thousand Varas. a Stake and rock mound on the N W boundary of Tho. Eldridge Survey No. 26. Thence N 30° E with Said Tho. Eldridge N W boundary at five hundred varas a Stake and Rock Mound. Thence N 60° W. at One thousand Varas the place of Beginning. This Survey was allotted to the Heirs of William and Sarah Hutchinson being the North East half of said Labor. Containing 88 568/1000 Acres.

Field Notes of the S W. half of Nimmore Simpsons Labor. Containing 88 568/1000 acres. Beginning at a Stake and mound the N Corner of A W Caulfields Labor. Thence N 30° East with the S E boundary of Jas. P Wallace Survey at—

Fall Term. Tuesday September 27th A D. 1853.

Five hundred varas a Stake and Rock mound the W Corner of the Survey Set apart for the Heirs of William and Sarah Hutchinson.— Thence S 61° E with the S W boundary of said Survey at one thousand varas a Stake and mound on the N W boundary of Thos. Eldridge Survey. Thence S 30° W with said N W boundary at Five hundred varas a Stake and Rock mound the E corner of A W Cavel-fields Labor. Thence N 61° W with said Survey at one thousand varas to the place of Beginning. Set apart for the Heirs of Lavinia Hicks.

Field Notes of the division of the Thos. Eldridge Survey, as divided between said parties aforesaid, being the part set apart for the Heirs of William and Sarah Hutchison containing 132. acres of Land.

Beginning at at the N. Cor. of W. Wilks Survey No 29. at a Stake and mound of Rock.. Thence S 30° W with the S. E. boundary of Dinmore Simpsons Labor. at 551 5/10 varas a Stake and mound of Rock. Thence S 60° E. at 1352 varas a Stake and mound of Rock. Thence N 30° E at Five hundred and fifty one and 5/10 varas. a Stake and mound of Rock. on the S W boundary of J G Brookes. Labor. No 28. Thence N. 60° W. with said S W boundary at 352 varas passing the W. Corner. and with the S W boundary of No 29. at Thirteen hundred and fifty two varas. to the place of Beginning

Field Notes of the Survey set apart for the Heirs of Lavinia Hicks, Containing 232 acres— Beginning at a Stake and mound of Rock on the S E boundary of Dinsmore Simpsons Labor. and the W. Corner of the Survey of 132. acres made for the Heirs of William and Sarah Hutchinson.— Thence S 60° E. with the S W boundary of said Survey at Thirteen hundred and fifty varas, a Stake and mound of Rock. Thence N 30° E with the S E boundary of said Survey of 132 acres at Five hundred and fifty one and 5/10 varas. a Stake and mound of Rock. on the S W boundary of No 28. Thence S 60° E with said S W boundary at Five hundred and twenty one varas, on E Bank of Jamuchiles N W boundary. Thence S 30° W with said N W boundary at Eleven hundred and

three varas a Stake and Rock mound the E corner of S E Whatleys Labor. No. 24. Thence N. 60° W with the N. E boundary of Nos 24 and 25. at Eighteen hundred and Seventy three varas a Stake, and Rock mound on the S E boundary of A W Caulfields Labor. from which a Musquite bears N 30° W. 10 varas another bears N. 85 E. 8 varas Thence N 30° E at Five hundred and fifty one, and 5/10 varas to the place of Beginning.

Your Commissioners would further represent to your Honor, that they made a fair and equal division of said Survey, and having performed all which they were required to do, most respectfully Submit their report. Sept. 16. 1853

C. L. Mann. Surveyor & Comm.
Charles Walker.
J M Blackwell
G W Scott Shff Travis County

The State of Texas
Travis County.

Before me John M Bartley Clerk of the District Court of Travis County, personally came the undersigned Commissioners appointed in this cause, and upon oath State that the above partition is fair and just. and equal according to the decree of the Court in this Case to the best of their knowledge and belief. this 27th Sept. 1853

Charles Walker
J M Blackwell
C L Mann
G W Scott, Sheriff
Travis County

Subscribed and sworn to before me in open Court this 28th September 1853

J M Bartley Clk
By G S Walton, D Clk

Reserve of 364 acres of Land Situated in Travis County County about 4½ Miles N E of the City of Austin. Said Survey was made for Enos Utly. Assignee of Thos. Eldridge and is Reserved

Fall Term. Tuesday September 27th A. D. 1853.

at the instance of the Heirs of said Ennis Ury —

Beginning at the S E Corner of S O Phatays Labr. Survey No. 24 on Pannehills N. Boundary line. Thence north 60° West with the south boundary of Nos 24. & 25. at 1873 varas a Stake and Rock. mound on the East boundary of A W Cawelfields Labr. from which a Mesquite bears N 30° W. 10 varas another bears N. 85° E. 8 varas. — Thence N. 30° E at 103 varas the N E Corner of said Cawelfields Survey; and with the East boundary of 10 Simpsons Labr at 1103 varas a Stake and mound of Rock. Thence South 60° East at 1873 varas with the South boundary of Wicks & Brook Labrs to an Elm on Pannehills West boundary line, Thence South 30° West at 1103 vars with said W boundary to the place of Beginning

Clark, Hutchinson — Chainmen

C S Mann Surveyor.

Resurvey of one Labor of Land for the Heirs of Ennis Ury Assignee of 10 Simmons Simpson Situated in Travis County about 4 miles N. E of the City of Austin. Beginning at the N. E Corner of A W Cawfield Labor No a a Stake and Rock mound. Thence N. 60° W with the N boundary of said Survey at 1000. varas a Stake and Mound of Rock. Thence N 30° E with the E boundary of Jas. P. Wallace's Survey No — at 1000 varas a Stake and Rock mound. Thence S 60° E. at 1000 varas. the N.W. Corner of Thos. Eldridges Survey No. 26. at a Stake and Rock Mound. Thence S 30° W with the E boundary of No. 26. at 1000 varas the place of Beginning

Clark, Hutchinson — Chainmen

C S Mann Surveyor

And it appearing to the satisfaction of the Court here that the said Labor of Land Granted to Ennis Ury assignee of Simmons Simpson, was so divided as to give the plaintiffs one half thereof or Eighty Eight 368/1000 acres, and the said Defendants the other half, or Eighty Eight 368/1000

Fall Term. Tuesday September 24th A. D. 1833.

acres. and that the Thomas Eldridge Tract was so divided as to give to the said pedintiffs. Two hundred and thirty two acres. and the said defendants One hundred and thirty two acres. the said Subdivisions. Containing All the land in said tracts, and the same being made in conformity with the respective interests of the said parties, therein, And it further appearing to the satisfaction of the Court here, that the said partition is fairly made and that the report of the said Commissioners is in conformity to Law. It is therefore considered ordered, adjudged and decreed by the Court. that the said Report of the said Commissioners be and the same is hereby in all things confirmed. and that the said Parties, respectively shall have and enjoy, said land according to the said partitions.

And it is further considered, ordered adjudged, and decreed by the Court here, that Each of said parties, to said cause, pay the one half of all the costs in this behalf laid out and expended, and that each party, plaintiffs and Defendants, as aforesaid, have against each other Execution therefor &c &c)

311. Featherston & Rauch Plaintiff

vs

James B Shaw Comptroller of The State of Texas, and John M Swisher Auditor of The State of Texas, Defendants

vs

And now on this day come the plaintiff in the above cause by his attorney and moved the Court to correct the judgment of this Court in said cause, rendered on the first day of this Court. And it appearing to the satisfaction of the Court here that the said Judgment is entered in the name of "Featherston & Rauch vs James B Shaw Comptroller of the State of Texas and James M Swisher Auditor of the State of Texas". And it appearing from the pleadings and evidence on file in said Cause. that the said Case is incorrectly Styled —

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and that said Judgment is rendered up a wrong name, and it further appearing to the Court that the Correct Style, and name of the said Case as per said pleadings as aforesaid, is Styled thus "Heatherston R Roach vs James D Shaw Comptroller of the State of Texas and John M Swisher Auditor of the State of Texas.

It is therefore ordered, adjudged and decreed by the Court, that the said Judgment be and the same is hereby reformed, and corrected, accordingly

"William Schroeder"

X The State of Texas
County of Travis

Y And the said William Schroeder having filed in open Court his petition praying to be admitted to become a Citizen of the United States and the Court here being satisfied by the affidavits of Twente Palm and John Alyden that the said William Schroeder was well know to them for the last five years, during two years of which time he has behaved as a man attached to the principals of the Constitution of the United States and well disposed to the good Order of, and happiness of the same, and being also satisfied that the said William Schroeder has made his declaration to become a Citizen of the United States in accordance with the Act of Congress in such case, made and provided, and the said William Schroeder in open Court having taken the oath prescribed by law to support the Constitution of the United States, and to absolutely and entirely renounce and abjure forever all allegiance and fidelity to every foreign prince, potentate, State, or Sovereignity whatsoever and particularly to "Paul Frederick August. Prince of Germany of whom he was late a subject.

It is therefore considered ordered, adjudged, and decreed by the Court here that the said William Schroeder be and he is hereby admitted a Citizen of the United States of America, and that the Clerk of this Court issue to the said William Schroeder a Certificate accordingly

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Declaration of Intention to become a Citizen

State of Texas
County of Travis } Andrew Ebrahart

Being duly sworn according 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 1821 in Wittenberg in Germany, from whence he emigrated in the year 1847, 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 Prince of Wittenberg. Ferdinand Wilhelm, of whom he was late a Subject

Andrew Ebrahart,

Sworn and Subscribed to in open Court Sept 28th 1853.

Jno M. Costley, Clk,
D. C. T. C.

241

William Morris Plaintiff
vs
Marcus Drumble
Garnishee

And now on this day, this cause coming on to be heard and the party plaintiff appeared by his attorney, and it appearing to the satisfaction of the Court that at the Spring Term of this Court A.D. 1853 a Judgment was recovered by said plaintiff, against one Charles J Garnett for the Sum of Five hundred 99/100 Dollars, with interest and costs of Suit, And it also appearing to the satisfaction of the Court here, that Since the recovery of said Judgment to wit on the twentieth day of April A.D. 1853 the plaintiff by his agent J S Anderson, made oath as required by law before the Clerk of the District Court of Travis County that the said Charles J Garnett defendent had no property within the knowledge of said affiant within his possession of which the said debt could be made, And that said affiant had just reason to believe that Marcus Drumble of the County of

Fall Term. Tuesday September 27th A. D. 1853.

Caldwell in said State was indebted to said defendant, Charles J Gaines, or had effects of said defendant in his hands. And it also appearing to the Satisfaction of the Court that by reason of said affidavit, and in accordance with the Statute in such case made and provided a Writ of Garnishment was issued by the Clerk of the said District Court directed to the Sheriff of Caldwell County aforesaid, Commanding him to Summon the said Marcus Trimble to appear at the next Term of the District Court to be holden in and for the said County of Davis, then and there to answer upon oath what he was indebted to the said Gaines, or what effects of him the said Charles J Gaines he had in his possession at the time of the service of said Writ of Garnishment and what Credits and effects of him the said Charles J Gaines there were in the hands of any other person or persons to the best of his knowledge and belief. And it also appearing to the Satisfaction of the Court that said Writ of Garnishment was regularly and legally executed and returned by the Sheriff of said County of Caldwell. And whereas the said Marcus Trimble Garnishee has failed to appear and answer said Writ of Garnishment as directed. And whereas the said Marcus Trimble is not a resident Citizen of the said County of Davis, but is a resident of the said County of Caldwell

It is therefore Considered, ordered, adjudged and decreed by the Court here, that the Clerk of this Court issue a Commission to the Chief Justice Notary Public, or Clerk of the District Court of Caldwell County aforesaid, Commanding them or either of them, to Summon the said Marcus Trimble to appear before him at the time and place therein Specified, and answer on oath what he was indebted to the said Charles J Gaines, or what effects of him the said Charles J Gaines, he had in his possession at the time of the Service of the said Writ of Garnishment, And what Credits and effects of him the said Charles J Gaines there were in the hands of any other person or persons, at the time of the Service of said Writ of Garnishment to the best of his knowledge or belief. And that said Commissioner be directed to return said Commission to the Clerk of this Court with his actings and doings in the premises according to Law.

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5 ✓ J. B. Cook Plaintiff
vs
Benjamin Grayson Defendant

And now on this day it appearing to the Court upon the announcement of this cause that the said plaintiff fails to appear and prosecute his said suit as he is by law required to do. It is therefore ordered adjudged and decreed by the Court that the said suit be and the same is hereby dismissed for want of prosecution and that the said defendant Benjamin Grayson go hence without day and have and recover of and from the said plaintiff J. B. Cook all of his costs in this behalf laid out and expended and that execution issue therefor

Ordered by the Court that Court adjourn until Wednesday Morning 9 oclock A.M. September the 28th A.D. 1853.

Wednesday Morning 9 oclock A.M. Court convened pursuant to adjournment September the 28th A.D. 1853. Present the Hon. Robt. D. Young Judge of said Court John M. Castle Clerk and George W. Scott Sheriff of Scott County. Whereupon the following proceedings were had to wit.

186 ✓ Solomon B. Cooley Plaintiff
vs
Wiley B. Nichols & Miller & Nichols Defendants

Damages for Trespass.

And now on this day came the said defendants in the above cause and it appearing to the Court that the said plaintiff fails to appear and prosecute his said suit as he is by law required to do. It is therefore ordered by the Court that said suit be and the same is hereby dismissed for want of prosecution. And it is further ordered adjudged and decreed by the Court that the said plaintiff take nothing by his suit in this behalf and that the said defendants Wiley B. Nichols and Miller & Nichols go hence without day and have and recover of and from the said plaintiff Solomon B. Cooley all of their costs in this behalf by them laid out and expended and that execution issue therefor

Fall Term. Wednesday September 28th A.D. 1853.

191 Jonas Dancer vs David Shuman et als — Plaintiff / Defendants — Sequestration

In this case this day came the parties to the above cause by their attornies, and thereupon on motion and by consent of parties it is ordered by the Court that said cause be continued until the next Term of this Court. as upon affidavits of the said plaintiff.

196. Giles H Burdin vs William Custard — Plaintiff / Defendant — Damages

In this case this day came the parties to the above cause by their attornies, and thereupon on motion and by consent of parties it is ordered by the Court, that said cause be continued until the next Term of this Court.

198. Hancock & Hamilton vs Sebron G Sneed — Plaintiffs / Defendant — Debt &c

And now on this day came the parties to the above cause by their attornies, and thereupon on motion and by consent of parties the above cause is dismissed at Costs of the said Defendant. It is therefore Considered ordered adjudged and decreed by the Court that the said Plaintiffs take nothing by their Suit in this behalf and that the said defendant Sebron G Sneed go hence without day. and that the said plaintiffs. have and recover of and from him all of their costs in said cause expended and that Execution issue therefor &c &c

194 Pleasant Turner vs James W Surley — Plaintiff / Defendant — assumpsit

In the above cause this day appeared the parties by their attornies, and thereupon on motion and by consent of parties it is ordered by the Court that said cause be continued until the next Term of this Court.

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209 Enoch Jones Plaintiff
James Vs R Pace et.al Defendants Mandamus

And now on this day came the parties to the above entitled cause, by their attornies, and thereupon the death of one of the said defendants in said cause was Suggested, to wit: William Lindsey. and thereupon on Motion it is ordered by the Court that this cause be continued until the next Term of this Court, and that Scire facias issue in said Cause to the Legal representatives of said Defendant William Liddsey, deceased, to make the same parties, when known, and Case Cont.

216 Benjamin Grumbles Plaintiff For
John J Vs Grumbles Defendant Negroes

And now on this day came the parties to the above cause, and thereupon the said defendant moved the Court to continue said cause and filed his affidavit in terms of the law for a continuance in said cause. It is therefore ordered adjudged and decreed by the Court that said cause be continued until the next Term of this Court as aforesaid,

218 Lowel R Tuber Plaintiff Certiorari from
Sebon Vs G Sneed Defendant Justices Court
of Davis County

In this case this day came the parties to the above cause. and thereupon on motion and by consent of parties. the above cause is cont'd until the next Term of this Court

221 Benjamin Grumbles & wife Plaintiffs
John J Vs Grumbles Defendant Injunction

In this case, this day came the parties to the above cause, and thereupon the said Defendant filed his affidavit in terms of the law for a continuance of said cause. It is therefore ordered that said cause be continued until the next Term of this Court

Fall Term. Wednesday September 28th A.D. 1853.

223 Benjamin Grumbles et al vs John J Grumbles et als — Plaintiffs — Sequestration

And now on this day came the parties to the above cause by their attornies, and thereupon the defendant John J Grumbles moved the Court to continue said cause, and thereupon filed his affidavit to continue the same under the law. and thereupon by consent of parties, the affidavit made by the said defendant in case No. 276. is made applicable to this case. It is therefore ordered by the Court that said cause be continued until the next Term of this Court.

225 Rauser Flesher vs The Heirs of Mary Ann Flesher dec'd — Plaintiff — For decree of Title to Land &c.

And now on this day came the plaintiff in the above cause by attorney and on his motion it is ordered by the Court that petitioners Citation and process issue against the defendants in said cause, to the County of Williamson returnable to the next Term of this Court.

234 Michael Zilles vs Timothy McKean and William Simpson — Plaintiff — For a Town Lot in the City of Austin — Defendants

And now on this day came the parties to the above cause by their attornies, and thereupon, the defendants demurred to the sufficiency of the plaintiffs petition in said cause being taken up by the Court for consideration and determination, and the Court after hearing the argument of counsel for and against said demurrer and the Court considering the same is of opinion that said demurrer be sustained, It is therefore considered, ordered, adjudged, and decreed by the Court that the said demurrer of the said defendants be sustained, and that the said Cause be and the same is hereby dismissed, and that the said plaintiff take nothing by his suit in this

Fall Term Wednesday Sept: 28th A. D. 1853.

behalf, and that the said defendants go hence without day; And it is further Considered, ordered, adjudged and decreed by the Court that the said defendants Timothy McKean and William Simpson do have and Recover of and from the said plaintiff Michael Lillen all of their Costs by them in this Suit expended, and that Execution issue therefor-

Sarah G Burleson and Joseph R Burleson Administrator and Administrator of the Estate of Edward Burleson decd — Plaintiffs — Debt on Note

935 — vs

Joseph Lee — Defendant — Judgment

And now on this day came the parties to the above entitled cause, by their attornies and thereupon the said parties moved the court to dismiss the said cause, at the costs of the said plaintiffs, as per agreement of parties on file in said Court. It is therefore Considered, ordered adjudged, and decreed by the Court that said cause be and the same is hereby dismissed, as aforesaid and that the said plaintiffs take nothing by their Suit in this behalf. that the said Defendants go hence without day. and have and recover of and from the said Plaintiffs Sarah G Burleson and Joseph R Burleson. Administrator and Administrator of the Estate of Edward Burleson deceased, all of the costs in this behalf laid out and expended. And it is further considered ordered, adjudged, and decreed by the Court here that the Clerk of this Court tax the costs in said cause. and that he certify the same according to law. and also certify the same to the Probate Court of Harp County in the State of Texas, as an established claim against the succession of the said Edward Burleson deceased.

o/c

371

Elizabeth Sloyd etals — Plaintiffs — Partition

vs

Richard Sloyd etals — Defendants — Land

In the above cause the parties appeared by attornies, and thereupon on motion & by consent of parties the Court ordered the same to be continued till the next term of this Court

2444.

Fall Term. Wednesday September 28th A.D. 1853

John Watson Plaintiff. Debt on Note.

vs.

Joseph Newsham Defendant

And now on this day came the parties Plaintiff and Defendant in the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause and moved the Court for a Jury whereupon came a Jury to wit: William Wyatt, Ervin Thompson, Hugh Collins, Thomas E Rowe, William Pratt, Harvey Smith, James J. McLaurin William M. Fowles, Thomas J. Laughlin, Nathaniel H. Cox, Charles N. Catlett and William Custard, twelve good and lawfull men of the County of Travis, who being duly elected, empannelled and sworn, to try said cause, and after hearing the evidence in the Case adduced by the parties thereto as well as the arguments of Counsel thereon, retired under the charge of the Court to consider of their Verdict in said cause. whereupon the said Jury returned into Court the following Verdict to wit: "We the Jury find for the Plaintiff "Principal and Interest $324 94 Cts (Three Hundred and Twenty-four "dollars and ninety four Cents. W. M. Fowles. Foreman." It is therefore Considered, Ordered, adjudged, and decreed by the Court that the said Plaintiff John Watson do have and recover of and from the said defendant Joseph Newsham the aforesaid sum of Three Hundred and twenty-four Dollars and Ninety-four Cents for his principal debt and Interest, the amount so found and returned by the Jury aforesaid, together with the Interest thereon at the rate of eight per Centum per Annum from the rendition of this Judgement until paid, together with all of his Costs in this behalf in and about said suits by him laid out and expended and that execution issue therefore &c.

Perusha Dunham Plaintiff. Suit for Divorce

vs.

Richard Dunham Defendant

And now on this day came the Plaintiff to the above cause by attorney and thereupon the death of the said defendant was suggested it is therefore Ordered by the Court that the said suit be, and the same is hereby abated, as per the death of said defendant and that the said Plaintiff pay all the costs of said suit and that execution issue therefore, &c. &c.

4th Term Wednesday September 28th 1853 A.D.

The State of Texas } Plaintiff } Judgement on
2418 vs } Forfeiture of
Andrew J. Snider } Bond
Josiah Fisk }
Archibald Martin } Defendants
Elijah Reed and }
Ernst Raven, et als }

And now on this day came in the above cause the State by the district Attorney and also came by attornies Andrew J Sneider, Josiah Fisk, Archibald Martin Elijah Reed, and Ernst Razen, (the deaths of William Laurence, William Baker and William H. Cushny, being suggested, there was a dismissal as to them) who were called upon to shew cause if any they had why Judgement nisi — heretofore rendered against them in this cause should not be made finial against them and the Court having heard the facts in the said cause. And it appearing to the Court here that there was no cause shewn why said Judgement should not be made finial against them. It is therefore ordered, adjudged, and decreed by the Court that the said Judgement heretofore entered "Nisi" be made finial, and that the State of Texas do have and recover of and from the said Andrew J. Snider, Josiah Fisk, Archibald Martin, Elijah Reed, and Ernst Raven the Sum of Five hundred Dollars the amount of the said Judgement "nisi" together with all costs in this behalf laid out and expended, and that execution issue therefore: And thereupon the said defendants in open Court gave notice of their intention to appeal said cause to the Supreme Court of the State of Texas.

Swante M Swenson } Plaintiff } Injunction
254 vs }
Sherman Case and } Defendants
Poel A Burditt }

And now on this day came the parties to the above cause by their Solicitors and the motion to dissolve the injunction heretofore granted in this cause come on to be considered by the Court and was argued by Counsel upon the Bill amendments, demurrer, and answers of the defendants; and the Court upon full consideration of the premises doth order, adjudge, and decree that said injunction be reformed and so far as it restrains the defendants their agents, servants &c. from keeping, using, and occupying said house and premises in the pleadings described as a "Livery Stable" and from keeping horses and Hay, Fodder, &c. therein be dissolved, but upon Condition nevertheless that the said defendants are enjoined, and restrained from introducing or Carrying horses, Wagons, and Carriages through the entrance of said Stable which fronts upon Congress Avenue and from occupying the side walk fronting said Stable with horses, Mules, Wagon's, or Carriages, but such Horses, Mules, and Carriages may be introduced and Carried —

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through the back entrance into the alley, and the defendants are also enjoined, and restrained from causing filth and manure to be deposited upon said lot and accumulating there and they are hereby required to keep said Stable in a neat and cleanly manner and from keeping fires in said Stable until they have a safe Chimney or Stove, provided however that the said defendants may keep open the entrance to said Stable opening on Congress Avenue for the Convenience of themselves their Customers, Servants, Agents, &c. in passing in and out of said Stable. And provided further that the injunction against the accumulation of manure in and about said Stable shall only extend to the accumulation of more than twenty-four hours

47 Isaac Miller } Plaintiff } Chang of Venue
Andrew D. Berry et als } Defendants } from Williamson County.

And now on this day came the parties to the above cause by their attornies and thereupon the said defendants motion heretofore filed in this cause to strike this Case from the docket came on to be heard by the Court, and the Court after hearing the argument of Counsel for and against said motion, and the Court considering the same is of opinion that said motion be overruled it is therefore Considered ordered, adjudged and decreed by the Court that the said motion of the said defendant be and the same is hereby overruled and thereupon on motion and by Consent of parties it is ordered by the Court that said cause be continued until the next term of the Court.

95 James C Stephenson and his Wife Et. als. } Plaintiffs } For partition of Slaves
vs
Samuel Croft & Adm. and others, and William B Ross and William A Cates and Minerva Cates his Wife Intervenors. } Defendants } Intervenors

And now on this day came the parties to the above cause by their attornies and by leave of the Court William B Ross and William A Cates and Minerva Cates his Wife formerly Minerva Ross filed their Bill of Intervention in said cause, and the court refusing their application to continue said cause, the said Intervenors withdrew their said Bill, and by agreement

of the parties after the court had overruled the demurrers, and the pleas to the jurisdiction, the said Demurrers and pleas to the jurisdiction were withdrawn, and it was further agreed by the parties, that the said Doss. Carter, and wife, have leave to file a plea of Intervention within days, and that at the hearing of said cause each party have leave to read, so much of the Original records and papers as relates to the Succession of William Barton deceased, as they see proper without procuring Copies thereof, and by Consent of parties this Cause is continued until the next Term of this Court.

238. Edward Grumbles Plaintiff For the Recovery of Negroes
vs
Benjamin Grumbles Sen. & his Wife Isabella Grumbles Defendants

And now on this day came the parties to the above cause by their attornies, and thereupon the Defendants announced themselves ready for the trial of said cause, and thereupon the said plaintiffs attorney filed his affidavit in terms of the Law for the Continuance of said Cause, which said Continuance was granted by the Court, and thereupon on motion and by Consent of parties the affidavit of Defendant in Case Number 216 made applicable in the above cause, and Case Continued until the next Term of this Court.

259 Edward Grumbles Plaintiff For the recovery of two Negro Slaves &c &c
vs
Williamson S Oldham Defendant

And now on this day came the parties to the above entitled Cause by Attornies, and thereupon the plaintiff filed his affidavit in terms of the Law to continue said Cause, which said Continuance was granted by the Court, and thereupon on motion and by Consent of parties the affidavit of Defendant in case Number 216 made applicable in the above cause, and case continued as aforesaid.

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260 + ✓ Benjamin Grumbles Jr. vs Williamson S Oldham — Plaintiff — Defendant — For recovery of Negroes

And now on this day came the parties to the above cause by their attorneys, and thereupon the said plaintiff filed his affidavit in terms of the law for a Continuance of said cause, which said continuance was by the Court granted, and thereupon on motion and by consent of parties, the affidavit of Defendant filed in Case Number 216 in this Court made applicable in this cause, and Case continued as aforesaid,

261 + ✓ Benjamin Grumbles Jr. vs Gibson & Lloyd — Plaintiff — Defendants — For Negro Slaves

And now on this day came the parties to the above Cause, and thereupon the said plaintiff filed his affidavit in terms of the law for a Continuance of said Cause, which was granted by the Court, and thereupon on motion and by Consent of parties the affidavit of Defendant in Case Number 216. Made applicable in the above cause, and case cont. as aforesaid

269 ✓ Augustus Fore & B Sr vs Thompson et. als — Plaintiff — Defendants — Injunction

And now on this day came the plaintiff in the above cause, by attorney and thereupon on his motion it is ordered by the Court that the above cause be continued until the next Term of this Court

2457 ✓ Pratt & Co vs Richard A Lloyd — Plaintiff — Defendant — debt on note

In the above cause the parties appeared by attornies, and on motion and by Consent of parties this case is ordered to be continued until the next term of this Court

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2603

John A Green Administrator of the Estate of Lamar Moore deceased Plaintiff } Debt on Note

vs

Gustavus Kirchberg Defendant

And now on this day came the parties to the above cause by their Attornies respectively, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury to try the same, whereupon came a Jury to wit: Alexander Johnston, Jonathan Wallace, James W Riley, John D Railey Daniel S Adams, Nat Medlin, Martin James Williams, A Hamilton James Gibson, James Wall, William M Riley, and John S Shote twelve good and lawful men of the County of Dallas, who being duly elected, empannelled and sworn to try said Cause, and after hearing the evidence in the case, as well as the argument of Counsel thereon, retired under the Charge of the Court to consider of their Verdict Whereupon said Jury returned into Court the following Verdict to wit:

"John A Green Admr of
"Lamar Moore
"vs
"Gustavus Kirchberg

We the Jury find a "
Verdict for the "
plaintiff for the amount of $321.17 Cents "
Alexander Johnston
"Foreman"

Whereupon it is considered, ordered, adjudged, and decreed by the Court, that the said plaintiff John A Green Administrator of the Estate of Lamar Moore deceased do have and recover of and from the said Defendant Gustavus Kirchberg the aforesaid Sum of Three hundred and twenty one, and Seventeen Cents for his Debt and interest together with interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until paid as well as all of his Costs in this behalf by him laid out and expended and that Execution issue therefor &c. &c.

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264 Ann E Osborne, Plaintiff
vs
Nicholas Broadway and George W Scott Sheriff of Travis County, Defendants
Injunction

Said now on this day came the said defendants to the above entitled cause by their attornies, and it appearing to the Court that the said plaintiff fails to appear and prosecute said suit as she is by law required to do. It is therefore considered ordered adjudged and decreed by the Court that the said cause be, and the same is hereby dismissed for want of prosecution. And it is further considered ordered adjudged and decreed by the Court. that the said plaintiff Ann E Osborne take nothing by her suit in this behalf, and that the said defendants Nicholas Broadway and George W Scott Sheriff of Travis County go hence without day, and have and recover of and from the said plaintiff Ann E Osborne all of their costs in this behalf by them laid out and expended, and that Execution issue therefor &c.

265 Ann E Osborne, Plaintiff
vs
Thomas S Jones and George W Scott Sheriff of Travis County, Defendants
Injunction &c

Said now on this day came the parties defendants, to the above cause by their attornies, and on motion and it appearing to the satisfaction of the Court that the said plaintiff Ann E Osborn fails to appear and prosecute said suit as she is by law required to do. It is therefore considered, ordered adjudged and decreed by the Court that the said cause be and the same is hereby dismissed for want of prosecution, and it is further ordered adjudged, and decreed by the Court that the said plaintiff Ann E Osborne take nothing by her suit in this behalf, and that the said defendants Thomas S Jones, and

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George W Scott Sheriff of Davis County go hence without day and have and recover of and from the said Plaintiff Dow & Osborne all of their Costs in this behalf by them in and about this suit laid out and expended, and that Execution issue therefore &c &c

266 Edward A. Pearsons admr &c Plaintiff For
Giles H. Burditt et als Defendant Damages.

And now on this day came the parties to the above cause by their attornies and thereupon on motion and by consent of parties It is ordered by the Court that the above cause be continued until the next term of this Court, and thereupon on motion and by consent of parties leave is given to the defendants until the first day of the next term of this Court to file their answer in said cause.

266 Edward A Pearsons admr &c Plaintiff For Dam-
Giles H. Burditt et als & Defendants ages.
D. C. McGonigal Intervenor Intervenor

Now this case this day appeared the parties by their attornies respectively and thereupon on motion and by consent of parties leave is granted by the Court to D. C. McGonigal to file his plea of intervention in said cause and further upon motion It is ordered by the Court that the plaintiff have leave to file an amended petition in said cause.

287 P. A. Monroe Plaintiff Debt on
vs Account
Richard Lloyd Defendant

And now on this day came the parties to the above entitled cause by their attornies and thereupon on motion of plaintiffs attorney It is ordered by the Court that the plaintiff have leave to file an amended petition in said cause and case continued

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Ordered by the Court that Court adjourn until Thursday morning "9" oclock A. M. September 29 A.D. 1853. Court met pursuant to adjournment Thursday morning "9" oclock A.M. September 29th A.D. 1853. Present the Hon. Robt. D. Townes Judge of said Court John M Costley clerk and George W Scott Sheriff of Travis County. Whereupon the following proceedings were had to wit-

9 ✓ | Albert C. Horton et als | Plaintiffs
Joseph W. Robertson et als | Defendants

And now on this day came the parties to the above cause by their attornies and on motion and by consent of parties it is ordered by the Court that this cause be continued until the next term of this Court

32 | Ronald, Smith's adm'r. | Plaintiff
vs
Isaac Haunett | Defendant

And now on this day came the parties to the above entitled cause by their attornies whereupon on motion and by consent of parties it is ordered by the Court that this cause be continued until the next term of this Court

98 ✓ | Alexander Thompson | Plaintiff | Specific performance
E. B. C. Robertson | Defendant

And now on this day came the parties to the above cause by their attornies and thereupon on motion of plaintiffs attorney and it appearing to the Court that the original papers in said cause is lost. It is therefore ordered by the Court that the said plaintiff have leave to substitute copies of the original petitions in said cause and thereupon the said plaintiff by attorney Substituted said copies and the same was filed accordingly and thereupon on motion of plaintiffs attorney it is ordered

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by the Court that the said defendant be and he is hereby ruled to answer said plaintiffs petitions on or before the first day of the next Term of this Court

174 William M. Williams vs Stephen Crosby et al. — Plaintiff, Defendants — Mandamus

And now on this day came the parties to the above entitled cause by their attornies and on Motion and by consent of parties it is ordered by the Court that this Case be continued until the next Term of this Court

254 Frank M. Swenson vs Joel A. Burdick et al. Sherman Case — Plaintiff, Defendants — Injunction

And now on this day came the parties to the above entitled cause by their attornies and thereupon the said defendants by leave of the Court filed their plea in reconvention And thereupon the plaintiff moved the Court for a change of Venue and the Court for good and sufficient cause set forth and duly supported by the affidavit of three disinterested Citizens of the State which evidence the Court determined to be sufficient to change the Venue of said cause. It is therefore considered ordered adjudged and decreed by the Court that the trial of this cause be adjourned to the nearest adjoining County in this District which is free from the causes set forth in said affidavits and it appearing to the satisfaction of the Court here upon proof that the County of Hays is the nearest adjoining County which is free from said causes It is therefore considered ordered adjudged and decreed by the Court that the Venue in this cause be changed to said County of Hays and that the Clerk of this Court certify said cause to the District Court of said County of Hays according to the Statute in such case made and provided

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2763 ✓

Rufus D. Powell — Plaintiff — Recovery of Note

vs

Wesley Smith, James Loring & John W Brown — Defendants

And now on this day came the parties to the above entitled cause by their attornies and thereupon the said defendants submitted to the Court their demurrer and exceptions and also the plaintiffs demurrer and exceptions to the cross bill of the defendant Wesley Smith filed on the seventh day of September A.D. 1853 and the same being considered by the Court it is ordered adjudged and decreed by the Court that the demurrers and exceptions to the cross bill of the defendant Wesley Smith filed by the plaintiff Rufus D. Powell and the defendant James Loring be and the same are hereby overruled

2764 ✓

Sam Houston — Plaintiff

vs

Thomas William Ward — Defendant

For the recovery of money-

And now on this day came the parties to the above entitled cause by their attornies and thereupon the defendant by his attorney agreed that the said plaintiff State Judgment against him for the Sum of One hundred and Seventeen Dollars and twenty eight cents. It is therefore considered ordered adjudged and decreed by the Court here, that the said plaintiff Sam Houston do have and recover of, and from the said Defendant Thomas William Ward the aforesaid Sum of One hundred and Seventeen Dollars and twenty eight Cents for his principal debt and interest, with interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until paid together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

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279 Phineas DeCordova Plaintiff Suit
vs for
Thomas William Ward Defendant Damages

And now at this day came the parties to the above cause by attorneys, and thereupon on motion of defendants attorney leave is given him to amend his answer. and thereupon the defendant filed his affidavit to continue said cause. Whereupon it is ordered that the same be continued until the next Term of this Court.

280 Alexander E Davis for the use of Mary D Moore and Plaintiffs Debt
vs on
Calvary Draddy et al Defendants Note

And now on this day came the plaintiff in the above cause by attorney and on his motion it is ordered that alias Citation issue in said cause and case continued until the next Term of this Court.

282 William B Clark et al Plaintiffs
vs Trespass.
Thurman Case Defendant

And now on this day came the parties to the above cause by their attorneys, and on Motion and by consent of parties the Court orders the same to be continued until the next Term of this Court.

283 John A Green Admr. of Lamar Moore deceased Plaintiff Debt
vs on
John S Conner Defendant Note

On the above entitled cause the plaintiff appeared by his attorney and on his motion it is ordered by the Court, that the above cause be continued until the next Term of this Court, and it is further ordered that alias Citation issue in said cause returnable to said Term of said Court as aforesaid

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285 S. W. Beaty Plaintiff Debt
vs On
James Manor Defendant account

And now on this day came the parties to the above cause by their attornies and on motion and it appearing to the Court that the said defendant by attorney had filed his motion to rule the plaintiff to enter into bond and security for the costs of said suit and that the said plaintiff by attorney had due and legal notice of said motion and agreed to comply with the same at this term of this Court

It is therefore considered, ordered, adjudged, and decreed by the Court here that the said plaintiff enter into Bond and Security for the costs of said suit on or before the first day of the next Term of this Court, Otherwise the said suit will be dismissed at the costs of the said plaintiff

290 James L. Holliday Plaintiff Suite for Foreclosure
vs of Mortgage &c.
Hiram Bennett Defendant

And now on this day came the parties plaintiff and defendant by their attornies and a jury being waived the matters and things both of law and fact involved in said cause is submitted to the Court, and it appearing to the Satisfaction of the Court here that on the fifth day of February Anno Domini One thousand eight hundred and fifty-two, the defendant Hiram Bennett had bought from the Plaintiff two Certain town lots in the City of Austin in the County of Travis, and State of Texas, Knowing on the plan of said City as lot Number five (5) and six (6) in Block number twenty (20) for and in consideration of the Sum of Eight hundred dollars, and that the said Hiram Bennett had executed to the said plaintiff James L. Holliday, for the unpaid balance of said purchase money his three promissory Notes, bearing said last mentioned dates One Note for two hundred and thirteen 20/100 Dollars payable three months after date, One Note for two Hundred Dollars to be paid Nine Months from date, and the other for two Hundred dollars payable twelve months after date, the last two notes bearing Interest at ten per Cent interest from maturity. And it further appearing to the Court here that on the day of purchase aforesaid the said plaintiff James L. Holliday executed to the said defendant Hiram Bennett his bond for title to the said above mentioned lots in controversy upon the payment of the notes aforesaid

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and it further appearing to the Satisfaction of the Court here that there is due and owing from the said defendant to the said plaintiff on the two last mentioned notes after deducting all payments made upon the same the Sum of Three Hundred and sixty-seven dollars and thirty-three Cents. It is therefore ordered adjudged and decreed by the Court here that the said Plaintiff James L. Holliday do have and recover of and from the said defendant Hiram Bennett the above mentioned sum of Three Hundred and sixty-seven dollar's and thirty-three Cents, together with all of his costs had and expended in and about this suit - it is further Considered adjudged and decreed that the lien of the said Plaintiff upon the said lots mentioned in the said Bonds be fore-closed for the benefit of the lien of the aforesaid purchase money. And that an order of Sale be issued by the Clerk of this Court directed to the Sheriff of Travis County, directing him to sell the said above mentioned lots for the satisfaction of the afore-said lien as under execution, it is further Considered ordered, adjudged and decreed by the Court that if the property aforesaid be insufficient to satisfy this Judgement that the said plaintiff do have further execution thereon for the balance un-paid and by agreement of parties. Execution is hereby stayed upon this judgement until the first day of January next Anno Domino One thousand, Eight Hundred and fifty-four.

292 John R. Slocomb, Plaintiff; } debt on account.
V. S.
Diana Gilliland Defendant.

And now on this day came the parties to the above cause by Attornies and thereupon on motion and by Consent of parties it is Ordered by the Court that the above cause be continued until the next term of this Court.

295 L. J. Nichols et als admrs. &c plaintiffs } debt on account.
V. S.
George W. Walling defendants

And now on this day came the plaintiffs in the above cause by attornies and thereupon on their motion it is ordered by the Court that this Case be continued until the next term of this Court, and that alias process issue against said defendant returnable to the next term of this Court.

296 Giles H. Burditt plaintiff } Damages.
V. S.
Platt and Case defendant

In this Case this day came the parties by attornies and on motion and by Consent of parties it is ordered by the Court that the above Cause be Continued until the next term of this Court.

Hall Term. Thursday Sept 29th A.D. 1853.

300 Thomas H. Jones Plaintiff } Debt on Note.
Joseph Rowe and Emily Rowe, his Wife } defendants

In this Case now comes the plaintiff by his attorney and the said defendants Joseph Rowe and his wife Emily Rowe, in their own proper persons, and thereupon the said parties announced themselves ready for the trial of said cause and moved the Court for a Jury whereupon came a Jury to wit: Sherman Case, James M. Riley, Daniel J. Adams, Martin James, William A. Hamilton, James Wall, John S. Chote, John W. Brown, John Orman, William H. Riley, James Gibson, and Hall Medlin, twelve good and lawfull men of the County of Travis, who being duly elected, empannelled, and sworn, to try said cause who after hearing the evidence in the Case the same having been submitted to them, they retired under the charge of the Court to consider their Verdict and thereupon returned into Court the following verdict to wit: "We the Jury find for "the plaintiff, against the defendant "Emily Rowe the amount "of the Note and Interest to date the Sum of two hundred "and eleven 10/100 Dollars, We further find that this Note was "given by the defendant Emily Rowe to the plaintiff after "her marriage with Joseph Rowe in settlement of a separate "account with said Plaintiff. We further find that the "said separate account was made by the defendant Emily Rowe "with plaintiff for necessaries furnished said Emily Rowe and "for the protection of her seperate property. Daniel J. Adams, Foreman.

And it appearing to the Court from the evidence submitted and the Verdict of the Jury in this Cause that the said Emily Rowe had executed to the said Plaintiff the note sued upon after her marriage with her co-defendant Joseph Rowe and that the Consideration of the same was for necessaries furnished her by the plaintiff and necessary to the protection of her seperate estate, it is therefore considered, ordered, adjudged, and decreed by the Court here that the said plaintiff Thomas H. Jones do have and recover of and from the said defendants Joseph Rowe and Emily Rowe the Sum of Two Hundred and Eleven 10/100 Dollars it being the principal and Interest of said Note so found by the Jury aforesaid together with all of his costs in this behalf laid out and expended and that Execution issue therefor. It is further Considered, adjuded ordered and decreed by the Court here that the said Judgement and execution be governed by the following Rules, First That the said Judgement shall be satisfied out of the community

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property of the said Joseph and Emily Rowe if any there be/or to the extent that said community property shall exist Second; If there be no community property or not sufficient to satisfy this Judgment then that the same shall be satisfied out of the Separate property of the said Emily Rowe.

The State of Texas } Plaintiff
v.s. } Judgement Finial on Judgement Nisi
Andrew N. Hopkins and John H. Cocke } Defendants

303

And now on this day came the plaintiff in the above entitled Cause by the District Attorney, Alexander H. Chalmers who prosecutes for the State in this behalf, and also come the said defendant Andrew N. Hopkins who was called upon to shew cause if any he had why the Judgement "Nisi" heretofore rendered against him (and the said defendant John H. Cocke;) in this cause should not be made finial against him, and the Court having heard the facts in said cause as against the said defendant Andrew N. Hopkins, and it appearing to the Court that there is sufficient cause shewn by the said defendant Andrew N. Hopkins why said Judgement should not be made finial it is therefore Ordered, adjudged, and decreed by the Court, that the said Judgement Nisi as against the said defendant Hopkins be and the same is hereby set aside, but that "The State of Texas" recover of the said defendant Hopkins all of the Costs in this behalf expended as to said Hopkins and that Execution issue therefore. And again came the plaintiff in the above cause by the District Attorney aforesaid, and on his motion, and it appearing to the Court that the said defendant John H. Cocke had been legally served by "scire facias" in the above cause to appear before said Court and shew cause if any he had why the Judgement "Nisi" mentioned in said "scire facias" should not be made finial against him, and it appearing to the Court that the said defendant John H. Cocke had failed to appear and shew Cause as aforesaid but wholly made default, it is therefore considered, ordered, adjudged, and decreed by the Court that the said Judgement "Nisi" heretofore rendered against the said Cocke be, and the same is hereby finially adjudged and that the said State of Texas do have and recover of and from the said defendant John H. Cocke the Sum of Ten Dollars the amount of said Judgement "Nisi" with interest thereon at the rate of Eight per Cent per Annum from the rendition of this Judgement until paid together with all of her Cost in this behalf expended as to the said defendant John H. Cocke and that Execution issue therefore.

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226

The State of Texas vs Blake S. Thompson, Agnes A. Thompson & Augustus Fore — Plaintiff vs Defendants — Scire-facias &c

In the above entitled case this day came Alexander S. Holmes, District Attorney and came also the Defendants by their attorneys and the parties respectively submitted the issues of law presented by the Scire facias and answers and after hearing argument. Because it seems to the Court here that said Scire facias and the Judgment nisi are defective and insufficient in law. It is therefore considered, ordered adjudged and decreed by the Court, that the exceptions thereto be sustained, that the said Scirefacias be and the same is hereby dismissed, and that the said defendants go hence without day. And thereupon the plaintiff, by his said Attorney in open Court gave Notice of his intention to appeal said cause to the Supreme Court of the State of Texas.

3113

The State of Texas vs Nolan McSuckett — Plaintiff vs Defendant — Judgment Scire facias on Jud. Nisi

And now on this day came the plaintiff in the above cause by the District Attorney. And also came the defendant Nolan McSuckett in his own proper person. and also by Attorney, who was called upon by this Court to appear and show cause if any he had why the Judgment nisi heretofore entered in said cause should not be made final against him. And the said defendant appearing in obedience to said Summon. and it appearing to the Court from the affidavit and evidence adduced to the Court by the said defendant that there is sufficient cause shown to the court by said defendant in said cause It is therefore ordered by the Court that the said Scire facias be and the same is hereby dismissed But that the said defendant pay the costs of this cause. And that the said State of Texas do have and recover of him all the costs of said cause and that Execution issue therefor. &c

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Thomas Canty Plaintiff

vs

William J Meeks
Sarah Ann Meeks and
Lurance Stanley Administratrix and John H
Brown Administrator
of the Estate of Elias
Stanley, deceased Defendants

Judgment and Decree in the premises

And now on this day comes the parties to the above entitled cause by their attornies, respectively, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said parties submitted the matters in controversy in said cause to the Court, without the intervention of a Jury. And the Court upon hearing the proofs and allegations adduced by the said parties, and the Court duly considering the same, finds that the facts set forth and alleged in the said plaintiffs petition are true — To Wit: That the plaintiff Thomas Canty, purchased and paid the full consideration for the land set forth and described in the said plaintiffs petition, and that the said Elias Stanley Sydney Stanley, William J Meeks, and Sarah Ann Meeks executed to the said Thomas Canty a good and sufficient deed to the said Land, the subject matter of said Controversy, which was lost before the same was placed upon Record and that the said Elias Stanley has since that time departed this life, and the said Lurance Stanley is administratrix and John H Brown is Administrator of the Estate of the said Elias Stanley, deceased.

It is therefore considered, ordered adjudged and decreed by the Court that the title to the said Land mentioned in the said petition, and described as follows, to wit: —

Situated in Travis County, Being a portion of the tract of land originally granted to Benjamin Asbury deceased. — Beginning at N W Corner of Survey No. 4, at a Stake in the prairie an Elm bears South 26 E, 100 varas, another Elm bears S 53°. E 146. varas. — Thence

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North 60° West 763 varas to the N W corner of the original Survey — Thence South 31° West with the original League line to the East bank of Wilbarges Creek. Thence down the said Creek with the meanders until it Strikes the upper line of Lot number 4 Thence with the upper line of the said Survey No. 4 to the place of Beginning Containing One hundred, and fifty acres of Land, be divested out of the said William I Meeks. Sarah Ann Meeks — Surance Stanley, and from the Estate of the said Elias Stanley deceased, and that the same be and is hereby vested in the said Thomas Canty his heirs and assigns, and it is further considered, ordered, adjudged and decreed by the Court, that a certified Copy of this decree operate as a muniment of title to the said Thomas Canty, And it is further considered ordered, adjudged and decreed by the Court that the Clerk of this Court certify a copy of said decree to the said plaintiff Thomas Canty, and that the costs of the same to be taxed in the cause, as other costs ——

And it is further considered, ordered adjudged and decreed by the Court here, that the said Defendants, William I Meeks Sarah Ann Meeks, and Surgnes Stanley Administrator of the Estate of Elias Stanley, deceased do have and recover of and from the said plaintiff Thomas Canty all of their costs in this behalf laid out and expended, and that Execution issue therefor &c &c. —

974

Betsy B Randals Plaintiffs
vs
James H Raymonds et al Defendants

And now on this day came the parties to the above cause by their attorneys and thereupon on motion of Defendant Raymonds attorney leave is granted him by the Court to amend his answer in said cause, and thereupon said amendment was made and filed accordingly ——

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298 — Francis Green vs John S Ford — Plaintiff, Defendant — Debt on note

In the above cause this day came the plaintiff in the above cause by attorney and on his motion it is ordered by the Court that alias Citation issue in said cause returnable to the next Term of this Court. and cuse continued,

Ordered by the Court, that Court adjourn until Friday Morning 9 O'Clock A M September the 30th A D 1853

Friday Morning 9 O'Clock A. M. Court Convened pursuant to adjournment September the 30th A D 1853 Present the Honorable Robert S Jones Judge of said Court John Measley Clerk and George W Scott Sheriff of this County Whereupon the following proceedings were had in said Court to wit

311 — Thomas William Ward vs James S Gillett — Plaintiff, Defendant — Debt on note

In the above cause this day the plaintiff appeared by his attorney, and it appearing to the Satisfaction of the Court here that the said defendant had failed to appear and file his answer within the time prescribed by law. but made default. It is therefore Ordered, adjudged, and decreed by the Court that the said plaintiff Thomas William Ward do have and recover of and from the said defendant James S Gillett the Sum of One hundred and Sixty dollars for his principal debt and interest up to Judgment with lawful interest thereon from the rendition of this Judgment until paid, together with all of his costs herein expended, and that Execution issue therefor &c &c

87.

Fall Term. Friday September 30th A.D. 1853.

Thomas Ward Administrator of Elizabeth Thomas deceased vs James F Dunn. Plaintiff Defendant

Certiorari from Justices Court of Travis Co

And now on this day comes Aaron Burleson as administrator de bonis non of the Estate of Elizabeth Thomas deceased by his attorney, and shows to the court here that since the granting of the writ of Certiorari in this case, the said Thomas Ward has been removed from the administration of the Estate of the said Elizabeth Thomas deceased by the Probate Court of Travis County, and that letters of administration de bonis non have been granted him the said Aaron. It is therefore ordered by the Court, that the said Aaron Burleson as administrator as aforesaid be made the party plaintiff in this suit, and the said Thomas Ward be and he is hereby dismissed as such.

And thereupon came the said defendant James F Dunn by his attorney, and this cause coming on to be heard by the Court upon the motion of the said plaintiff heretofore filed in this cause, and the Court here being sufficiently advised of said motion and the matters of law thereon arising, and the Court being of opinion that the law is for the plaintiff.

It is therefore ordered, adjudged and decreed by the Court, that the writ of Certiorari granted in this cause be and the same is hereby quashed and the suit be dismissed, And it appearing further appearing to the Court here that by virtue of an order of the Judge of this Court dated the 22d day of January A D 1857. A writ was issued directed by the Clerk of the District Court of Travis County, to the proper Officer, by virtue of which, the Land and premises in controversy was restored to the possession of the said defendant, And it appearing to the Court here that said order was improperly made, It is ordered, adjudged, and decreed, that the order and proceedings thereon be quashed and set aside, and that this cause be remanded to the said Justice, with directions to issue-

the proper process to give the possession of the said land and premises to the said plaintiff as administrator as aforesaid. And it further appearing to the Court here, that on the tenth day of January A.D. 1851 the said Defendant James F Ryon. Entered into Bond, with George Hancock and Thomas C Collins as his Securities unto Thomas Ward. Administrator of the said Elizabeth Thomas in the Sum of Three hundred Dollars. Conditioned according to Law. for the prosecution of his said writ of Certiorari in this Case. It is therefore Ordered. Adjudged and decreed by the Court here. the said Adm-on Bureau as Administrator de bonis non as aforesaid, do have and recover of and from the said defendant James F Ryon. and his said Securites George Hancock and Thomas C Collins all of the Costs in and about this Suit laid out and expended, and that Execution issue therefor &c &c

Betsy B. Rowan, and
Turner F. Rowan, Plaintiffs

v. 274

James H. Raymond,
William Ryan, and
Benjamin F. Adkins. Defendants

And now on this day came the parties by their Attornies and the defendant Ryan by Attorney filed his Motion to set aside the Interlocutory decree or Judgement by default heretofore rendered against the said Ryan which motion was by the Court over-ruled and thereupon the Court proceeded to consider the exceptions of the Plaintiffs to the Answers of said Raymond and Adkins and the law arising thereon which exceptions were by the Court overruled and the Court proceeded also to consider the exceptions of the said Raymond and Adkins to the petition of the Plaintiffs and the Court after argument considered that the matters and things set forth in said Plaintiffs Petition are wholly insufficient in law to enable the said Plaintiffs to mantain their said action and doth hereby order, adjudge, and decree, that the said Bill be dismissed. It is further ordered, adjudged and decreed that the judgement by default against the defendant William Ryan rendered on a former day of this term be set aside Vacated and held for naught, And it is further considered, Ordered, adjudged, and decreed by the Court that the said defendants James H. Raymond, William Ryan, and Benjamin F. Adkins, and

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each of them go hence without day. And have and recover of and from the said plaintiffs Betsy B. Roan and Turner T. Roan, all of their costs in and about this suit laid out and expended, and that execution issue therefor &c

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Rufus F. Vowell vs. Plaintiff For recovery of
Wesley Smith Horse and
James Loringo and Damages.
John W. Brown Defendants

And now on this day came the parties plaintiff and defendants in the above cause by their attornies respectively, and thereupon the said parties announced themselves ready to proceed to the trial of this cause and moved the Court for a Jury to try the same, whereupon came a Jury to wit; William Pratt. Hugh Collins. Harvey Smith, Ervin Thompson. Jonathan Van Cleve. William Crumbles, John D. Railey, James T. McGuirin, Charles W. Catlett, William M. Fowler. Thomas P. Laughlin. and William Wyatt, twelve good and lawful men of the County of Travis who being duly elected, empannelled and sworn to try said cause and after having heard the evidence in the Case as well as the argument of Council thereon retired under the Charge of the Court to consider of their Verdict Whereupon said Jury returned into Court the following Verdict to wit; "We the Jury find the Horse "to be worth fifty dollars, Harvey Smith. "Foreman".

And it appearing to the satisfaction of the Court here from the Verdict of the Jury aforesaid that this Court has no Jurisdiction over the Subject matter in Controversy in said suit it is therefore Considered ordered, adjudged, and decreed by the Court that this suit be and the same is hereby dismissed at the cost of the said Plaintiff. And it further appearing to the Court that the said Plaintiff had been ruled by the defendants to enter into Bond and Security for the costs of said suit. And it further appearing to the Court that the said Plaintiff complied with said Rule on the 29th day of September A. D. 1853. and entered into Bond with A. Fore as his security unto the said defendants in the sum of Seventy-five dollars Conditioned according to law for the prosecution of said suit It is therefore considered, ordered, adjudged, and decreed by the Court that the said defendants Wesley Smith, James Loringo and John W. Brown go hence without day and have and recover of and from the said Plaintiff Rufus F. Vowell, all of the costs in this behalf expended and that Execution issue therefor, &c

Fall Term Friday September 30th A. D. 1853.

Penelope Hardwick Plaintiff Suit for
vs. Divorce.
James H. Hardwick defendant

And now on this day came the parties Plaintiff and defendant in the above cause by their attornies, and announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury whereupon came a Jury to wit: William Pratt, Hugh Collins, Harvey Smith, Ervin Thompson, Jonathem Van Cleve, William Crumbles, John D. Riley, James J. McLaurin, Charles W. Catlett, William M. Fowler, Thomas J. Laughlin, and William Wyatt, twelve good and lawful men of the County of Travis, who being duly elected, empannelled, and sworn to try said cause, and after hearing the evidence in the Case as well as the argument of Counsel thereon, retired under the charge of the Court to consider their Verdict, Whereupon said Jury returned into Court the following Verdict to wit: "We the Jury find for the defendant." W. M. Fowler, Foreman.

Whereupon it is considered ordered, adjudged, and decreed by the Court that the said Plaintiff Penelope Hardwick take nothing by her suit in this behalf, and that the said defendant James H Hardwick go hence without day and have and recover of and from the said Plaintiff all of his costs in this behalf laid out and expended, and that Execution issue therefor. &c

Morgan Cryer, &c Plaintiffs No. 4 on the
Mildred Cryer, trial Docket,
vs.
Joseph Duty et al Defendants

In the above stated Case No 4 on the trial Docket, the plaintiffs by their attorney having filed a motion on this date setting forth that the papers in said cause had been lost and mislaid and that diligence had been used to find and recover said papers without success and it appearing to the Court that service of said motion had been accepted by Robert Green Esq. attorney for defendants and it being admitted by said Green attorney for said defendants that said papers are lost. And that said plaintiffs in said motion having prayed to be allowed to substitute a petition in lieu of the original petition in said cause. Upon consideration of the matters set forth in said motion and the admissions as aforesaid, it is ordered, adjudged and decreed by the Court that the said Plaintiffs attorney be and he is hereby permitted to file within sixty days from the rendition of this Judgement

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a petition in said cause in lieu of the Original petition which said petition when so filed shall be taken and Considered in the progress and trial of said cause as the Original petition therein, and that the defendants be requi-red to answer thereto in the same manner that they were required to answer to said original petition by the first day of the next term of this Court, And it is further Ordered, that the costs of this motion abide the final result of this suit and case continued as aforesaid

340 The State of Texas } Plaintiff }
Vs. } Horse Stealing
Noe Calhoun } Defendant }

And now again came the State by Alexander H. Chalmers District attorney who prosecutes for the State in this behalf and the defendant Noe Calhoun in his own proper person and thereupon the said defendant being by the Court asked if he had any thing to say. why the Court should not pronounce Judgment against him in conformity to the Verdict of the Jury heretofore rendered in said cause against him. and the said defendant saying nothing It is considered ordered adjudged and decreed by the Court upon the Verdict and finding of the Jury aforesaid that the said defendant Noe Calhoun be condemned to hard labor in the penitentiary of the State of Texas for four Years from this day. and it is further ordered adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said defendant Noe Calhoun all of her cost in this behalf by her laid out and expended and that Execution issue therefor. And it is further ordered adjudged and decreed by the Court that the clerk of this Court make out and certify a transcript of the record in this cause as prescribed by the Statute and that the Sheriff upon the receipt of said transcript forthwith convey said defendant without delay to the penitentiary of the said State of Texas.

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The State of Texas Plaintiff
vs Horse
342 Hero Walton Defendant Stealing

And now again came the State by Alexander A. Chalmers her district attorney and the said defendant in his own proper person and the said defendant being by the Court asked if he had anything to say why Judgment should not be pronounced against him in said cause in conformity to the Verdict of the Jury heretofore rendered therein and saying nothing It is ordered adjudged and decreed by the Court upon the Verdict and finding of the Jury aforesaid that the said defendant Hero Walton be condemned to hard labor in the State penitentiary for the term of one year from this date and that the said State of Texas do have and recover of and from the said defendant Hero Walton all of her cost in this behalf expended and that execution issue therefor. And it is further ordered adjudged and decreed by the Court that the clerk of this Court make out and certify according to law a transcript of the record in this case and that the Sheriff of Travis County forthwith convey said defendant to said penitentiary of the State of Texas.

Samuel R. Bell Plaintiff
vs
Gideon G Pace defendant

And now on this day came the said plaintiff by his attorney as well as the said defendant by his attorney and the said defendant having waived legal process, this cause was submitted to the Court and a jury was waived and it appearing to the Court here from the evidence that the said defendant is justly indebted to said plaintiff in the sum of Three Hundred and Forty-two dollars and twenty-eight Cents. It is therefor ordered, adjudged and decreed by the Court that the said plaintiff, have and recover of and from the said defendant the said sum of Three Hundred and Forty-two dollars and twenty eight Cents the debt aforesaid as well as all his costs by him about his suit in this behalf laid out and expended and that Execution issue therefor,

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Thomas J. Chapman Plaintiff, Decree.
V.S.
Edward R. Oliver
Robert D. McAnelly Defendants.

And now on this day came the parties by their Attornies and the Court here now proceeded to render the following Judgement and decree upon the Verdict of the Jury heretofore rendered in this cause and it is hereby ordered adjuded and decreed by the Court that the said deed and the said Bill of Sale in the said plaintiffs petition specified to have been purporting to have been executed by the said plaintiff to the said defendant Edward R. Oliver dated the 7th day of August A. D. 1850. be annulled cancelled set aside and held for nought and that the same conveyed no right or interest to the said Edward R. Oliver, in and to the property herein named and specified, And it appearing by the petition of said plaintiff and the answer of said Edward R. Oliver and the Verdict of the Jury aforesaid that the following partnership property belonging to said plaintiff and defendant Edward R. Oliver went into the hands and possession of said Edward R. Oliver by virtue of said deed, and Bill of Sale, to wit:

	Dlls	Cts
348 Acres of Land valued at	1914	00
1 Negro Women Charlotte & Child	862	00
4 Cows and Calves	40	00
1 Pack	500	00
100 Sheep and Goats	150	00
3 Yoke of Oxen	120	00
4 Spanish Mares	40	00
545 Feet of Lumber	20	74
Farming tools	40	00
216 Spanish Mares, Mules & Geldings	3152	00
	6838	74

It is Hereby ordered, adjudged, and decreed by the Court, that said property was and is hereby declared to be the property of said plaintiff, and defendant as partnership property. And it further appearing to the Court by the petition and answer aforesaid and by the Verdict of the Jury aforesaid that Oliver went into the possession of said defendant Edward R. Oliver by virtue of the deed and Bill of Sale aforesaid, One Negro man slave named "Pen" of the value of seven hundred dollars and twenty Yoke of Oxen of the value of thirty-five dollars per yoke in the aggregate seven Hundred dollars, and forty stuck Hogs, of the value of Eighty dollars which were then and

vedual property of the said plaintiff Thomas F. Chapman
And it further appearing to the Court here by the petition
and answer aforesaid that the said plaintiff Thomas F.
Chapman and defendant Edward R. Olivier enter into a part-
nership at the time and for the purposes specified and that in
pursuance of said partnership agreement, said plaintiff paid
into said partnership in money and Stock the Sum of Three
Thousand, six hundred and seventy dollars and seventy-four
Cents and that said defendant Edward R. Olivier paid into said
partnership in money and Stock before the 7th day of August
1850, and money in discharge of debts due by the said part-
nership since that time the Sum of Two Thousand, six hundred
and Eight dollar's, and Eighty Cents which leaves a balance due
from said partnership to said plaintiff, amounting to the sum
of One thousand and sixty-one dollars and ninety-four Cents
upon which sum said plaintiff is entitled to Interest at the rate
of ten per Centum per Annum, according to the terms of said
partnership from the said 7th day of August A. D. 1850 amount-
ing to the sum of Three Hundred and thirty three dollars, and
thirty two Cents; And it further appearing to the Court by
the Verdict aforesaid, besides the aforesaid property which
passed into the hands of said defendant, Edward R. Olivier
by virtue of the deed and Bill of Sale aforesaid there remain-
ed upon said partnership farm, the following partnership
property to wit:

	Dolls	Cts
Two Wagons of the value of	250	00
and the Crop on said farm of the value of	750	00
Amounting to the Sum of One thousand dollars	1000	00

which added to the amount aforesaid makes the value of the partnership
property, the Sum of seven thousand, Eight hundred and
thirty-eight Dollar's and seventy-four Cents and after deducting
the value of the Land aforesaid leaving the sum of Five thou-
sand, Nine Hundred and seventy-four dollars, and seventy-four
Cents, And it further appearing to the Court by the verdict
aforesaid that said plaintiff, Thomas F. Chapman has sus-
tained Damages by reason of the wrongfull and fraudulent
acts of said defendant Edward R. Olivier to the amount of
three Thousand dollars, And it further appearing from
the amended petition of said plaintiff and the answer of de-
fendant Robert D. Mc Anelly, and from the verdict afore-
said that after the commencement of this suit the said de-
fendant Robert D. Mc Anelly with knowledge of the claim
of said plaintiff set up in his original petition, colluded with
said Edward R. Olivier and did take charge of, and remove
Two Hundred and Eight head of Spanish Mares and Mules,
One Jack Ass, One four Horse Wagon, and Harness, the

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Negro Woman Charlotte, and her Child, and the Negro man named "Sim" which property so carried away and Converted was of the value of Three Thousand dollars

It is therefore Hereby Ordered, adjudged and decreed that the said partnership enter into by, and between the said plaintiff, and the said defendant be and the same is hereby dissolved, and the said Land, and personal property except the aforesaid individual property of said plaintiff be, and the same is Hereby declared and is decreed to be the partnership property of said Thomas F. Chapman and Edward R. Oliver. It is further Ordered, adjudged and decreed that the said plaintiff, do have and recover of and from the said defendant Edward R. Oliver to and for the use and benefit of said partnership the Sum of Seven Thousand, Eight Hundred and thirty-eight dollars and seventy-four Cents, the value of the partnership property, which passed into the hands of said Edward R. Oliver under the deed and Bill of Sale, and the property and crop on the farm as ascertained by the verdict of the Jury aforesaid, and that of the said sum the said Plaintiff do have and recover of and from the said Edward R. Oliver and the said Robert D. McAnelly jointly the Sum of Two thousand, three Hundred dollars the value of the partnership property removed and carried away by said defendants jointly as aforesaid. It is further ordered adjudged, and decreed, that said plaintiff do have and recover of and from the said defendant Edward R. Oliver the sum of Fourteen hundred and Eighty dollars, the value of the Individual property of said plaintiff, obtained by said defendant under the deed and Bill of Sale aforesaid and that said plaintiff recover jointly of and from said defendants Edward R. Oliver, and Robert D. McAnelly, the Sum of Seven Hundred dollars, part and parcel of said fourteen Hundred dollars the value of the Negro man aforesaid

It is further Ordered, adjudged, and decreed that the said plaintiff do have and recover of, and from the said defendant Edward R. Oliver the Sum of Three thousand dollars, the damages assessed by the Jury aforesaid

And it further appearing that said Edward R. Oliver has sustained damages the value of Three Hundred dollars by reason of the matters in his said plea of reconvention alleged, It is therefore Hereby ordered, adjudged and decreed, that said defendant have and recover of and from the said plaintiff the said sum of Three Hundred dollars damages, and that the same be applied in Compensation and reduction of that amount of the said sum of Three

Thousand dollars, adjudged in favor of said plaintiff against said defendant as damages aforesaid. It is further Ordred, adjudged and decreed that Joseph Lee be appointed receiver, and that he give bond to said Thomas F. Chapman and Edward R. Olivier in the Sum of Twenty thousand dollars for the faithfull performance of his duties as such which shall be filed with, and approved by the Clerk of this Court that he take immediate possession of all the personal property belonging to said Partnership Concern; that he proceed to sell the same to the highest bidder for Cash, that he also take possession of the said partnership tract of Land situated, bounded, and described as follows Three hundred and forty acres being situated on the West side of the Colorado River in Travis County and is bounded as follows: beginning at the lower Corner of a tract containing about ten thousand acres, Conveyed by the Assee of Del Valle to Albert C. Horton on the West bank of the Colorado River, at a Cotton wood forty inches in diameter from which another Cotton wood twenty-four inches in diameter marked M. bears South 50° West 10 varas, and another Cotton Wood 16 inches in diameter marked W. bears South 22° E. 22 varas. thence up the River with its meanders N. 76° 30". 417 varas to a Stake on the bank of the River for a Corner from which an ash 4 inches in diameter marked with a blaze bears South 14°. 30" East 8 Varas, thence South 30° West to such a distance that here a line is run therefrom up to and at right angles with the lower line of said Horton's Survey and thence on said lower line to the place of beginning will make the aforesaid quantity of 348 acres all of which will more fully appear by reference to said Hortons Bond executed to said Olivier and your petitioner on the 6th day of September 1849 now on record in Book "C" Page 560 of the Records of said County. And he proceed to sell the same after giving the Notice required by law at the time and place and in the manner prescribed by law for Judicial Sales, the terms of Sale One half Cash, the remainder at twelve months, taking a deed of trust on the land for the payment of the balance of the purchase money and at the time of sale shall execute a deed to the purchaser, and from the proceeds arising from said Sale it is ordered that said Receiver pay first to said Thomas F. Chapman the said sum of One thousand and sixty-one Dollars, and ninety-four Cents, with interest thereon at the rate of ten per Centum per Annum from the 7th day of August A. D. 1850, until the same shall be paid. Then secondly One half of

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the nett residue, after deducing the cost and expenses of said receiver to the said Chapman, Thirdly, To pay to said Thomas J. Chapman the sum of two Thousand four Hundred and sixty-two Dollars, and thirty-seven Cents, being one half of the personal property, and slaves belonging to said partnership converted by said defendant Edward R. Olevir to his own use by the Deed and Bill of Sale aforesaid and Lourthly, The Balance and residue he shall pay into this Court at the next term thereof to which he shall make a full report of his proceedings the same to be disposed of by the future Order of this Court. It is further Ordered, adjudged, and decreed that said plaintiff have and recover of and from the said defendants all of his costs by him about his suite in this behalf expended, and that Execution issue against them for the sums above adjudged and decreed against them. That the amount rendered against them for the use and benefit of said partnership be paid to the receiver above appointed paid to him and that for the use of the plaintiff individually. It is further ordered, adjudged, and decreed that what ever amount of said property, received by Edward R. Olvir under the deed and Bill of Sale aforesaid, or that which was carried away and converted by him and said Robert D. McAnelly jointly. and which may be returned by them or either of them to the Receiver heretofore appointed shall be taken for the value for the same as ascertained by the Verdict of the Jury aforesaid in discharge of the Judgement and decree herein rendered which property shall be disposed of by said Receiver in accordance with this said decree.

It is further Ordered adjudged, and decreed that the proper process issue under this decree, directed to the Sheriff of Travis County, requiring him to put said Receiver in the possession of said Land and partnership property for the full and final Execution of this decree.

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Frederick Roehr
John H. Ubags and
Maria H. Setterfass,
under the name and
Style of the "German
Colonization Society
for Texas"
vs
9214. The reigning Duke of Adolph of Nassau, the
reigning Duke Bernard Erich Freund of Sax
Meiningen, the reigning duke August Christ. of
Sax Coburg, the Prince Friedrich Wilhelm
Ludwig of Prussia, the reigning Prince Gun-
ther of Schartzburg Rudolstadt, Prince Ch-
arles of Leiningen of Amorbach, Prince Hen-
rigen of Wied in Neu Wied, the Prince Solms
Braunfels, the Prince Franz of Colloredo Mans-
feld The Prince Otto Victor of Isenburg, Bir-
chenburg, the Prince of Solms Braunfels of
Rheinfelsenstein, the Prince Alexander Solms
Braunfels, the Count Christian of Neu Leiningen
Westerburg, the Count Friedrich of Alt Leiningen
Westerburg, the Count Victor of Alt Leiningen of
Westerburg, the Count Charles of Isenburg
Meerholz, the Count Edmund of Stolzfeld, the Count
Charles William Georg of Inn and Knyhausen
the Count Armand of Renesse Breidt, the
Baron Paul Sirmay in Kriechla, Baron
John A Meusebach, who are sued by the name
and Style of the "German Emigration Company"
the unknown heirs of Charles Count of Castell,
Isaiah A Paschal, Otto von Roeder Wilhelm
von Rosenberg, and John Agnes, and Stephen
Cragby Commissioner of the General Land Office
of the State of Texas,

the Defendants

And now on this day came the Defendants by their attornies, and announced themselves ready for trial, and the plaintiffs being solemnly called, and required to prosecute their said Suit, came not but made default. Wherefore It is ordered adjudged and decreed by the Court here, that by reason of the said failure to prosecute their said Suit, that the same be and is hereby dismissed, And it is further ordered adjudged and decreed by the Court that the said defendants go hence forthwith day

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and have and recover of and from the said plaintiffs, all of their costs in this behalf by them in and about this suit laid out and expended, and that Execution issue therefor &c. &c.

Ordered by the Court, that Court adjourn until Saturday Morning 9 O'clock a m. September 31st A D 1853.

Saturday Morning 9 O'clock a m Court convened pursuant to adjournment September the 31st A D 1853 Present the Honorable Robert J Jones, Judge of said Cty. John M Castley Clerk and Geo W Scott Sheriff of Davis County Texas Whereupon the following proceedings were had to wit:

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Andrew A Hopkins Plaintiff
vs
John A Green administrator of Lamar Moore deceased Defendant

Appeal from Justices Court of Davis Co

And now on this day come the parties by their attornies, and a jury being waived, the matter of law as well as matter of fact in this case were submitted to the Court. Whereupon it is Considered, Ordered, adjudged and decreed by the Court, that the plaintiff Andrew A Hopkins do have and recover of and from the said defendant, John A Green as administrator of the Estate of Lamar Moore deceased, the Sum of Fifty Dollars the amount of the said plaintiffs account, and that the same be paid in due Course of Administration of the Estate of the said Lamar Moore deceased, And it is further ordered adjudged and decreed by the Court here, that the Clerk of this Court Certify this Judgment according to law to the Probate Court of Davis County, as an established claim against the succession of the said Lamar Moore deceased,

And thereupon the said defendant in open Court gave notice of his intention to appeal said Cause to the Supreme Court of the State of Texas and the plaintiff waived the necessity of a motion for a New Trial in said cause

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P. H. Bell Governor of the State of Texas
vs
Norman B Beck
William Custard
Abner Matthews &
Abner N Cook
Plaintiff
Defendants

And now on this day came the parties to the above cause by their attornies, and a jury being waived, the matters and things in controversy in said cause were submitted to the Court, And it appearing to the Court here, that the said defendant Norman B Beck as principal, and the said William Custard Abner Matthews and Abner N Cook, had executed their Bond to the said plaintiff in the penal Sum of Five Thousand dollars conditioned for the faithful performance of the said Beck as Assessor and Collector, of Navisdemmity, of the duties of his said office

And it appearing to the Court that there is due and owing from the said Beck as assessor and Collector as aforesaid to the State of Texas, The Sum of Two Thousand Eight hundred and Eighty 83/100 Dollars, It is therefore ordered adjudged, and decreed by the Court, that the said P H Bell Governor of the State of Texas, do have and recover of and from the said Norman B Beck as principal, and William Custard Abner Matthews, and Abner N Cook, as securities, for the use of the State of Texas, the aforesaid Sum of Two Thousand Eight hundred and Eighty 83/100 Dollars, together with all of the costs in this behalf laid out and expended, and that Execution issue therefor &c.

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Willis Stewart
John O. Smith and
William C Peters
as trustees of the
Texas Emigration
and Land Company
vs
George Hancock
Stephen Crosby
Jacob H. Lebordora
Hanson G Catlett
James H. Henderson
and Benjamin F Hall
and
Middleton P. Johnson
Interveners

Plaintiffs

Defendants

Injunction & Mandamus—

And now on this day came the plaintiffs by their attorney and the said Jacob H. Lebordora, James H. Henderson and Benjamin F Hall not being Served with proces the plaintiffs discontinued as to them, and the said George Hancock having disclaimed all interest in the Subject Matter of this Suit the Same is dismissed as to him. And thereupon also come Stephen Crosby as Commissioner of the General Land office of the State of Texas and Hanson G Catlett defendants as aforesaid and Middleton P Johnson Intervenor and a jury being waived, the Matters of Law as well as fact in this case was Submitted to the Court and because it now appears to the Court upon the pleadings and facts Submitted that the said plaintiffs have no right to the injunction and Mandamus they seek in their said bill and amended bill. It is therefore ordered adjudged and decreed by the Court here, that the said injunction be dissolved and that the said bill and amended bill of plaintiffs be dismissed, and that the said defendants Stephen Crosby Commissioner as aforesaid and Hanson G Catlett do have and recover of and from the said plaintiffs all of their costs in this behalf had and expended and that Execution issue therefor. It is further ordered adjudged and decreed by the Court that the said Stephen Crosby as Commissioner of the General Land office be and he is hereby

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directed and Commanded to issue Patents to the said defendant Hanson G. Collett and Middleton & Johnson Intervenor as aforesaid for the lands in their field notes described and that the said Intervenor Middleton & Johnson do have and recover of and from the said plaintiffs all of his costs in this behalf had and expended for which Execution may issue. And it is further ordered adjudged and decreed by the Court that this decree by agreement of parties is to be without prejudice to the injunction in case said plaintiffs appeal said cause to the Supreme Court from which decree the plaintiffs by attorney in open Court give notice of appeal to the Supreme Court of the State of Texas and it is agreed that the appeal be granted upon the plaintiffs executing bond for costs only.

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Sidney P Brown &
Caroline E Brown
his Wife
vs
Alfred Smith
Elizabeth B Smith
James F Smith
Mary E Smith
John F Smith and
Susan A Smith

Plaintiffs

Decree

Defendants

And now on this day came the parties to the above entitled cause, by their respective attornies, and by agreement made in open Court between the said parties by their attornies, It is considered, ordered, adjudged, and decreed that the following tract of land (which said tract of land was conveyed by Jesse J Dancehill and Thomas Smith by deed bearing date the 23rd day of December A.D. 1846. to Elizabeth B Smith, and Alfred Smith, as administrators and legal Representatives of James Smith deceased late Husband of the said Elizabeth B Smith, and Father of the other parties litigant in said cause and for partition or Sale of which the aforesaid Suit was instituted, to wit: Two hundred and fifty four thousand Two hundred and Seventy seven Square vara of Land. Situate in the County

of Travis and known as a part of the Montopolis Town Tract. and as a part of the League of Land, originally granted to Jesse Le Jamehills. below the City of Austin. and further known as division "L" Beginning at the foot of Main Street running through the Town of Montopolis to the River at a Stake on the bank of the Colorado River, on the Eastern side of said Street from which a red Elm 22 inches in diameter bears N. 2° W 6 3/5 varas. and a red Elm 12 inches in diameter (Hoping) bears N. 44° E 6 2/5 varas, Thence N 30° E. with the Eastern side of Main Street Four Hundred nineteen and one half varas to the S W Corner of division "A" a Stake from which an Elm 27 inches in diameter bears S 52° E 15 2/5 varas Thence S 60° E. 666 3/4 varas with the line of division "A" to the S. E Corner of the same, a Stake in the line of Nathaniel Townsend's 200. acre Tract from which an Elm 8 inches in diameter bears N 29° W 8 1/5 varas, and a White Elm 18 inches in diameter bears S 85° W. 11 varas, Thence S 30° W. Three Hundred and forty and one half varas. with said Townsends line to a Pile of Rocks on the Colorado River. from which a Small double Hackberry bears E. 6. varas. Thence with the meanders of the River to the place of Beginning, be sold by the Sheriff of Travis County, on the first Tuesday in January A.D. 1854. at the door of the District Clerks office in the City of Austin, to the highest bidder. And it appearing to the Court here that a fair just and equal Division cannot be made of said Land. among and between the said parties, to this Cause. And it is therefore further ordered. adjudged and decreed by the Court that the said Sheriff. Shall first give Sixty days public Notice of the time place and condition of said Sale. that the Sale be made on a credit of twelve months. the purchaser to give Bond with two approved Securities for the payment of the purchase money and that the said Sheriff at the time of said Sale convey all the title which the said parties litigants have in and to said tract of Land to said purchaser, and that he take

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from the said purchaser a deed of trust on said Land so sold by him as aforesaid to secure the purchase money thereof— And it is further ordered, adjudged and decreed that the said Elizabeth B Smith, Widow of the said James Smith deceased, is entitled by virtue of her community interest as the Widow of the said James Smith deceased to an interest of one half of said tract of Land. and that the said Alfred Smith, Caroline A Smith (now Caroline A Brown) James W Smith, Mary E Smith, John A Smith, and Susan A Smith are each as the heirs of the said James Smith deceased, entitled to an interest of one Sixth in the remaining half of said tract of Land. And it is further considered ordered adjudged and decreed by the Court, that the said Sheriff of Bran's County pay one half of the proceeds arising from the Sale of said Land to the said Elizabeth B Smith, relict of James Smith deceased, that said Sheriff pay one Sixth of the remaining half to the said Alfred Smith, and a like portion to each of the remaining heirs as aforesaid, viz: one Sixth to James W Smith, one Sixth to Mary E Smith, one Sixth to John A Smith, one Sixth to Susan A Smith one Sixth to Caroline A Smith (now Caroline A Brown) And it is further considered ordered adjudged and decreed by the Court here, that the purchaser of the said Land at said Sale pay the costs of this proceeding before the Sheriff shall execute a deed as required in this decree and also the further costs of the making of said Sale. and the executing of the necessary deeds to the purchaser of said Land—

116 James M Long — Plaintiff
John Brandes — Defendant
vs
Motion for New Trial

In this case. the motion for a new trial by the defendants is overruled by the Court Whereupon said defendants in open Court give notice of an appeal to the Supreme Court of the State of Texas—

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Harrison Whitson Plaintiff
vs
Alfred Smith & als Defendants

Motion for new trial in this cause

And now on this day came the parties by their attornies, and the motion for new trial by the plaintiff being heard by the Court It is ordered the same be overruled. Whereupon the plaintiff in open Court give notice of his intention to appeal said cause to the Supreme Court—

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R S Morgan & wife Plaintiff
vs
M C Hamilton & als Defendant

And now on this day come the parties by their attornies Whereupon the motion for a new trial by the defendants being considered by the Court it is ordered that the same be overruled Whereupon the defendant by attorney in open Court give notice of appeal to the Supreme Court

180 ✓

R S Morgan Plaintiff
vs
R H Peck & als Defendant

And now on this day come the parties by their attornies Whereupon a motion by the defendant for a new trial was overruled Whereupon the parties by their attornies by their attornies give notice in open Court of appeal to the Supreme Court.

74 ✓

Thomas D Chapman Plaintiff
vs
Edward R Oliver & als Defendant

And now on this day come the parties by their attornies whereupon the motion for a new trial by defendants being considered by the Court it is ordered that the same be overruled Whereupon defendants by attorney give notice in open Court of an appeal to the Supreme Court.

Fall Term Saturday October 1st A. D. 1853.

273 Rufus D Powell Plaintiff
Wesley Smith et als vs Defendant

And now on this day came the parties to the above cause and the Motion for a new trial by the plaintiff by attorney being overruled the plaintiff by attorney gave notice in open Court of appeal to the Supreme Court

274 Betsey B. Roan & Turner J Roan Plaintiff
James A Raymond et al vs Defendants

And now on this day came the parties to the above cause and the motion of the plaintiff for a new trial being overruled the plaintiff gave notice in open Court of appeal to the Supreme Court

164 Joshua D. Smith & wife Plaintiff
Ellison Burch & wife vs Defendant

And now on this day came the parties to the above cause and the motion of the plaintiff for a new trial being overruled the plaintiff gave notice in open Court of appeal to the Supreme Court

252 Willis Stewart et als Plaintiffs
Stephen Crosby et als vs Defendant

And now on this day came the parties to the above cause and the Motion of plaintiff for a new trial being overruled Plaintiffs gave notice in open Court of appeal to the Supreme Court.

51 R. L. Wood Plaintiff
Joseph W Robertson vs Defendant

And now on this day came the parties to the above cause and the motion of defendants for a new trial being overruled defendants gave notice in open Court of appeal to the Supreme Court

Fall Term. Saturday October 1st A. D. 1853

William B. Mayfield Plaintiff

vs

John M. Castley Defendant

And now on this day comes the plaintiff by his attorney A. J. Hamilton and the the defendant by his attorney Gibson & Sneed and file an agreement to Submit the Matters and things in dispute in this controversy to the arbitration of Charles B. Fish and Edward R. Peck. Therefore it is ordered adjudged and decreed by the Court that the said Edward R Peck and Charles B. Fish be appointed arbitrators to Settle the matters in this controversy and upon agreement of the parties it is further ordered that the award of the said arbitrators is to be made the Judgment of this Court and upon agreement of the parties it is further ordered that Should said arbitrators disagree they have power to appoint an umpire to Settle Said Cause

It is ordered by the Court issue to Gabriel M. Morgan a Certificate for thirty three dollars the same being the amount due him for twenty two day services as Special Bailiff- also a Certificate of nine dollars to John H Cook being the amount due him for six days Services as Special Bailiff for the Grand Jury and to John C. Hampton a Certificate for Seven dollars and a half it being the amount due him for services as Bailiff for the Grand Jury. And the County Court be required to Audit the Claims of the parties for the amounts respectively.

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 and is hereby authorised to charge therefor fifteen cents for each and every hundred words so recorded to be taxed and collected as other costs of suit It is also further ordered adjudged and decreed

Fall Term Saturday October 1st A. D. 1853

by the Court that the said Clerk be and he is hereby allowed fifteen cents for each and every hundred words included in each and every interlocutory order and decree entered in this Court at this term the same to be taxed and collected as other costs of suit.

And now on this day Saturday the first day of October A.D. 1853 it being the last day of this term of the Court and as evidence that the preceding minutes were read successively each morning during said term and approved they are herewith Signed by the presiding Judge

And it is further ordered by the Court. that Court do now adjourn until the next Term of this Court—

R. J. Townes
Judge of the
first judicial
District

Attest

S. W. M. Cartwright Clerk
District Court of
Travis County
Texas

Fall Term Saturday October 1st A.D. 1853

The State of Texas } District Court
County of Travis } Fall Term 1853

I John M Castleman Clerk of the District Court of Travis County and State aforesaid, do hereby Certify, that the following is a correct Statement of the Civil and Criminal Causes disposed of by this Court, at the above Stated Term, in which final Judgments were rendered, for which a Juror fee is liable, and receivable as follows to wit

Civil Causes

25	John Chenoweth	Vs	Thomas Whitehead	J.	00
50	Walker Wilson	"	Josiah Pitts et als	J.	00
51	Reuben D Wood	"	Joseph W Robertson	J.	00
60	Thomas L Campbell	"	William Gustard	J.	00
74	Thomas J Chapman	"	Edward R Allen et als	J	00
85	John J Grumbles	"	Thomas William Ward	J	00
86	Sidney P Brown Adm.	"	Alfred Smith	J	00
87	Aaron Burleson Admr	"	James J Long	J	00
105	Mc Thompson et als	"	John M Castleman	J	00
108	Hancock & Hamilton	"	William C Caldwell	J	00
109	Sidney P Brown & wife	"	Alfred Smith et als	J	00
116	James M Long	"	John Horan et als	J	00
120	Hancock & Hamilton	"	Friend & Pitts	J	00
136	J Waterman & Co	"	Thomas J Chapman	J	00
141	Monte M Severson	"	Thomas J Fairleroy	J	00
145	James Wall	"	William R Parker	J	00
147	Harrison Whitson	"	Alfred Smith et als	J	00
161	Henry & Peter Steussy	"	Richard S Morgan	J	00
164	Sarah M Smith Dec	"	Sarah Burch et als	J	00
175	Charles Power	"	Joel A Burdett	J	00
181	R S Morgan & wife	"	R A Peck et als.	J	00
181	R S Morgan & wife	"	George Hancock et als	J	00
186	Solomon P Cooley	"	W B & J J Nichols	J	00
198	Hancock & Hamilton	"	G G Speed	J	00
215	Sarah Barker	"	G G Baggerly	J	00
224	German Col. Society	"	German Coal Company	J	00
226	The State of Texas	"	B A Thompson et als	J	00
235	Edward Burleson Admr	"	Joseph Lee	J	00
234	Michael Zilles	"	Timothy McKan et als	J	00
238	James L Malone	"	Brown & Jennings	J	00
239	James L Malone	"	Jennings & Payne	J	00
244	John Watson	"	Joseph Newsham	J	00

Fall Term. October 1st (Saturday,) A. D. 1853.

257	R. A. Rutherford & Co	James M Long	3	00
258	Willis Stewart et als	George Hancock et als	3	00
262	George Hancock	Morgan & Hamilton	3	00
263	John A Green adm'r.	Gustavus Kerchberg adm	3	00
264	Wm & Osborne	Scott & Bradaway	3	00
265	Wm & Osborne	Scott & Jones	3	00
266	John A Green adm'r.	Lyman Wight	3	00
272	Thomas Canty	William J Meeks et als.	3	00
273	Rufus J Yoakum	Wesley Smith et als	3	00
274	Betsy B Rawls et als	Agnes A Raymond et als	3	00
276	Sabon Houston	Thomas William Ward	3	00
277	Mary D Moore et als	Thomas Puckett et als	3	00
278	Joseph H Hampton	Lydia J Cushney et als	3	00
281	William B Clark et als	James P Hutchinson et als	3	00
284	Hancock & Hamilton	Thomas Banks	3	00
288	Henry Thomas	Thomas J Chapman	3	00
289	Agnes L Halliday	Luke Bott	3	00
290	Agnes L Halliday	Wm Bennett	3	00
291	Mary D Moore et als	Augustus Fore et als	3	00
293	Caroline M Rawls	Agnes A Raymond	3	00
294	Nelson Burch	Sherman Case	3	00
297	Redmond Van Alstyne	John Horan	3	00
299	George H Barfoot	Owen O'Brien	3	00
301	Thomas A Jones	Joseph Reynolds	3	00
301	Featherston Roach	Shaw & Raymond	3	00
304	Ayden A Hopkins	John A Green adm'r.	3	00
305	George Hancock	William H Brown et als.	3	00
306	S G & S A J Haynie	S H Jennings Jr.	3	00
307	S G & S A J Haynie	Josiah Fitch	3	00
308	John A Green adm'r.	James G Swisher	3	00
310	Penelope Hardwick	James A Hardwick	3	00
311	Thomas William Ward	James S Gillett	3	00
	Samuel K Pell	Gideon G Pace	3	00
55	Gustavus Kerchberg	Burchard Miller	3	00
309	Thomas A Jones	James G Swisher	3	00
			$201	00

Jury Fees in Criminal Causes

The State of Texas		Ben Hines	5 00
"	" " "	Samuel Norvell	5 00
"	" " "	Ben Hines	5 00
"	" " "	John Leisi	5 00
"	" " "	Charles Wyatt	5 00
			$25. 00

Fines assessed and received in the above and

Fall Term. Saturday October 1st A.D. 1853

foregoing cases viz:

The State of Texas	vs	Ben Hines	10 00
" " "	"		10 00
" " "	"	Samuel G Powell	10 00
" " "	"	John Liesi	1. 00

The above and foregoing Jury fees in the said respective cases last mentioned, are all that were paid over to me by the Sheriff (George W Scott,) of Travis County at the Fall Term A.D. 1853 of said Court. As well the said fines in said cases mentioned as aforesaid.

S.W. McCauley
Clk
D.C.T.C.
Texas

The foregoing Statements Examined and approved by me in Open Court. in the City of Austin this 30th September A.D. 1853

Test S.W. McCauley Clk D.C.T.C.

R.J. Jones
Judge 1st

Fall Term. Saturday October 1st A. D. 1853

The State of Texas
County of Travis

District Court
Fall Term A D 1853

I John M Bartley Clerk of the District Court in and for the County and State aforesaid do hereby Certify that the following is a Correct Statement and list of the Grand Jurors and the number of days each Juror served at said Term. and the amount respectively to which they are entitled to. for said services. as aforesaid. as returned to the present Term of this Court by George W Scott. Sheriff of Travis County. as follows to wit:

	Names	No. days.	per day	Amount
1	Thomas P Washington	6	"	1 50	9.00
2	Enoch B Johnson	6	"	" "	9.00
3	John L Arrington	6	"	" "	9.00
4	John A P Carr.	6	"	" "	9.00
5	Eyrst Rogers	6	"	" "	9 00
6	James Rogers	6	"	" "	9 00
7	Giles A Burditt	6	"	" "	9 00
8	James P M. Kinney	6	"	" "	9 00
9	Dennis Walsh	6	"	" "	9 00
10	Alfred Smith	6	"	" "	9 00
11	Edward Sides	6	"	" "	9 00
12	William B Bauchman	6	"	" "	9 00
13	Daniel McKenzie	6	"	" "	9 00
14	William McCutchin	6	"	" "	9 00
15	Henry Johnson	6	"	" "	9 00
16	Joseph Barnhart	6	"	" "	9 00
17	Wiley B Nichols	6	"	" "	9 00
18	Gideon G Pace	6	"	" "	9 00
19	Jesse J Burdett	6	"	" "	9 00
		114			$171.00

Examined and approved
September 30th A D 1853

R S Jones
Judge P.C.

Fall Term Saturday October 1st A.D. 1853

The State of Texas
County of Travis

District Court
Fall Term A.D. 1853

I John M Castley Clerk of the District Court in and for the County and State aforesaid do hereby Certify that the following is a Correct Statement and list of the Petit Jurors and the number of days each Served at said Term and the amount respectively to which they are entitled to for said Services as aforesaid, as returned to the present Term of this Court by George W Scott Sheriff of Said County as follows to wit.

	Name	No days	per day	Amount
1.	Thomas L Campbell	11 Days	pr 50	16 50
2	Sandy Hopkins	5 "	" "	7 50
3	Benjamin Choate	8 "	" "	12 00
4	Allison Burch	9 "	" "	13.50
5	James D Easton	6 "	" "	9 00
6	Nicholas Broadway	8 "	" "	12 00
7	Leonidas D Carrington	6 "	" "	9 00
8	George D Glasscock	6 "	" "	9 00
9	Wilkins C Rodgers	6 "	" "	9 00
10	James W Riley	23 "	" "	34 50
11	Samuel G Howell	6 "	" "	9 00
12	John Edwards	8 "	" "	12 00
13	William Pickes	10 "	" "	15 00
14	James Payne	1 "	" "	1 50
15	William A Morris	6 "	" "	9 00
16	Sherman Cass	12 "	" "	18 00
17	James Wall	18 "	" "	27 00
18	John D Riley	23 "	" "	34.50
19	Allen & Brown	11 "	" "	16 50
20	Nathan Alsop	16 "	" "	24 00
21	Reel Matthews	5 "	" "	7 50
22	James Canfield	6 "	" "	9 00
23	Fielding S Ray	6 "	" "	9 00
24	Abner Lee	5 "	" "	7 50
25	Taliafero Bostick	5 "	" "	7 50
26	Jonathan Canberro	16 "	" "	24 00
27	Thomas F Yard	2 "	" "	3 00
28	David J Miller	8 "	" "	12 00
29	Joel A Pundit	1 "	" "	1 50
30	James Nash	1 "	" "	1 50
31	Harvey Smith	9 "	" "	13 50
		263		$394.50

Fall Term Saturday October 1st A. D. 1853.

32	Wiley	Hudson	6	"	"	9 00
33	Silvander	Brown	10	"	"	15 00
34	Edward G	Oliver	5	"	"	4 50
35	Truman G	Buck	20	"	"	30 00
36	Hugh	Collins	23	"	"	34 50
37	William	Custard	12	"	"	18 00
38	Josephus	Cowan	15	"	"	22 50
39	Benjamin	Shaw	14	"	"	21 00
40	Thomas C	Stone	16	"	"	24 00
41	James M	Turley	5	"	"	4 50
42	James R	Jackson	8	"	"	12 00
43	Joseph	Corwin	23	"	"	34 50
44	Benjamin C	Drake	2	"	"	3 00
45	Lewis	Knight	7	"	"	10 50
46	Jesse H	Renick	10	"	"	15 00
47	Ervin	Thompson	13	"	"	19 50
48	Thomas	Freeman	6	"	"	9 00
49	Asa	A Cullen	10	"	"	15 00
50	James	Gibson	12	"	"	18 00
51	Alexander	Canes	3	"	"	4 50
52	John H	Brown	2	"	"	3 00
53	Andrew J	Bargely	8	"	"	12 00
54	James J	McLaurin	11	"	"	16 50
55	William M	Fowler	11	"	"	16 50
56	Thomas A	Laughlin	11	"	"	16 50
57	Jacob C	Robinson	5	"	"	4 50
58	Daniel S	Adams	12	"	"	18 00
59	Alexander	Johnston	12	"	"	18 00
60	Joseph	Harrell	6	"	"	9 00
61	Robert	Mayo	8	"	"	12 00
62	James L	Baker	6	"	"	9 00
63	Charles H	Catlett	7	"	"	10 50
64	Stephen J	Kirk	9	"	"	13 50
65	Peyton	Rowlin	1	"	"	1 50
66	William	Pratt	5	"	"	4 50
67	William A	Hamilton	7	"	"	10 50
68	William M	Riley	5	"	"	4 50
69	John S	Chote	7	"	"	10 50
70	Hall	Medlin	8	"	"	12 00
71	Martin	James	8	"	"	12 00
72	William	Wyatt	7	"	"	10 50
73	William	Grumbles	1	"	"	1 50
74	Charles K	Reese	3	"	"	4 50
75	James R	Pace	2	"	"	3 00
76	John C	Wilson	1	"	"	1 50
			383			$574 50

Fall Term. Saturday October 1st A. D. 1853.

	John le Hampton	1	"	"	"	1.50
77	Rufus G Vowell	1	"	"	"	1 50
78	John B Stone	10	"	"	"	15 00
79	Joseph H Hampton	1	"	"	"	1.50
80	Thomas Pitt	1	"	"	"	1.50
81	George W Gewyeck	1	"	"	"	1.50
82	Dryling D Payne	1	"	"	"	1 50
83	J M Blocker	1	"	"	"	1 50
84	J G Talley	1	"	"	"	1 50
85	Hugh McClure	1	"	"	"	1.50
86	William P Sharp	1	"	"	"	1.50
87	J D Dupree	1	"	"	"	1 50
88	William H Atwood	1	"	"	"	1 50
89	Robert E Hampton	1	"	"	"	1 50
90	Banyan Payne	1	"	"	"	1 50
91	Sands S Matthews	1	"	"	"	1 50
92	Francis Kelly	1	"	"	"	1 50
93	Hezekiah G Hamilton	1	"	"	"	1 50
94	L G Rollins	1	"	"	"	1 50
95	Walker Wilson	1	"	"	"	1 50
96	Calvin Bell	1	"	"	"	1 50
97	Lesley Jannehill	1	"	"	"	1 50
98	John J Price	1	"	"	"	1 50
99	George Hancock	1	"	"	"	1 50
100	Andrew McGarrison	1	"	"	"	1 50
101	William O'Connell	1	"	"	"	1 50
102	Joseph Walker	1	"	"	"	1 50
103	Lewis Bradley	1	"	"	"	1 50
104	William J Patterson	1	"	"	"	1 50
105	Joel Lee	1	"	"	"	1 50
106	Eli Huggins	1	"	"	"	1 50
107	Adam Hendricks	1	"	"	"	1 50
108	William Aynesworth	1	"	"	"	1 50
109	Mathew Brown	1	"	"	"	1 50
110	Joseph K Jones	3	"	"	"	4 50
111	Lewson B Collins	2	"	"	"	3 00
112	William Simpson	1	"	"	"	1 50
113	William A Hadley	2	"	"	"	3 00
114	John B Rainey	3	"	"	"	4 50
115	Nolan M Lucket	4	"	"	"	6. 00
116	Thomas Bacon	1	"	"	"	1 50
117	C C Calhoun	1	"	"	"	1 50
118	Luke Bott	1	"	"	"	1 50
119	Hiram Bennett	1	"	"	"	1. 50
						$ 93 00

Examined and approved September 30th A D 1853 R J Jones Judge &c

The State of Texas } District Court.
County of Bowie } Fall Term A.D. 1853

I John Mclasley Clerk of the district Court in and for the County and State aforesaid do hereby Certify that at the above stated Term of said Court there was received by me the sum of Two Hundred and Twenty six dollars as Jury Fees in Civil and Criminal Causes, disposed of said Term, and the said Sum of Money, authorized by law, to by me distributed among and between the Jurors who served at said Term, as pro rata pay for said services. and that after deducting 2½ per Cent. from said Sum of Two Hundred and twenty six dollars. allowed to me by law. the Amount and Sum of Two Hundred and twenty dollars & thirty five cents remained to be distributed as aforesaid. And that in accordance with the return of the List of Jurors at said Term made by the Sheriff of said County, There are One hundred and thirty eight Jurors who served in the aggregate at said Term the Number of Eight Hundred and twenty two days, at the rate of One dollar and fifty cents per day, Making in the aggregate the sum of Twelve Hundred and thirty three Cents, And that the pro rata pay of said Jurors Amounts to the sum of Twenty six and 7/10 Cents per day, and that Certificates have been duly issued to said Jurors severally for the aggregate Amount thereof, and that the said pro rata, due each Juror, severally, has been allowed, paid, and the same deducted severally from the aggregate amount due each Juror. and the amount remaining unpaid Stipulated therein, as will appear by reference had thereto.

J W McCaslay
Clerk
District Court of
Bowie County
Texas

The State of Texas
County of Travis

Be it remembered that on this day, Monday, the Sixteenth day of January, Anno Domini, One Thousand Eight Hundred and fifty four, there was drawn according to Law in the City of Austin, in the County of Travis, and State aforesaid, by John M Bastley, Clerk of the District Court of Travis County aforesaid, and Ashford B M.Gill Clerk of the County Court of said County of Travis in the presence of John D Allan Esquire, an acting Justice of the Peace, within and for said County and State, the following named persons to serve as Jurors at the Spring Term of the District Court thereof within and for said County and State— said term of said Court to be begun and holden on the first Monday of March next A D 1854. said persons so drawn as aforesaid, being as follows to wit:

1 George E Weaks.
2 James Chamberlain
3 William F Swift.
4 Hugh McCluze
5 Thomas C Rowe
6 James P McKinney
7 John McCutchin
8 Francis Kelly
9 John Caylin.
10 John A Conner.
11 Syke Bott.
12 Louis Hart.
13 Washington Hammett
14 Horace S Baker.
15 Walker Wilson.
16 Elijah Reed
17 Harding D Payne
18 Timothy McKean
19 James Wall
20 Benjamin C Drake
21 Aaron B Burleson
22 Stephen Glasscock
23 Matthew Brown
24 John H Baker
25 Abner Lee
26 Alexander S Barnes
27 James M W Hall
28 Joshua Bennett
29 Alfred Scoggins
30. Richard J Lloyd
31 Minus C Burditt
32 Christopher C Browning
33 Sylvester Jackson
34 James C Doyle
35 William M Wilson
36 William C Collinsworth

J W M Bastley Clk
Dist. Court. Travis Co

A B M Gill
C. C. T. Clk.

John D Allan J. P.
Travis County

Spring Term Monday May 1st 1854

The State of Texas
County of Travis

Be it remembered That at a Term of The Honorable District Court begun and holden at The Court House Thereof in The City of Austin, within and for said County of Travis, and State aforesaid, On the Eighth Monday after The first Monday in March Anno Domini One Thousand Eight hundred and fifty four (it being Monday. The first day of May A.D. 1854) The same being The time by law appointed by law for The convening and Session of the Honorable District Court for The second Judicial District, within and for said County of Travis and State aforesaid.

Present The Honorable John Hancock, Judge of the second Judicial District for said State, and of said Court. John M Castleman Clerk of said Court, and George W Scott. Sheriff of said County of Travis.

The said Court being Organized, The following proceedings were had by said Court to wit,

The Venire having been previously drawn according to law, and The same issued, executed, and returned in Court in compliance with The requisitions of The law in such cases made and provided.

Whereupon The Court ordered The Sheriff to make proclamation before The Court House door of the names of Those appearing upon The said Venire, And he obedient to said order The said Sheriff made said proclamation, Whereupon The following named persons responded to their names when so proclaimed as aforesaid. George S Otts James Chamberlain, Hugh McClure, Thomas E Rowe, Francis Kelly, John Calvin, John J Conner, Louis Horst, Isaac N Baker, Walker Wilson, Elijah Reed, Darling B Payne, James Wall, A B Burleson, Matthew Brown, Aaron Grooms, Richard J Lloyd, Minus E Burdin, Sylvester Lockwood, James D Lopez, & William M Wilson.

Spring Term Monday May 1st 1854

From those appearing in obedience to said Summons, and proclamation of said Sheriff as aforesaid, were by said Court Constituted the Grand Jury for said County and State, to serve in such Capacity for and during the present Term of said Court. The same being as follows to wit;

George S Dedrs. James Chamberlain, Hugh McClure, Thomas G Rowe, Francis Kelly, John Cavin, John S Conner, Louis Hohst, Horace P Baker, Walker Wilson, Elijah Reed, Darling D Payne, James Hill, A B Burleson, Matthew Brown, Horatio Grooms, Richard G Lloyd, Minny C Burdit, Sylvester Lockwood, James O Dopey, and William M Wilson,

The same, the said Grooms being Duely sworn good and lawful men of the County of Travis, and State aforesaid, who after being duely sworn according to law, was by said Court duely and legally empannelled to serve as such Grand Jurors for the said County of Travis, and State aforesaid, at and for the present term of said Court.

And Thereupon the Court appointed Horatio Grooms Foreman of said Grand Jury and Thereupon the said Horatio Grooms was by the Court duely sworn according to law to act as such Foreman.

And Thereupon the Court Charged said Grand Jury as to the duties incumbent upon them, and after receiving the Charge of the Court retired to the Grand Jury Room, in Charge of Isaiah M Blackwell Constable of Austin Precinct Travis County, Texas and Ex officio Bailiff for said Grand Jury then and there to attend upon the discharge of the duties incumbent upon them, by virtue of their said Capacities.

And Thereupon the Court ordered the Sheriff to make proclamation before said Court House door of the names of those upon said Venire who failed to answer to their names upon the said first proclamation— Whereupon the said Sheriff made said proclamation, and thereupon the residue of said

Spring Term Tuesday May 2nd 1854

Vendemani responded to their names, and came before the Court, as follows to wit. William P Thompson James P McKinney John McCuiston, Luke Pott. Washington Hammett, Dimothy McKean, Benjamin C Drake, Stephen Glascock, John W Baker, Abner Lee, Alexander S Baines, James M W Hall, Joshua Bennett, Christopher C Browning, and William C Collinsworth.

And thereupon on Motion and good cause shown to Court. The above named Veniremen, to wit fifteen in number, as aforesaid, were by the Court, excused from further attendance on said Court, at the present term thereof.—

And thereupon the Court Ordered the Sheriff to Summon twelve good and lawful men of said County of Brazos, to be and appear before said Court, on Tomorrow morning Nine O'clock A. M. Tuesday May the second A D 1854. Then and there to serve as Petit Jurors for said Court.

On Motion of Alexander S Chalmers, District Attorney, for said Court It is Ordered by the Court, that Monday next May the Eighth A D 1854. be and the same is hereby set apart for the Taking up, and disposition of the Criminal Docket for said Court.

Ordered by the Court, That Court adjourn until Tomorrow morning 9 O'clock A. M. Tuesday May the 2nd A D 1854

Tuesday Morning 9 O'clock A M Court convened pursuant to adjournment May 2nd A D 1854 Present The Hon. John Hancock Judge of said Court John M Costley Clerk of said Court. and George W Scott Sheriff of Brazos County, Texas,

Whereupon the following proceedings were had, as follows to wit:

In Obedience to an Order of the Court on Yesterday, the Sheriff returned in to Court Twelve good and lawful men, to serve as Jurors for said Court and thereupon the same were duly sworn, and empannelled according to law.—

Spring Term Tuesday May 2nd 1854

119 Harlan Bagley Plaintiff
John Mc Castey Defendant Assumpsit

In this case, this day came the parties to the above entitled cause by their attornies, and thereupon the defendant moved the court that the plaintiff be ruled to give Bond and security for the costs of said suit the plaintiffs attorney being present, and notified. It is therefore considered ordered adjudged and decreed by the court that the said plaintiff enter into Bond and Security for the costs of said suit on or before the first day of the next Term of this court otherwise the said suit will be dismissed at the costs of the said plaintiff

32 Donald Smiths Administrators Plaintiff Debt
vs
Isaac Hammett Defendant

And now on this day came the parties to the above entitled cause, by their attornies, and thereupon the plaintiffs demurrer heretofore filed in this Cause being Taken up by the court for consideration and determination, and the Court after hearing the argument of Counsel for and against said demurrer, and the Court considering the same, and the questions of law Thereon arising, is of opinion that said demurrer be overruled,

It is Therefore considered ordered, adjudged, and decreed by the court that said demurrer be and the same is hereby overruled by the court

131 William H Miller Plaintiff In the
vs recovery of
Abner H Cook Defendant a Town Lot

In this case this day came the parties to the above entitled cause by their attornies and thereupon on motion and by consent of parties thereto. It is ordered by the

Spring Term Tuesday May 2nd 1854
Court That said Cause be Continued until the next Term of This Court. said Continuance being made at the instance of said Defendant.

184 Joseph R Danner Guardian &c &c Plaintiff vs Phillips Claiborne & Fals. Defendants For the recovery of Land &c &c
In this Case this day came the plaintiff in the above Cause, and by Attorney moved the Court to be permitted to file an Amended Petition therein, which said leave was granted by the Court.

1870 Webb Kidd Plaintiff vs W. C. Hamilton & Wife & Kidd Defendants For Consummation of Agreement
And now on this day came the parties to the above Cause, by their Attornies, and thereupon on motion of the said defendants Attornies, It is ordered by the Court, that the said defendants have leave to amend their pleadings in said Cause-

1867 Robert Mitchell Plaintiff vs M C & J Burdin Defendants For decree of title to Land &c
In the above cause this day come the defendants, by Attornies, and on their motion, It is ordered by the Court that said defendants have leave, and be permitted to amend their answer therein,

190 Jonas Dancer Plaintiff vs David Thomas & Fals Defendants Sequestration
And now on this day came the parties to the above entitled cause by their Attornies, and thereupon on motion of plaintiffs Attorney, It is ordered by the Court, That the said plaintiff have leave to amend his petition in said Cause and thereupon said Amendment was made, and the same filed accordingly

Spring Term Tuesday May 2nd 1854

190

Thos Dancer Plaintiff
vs
David Symas
Joseph Bradford
James le Chapman
Newton B Webb Defendants

Suit on Sequestration

Judgment

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the court for a Jury, whereupon came a Jury to wit, John J Brandin, Thomas H Beaty, James Mann, William Hicks, de Witt Loveluce, Joseph L Lane, Giles H Burdit, William O'Connell, Leander Brown, Decipero Bostick, Alexander Eanes, and Robert Clements, Twelve good and lawful men of the County of Travis who being duly elected empannelled, and sworn to try said cause and after hearing the argument of Counsel in said cause upon the evidence introduced in said cause by the parties thereto, as well 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 and assess the damages at One Hundred Dollars. Alexander Eanes. Foreman" It is therefore considered ordered adjudged, and decreed by the Court, that the said plaintiff Thos Dancer. do have and recover of and from the said defendants, David Thomas Joseph Bradford, James le Chapman and Newton B Webb the aforesaid sum of One Hundred Dollars. the amount so found and assessed by the jury as aforesaid, together with all of his costs in this behalf laid out and expended in and about said suit, and that Execution issue therefor &c. &c.

Spring Term Tuesday May 2nd 1854

196 Giles Y Burdic Plaintiff
vs
William Custard Defendant Damages

And now on This day come the defendant in the above cause by attorney and on his motion, It is ordered by the Court that The said defendant have leave to file an amended answer in said cause, and thereupon said amended answer was filed-

209 Enoch Jones Plaintiff
vs
James R Pace et.al. Defendant Mandamus

In This Case This day came The parties to The above entitled cause by their attornies, and thereupon on motion and by Consent of parties. It is ordered by The Court That the above Cause be continued until the next Term of This Court-

218 Sewell R Zuber Plaintiff
vs
Sebon G Sneed Defendant Certiorari

And now on This day came The parties to The above entitled Cause by their attornies, and moved The Court to dismiss said Cause upon The following Conditions to wit; "The Costs of the Cause in This Court expended to be adjudged against The said Defendant and the Costs of said Cause in the Justices Court to be adjudged against The said plaintiff"

It is Therefore Considered, Ordered adjudged, and decreed by the Court here, that the said plaintiff Sewell R Zuber do have and recover of and from The said Defendant Sebon G Sneed all of the costs in This Court expended, as per said agreement, and That Execution issue Therefor &c &c And it is further ordered adjudged and decreed by the Court, that the said defendant go hence without day, and have and recover of and from the said plaintiff all of the costs in the said Justices Court expended and that the Original papers in said Cause from said Justices Court, be remanded thereto, and that This Judgment be certified to said Justices Court for observance-

Spring Term Tuesday May 2nd 1854

201 William Bonner & wife Plaintiffs vs John Beeks Heirs Defendants For Sale of Land

In the above case. The parties appeared by attornies, and on motion it is ordered by the court that said cause be continued until the next Term of this Court.

223. Paulser Fleshes Plaintiff vs Mary A Fleshes Heirs Defendant For decree of title to Land

And now on this day came the parties to the above cause by attornies, and thereupon on motion, and it appearing to the Court here, that at the March Term of this court, A D 1853, George W Paschal and William Byrd, attorneys at law, were by this court appointed Guardians ad litem for the purpose of representing the interests of the Minor heirs of the said Mary A Fleshes. And on motion it is ordered adjudged and decreed by the Court that said appointment be and the same is hereby confirmed, And on further motion, and by consent of parties thereto, It is ordered by the Court that said cause be continued until the next Term of this court.—

253 James W Smith Plaintiff vs Elizabeth B Smith &c Defendants Sequestration &c

And now on this day come the parties to the above entitled cause by their attornies, and thereupon the plaintiff by attorney moved the Court to be permitted to file an amended Petition in said cause It is therefore ordered by the court that the said plaintiff be permitted to file an amended petition therein,

Spring Term Tuesday May 2nd 1854

225 John Bratton Plaintiff Certiorari from
vs Justices Court of
James D Easton Defendant Travis County, Texas

And now on This day came the parties to the above entitled cause, by their attornies, and announced Themselves ready to proceed to the Trial of said cause, and moved The Court for a Jury, and Thereupon came a Jury to wit: John Brandon, Thomas H Baty James Mayor, William Hicks, De Witt Lovelace-Joseph L Lane, Giles H Burdie, William O'Connell, Leander Brown, Baziafers Bostick Alexander Eanes, and Robert Clements, Twelve good and lawful men of the County of Travis who being duly elected, empanneled and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel Thereon, retired under the Charge of the Court, 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 assess the Damage at Thirty seven 37/100 Dollars." "A Eanes Foreman"

And it appearing to the Court here, that on the twenty fifth day of January a. D. 1853. the said Defendant James D Easton executed his Bond for Certiorari in this case, payable unto the said plaintiff, in the sum of One hundred Dollars. with W C Raymond and Edward R Peck as his sureties, said Bond conditioned as the Statute of the State of Texas directs, as the same now appears on file in this Court. It is Therefore Considered, ordered, adjudged, and decreed by the Court. that the said plaintiff John Bratton do have and recover of and from the said Defendant James D Easton, and the said Sureties on his said Certiorari Bond to wit: W C Raymond and Edward R Peck. the aforesaid sum of Thirty seven 37/100 Dollars, the amount so found and assessed by the jury as aforesaid together with all of the Costs in said Cause laid out and expended and that Execution issue Therefor &c &c &c

Spring Term Tuesday May 2nd 1854

266 Edward A Pearson Administrator &c vs Giles A Burditt &c — Plaintiff — Defendants — Dr. Land and Damages ——

In this Case this day came the Defendants and on motion of said Defendants Attornies, It is ordered by the Court that the be permitted to amend their pleadings in said Cause.

269 Augustus Dore vs B A Thompson &c — Plaintiff — Defendants — Injunction

In this Case now comes the said plaintiff by attorney and on his motion It is ordered by the Court that said Cause be continued until the next Term of this Court.

280 Alexander E Davis For the use of Mary A Moore & William P Miles Administrators of Thomas A Moore deceased vs Cavary Doroddy et al — Plaintiffs — Defendants — Debt on note, or obligation ——

In this Case this day came the Defendants by Attornies, and on their motion It is ordered by the Court that the said Defendants have leave to amend their pleadings in said cause.

282 William B Clark et Jues vs Sherman Case — Plaintiff — Defendant — Trespass

And now on this day come the said Defendant by attorney, on his motion it is ordered by the Court that he have leave to amend his answer in said cause.

285 Thomas H Beaty vs James Manor — Plaintiff — Defendant — Debt on account

In the above cause the defendant appeared by attorney, and on his motion It is ordered by the Court that said defendant have leave to amend his answer in said cause

Spring Term Tuesday May 9th 1854

287 Patrick H Monroe Plaintiff Debt on account
vs
Richard F Lloyd Defendant

And now on this day come the plaintiff in the above cause by attorney and on his motion it is ordered by the Court that said plaintiff be permitted to file an amended petition in said Cause—

339 Thomas N Innes Plaintiff Dr Partition
vs
Emily Rowe et. als Defendants Of Land

And now on this day come the plaintiff in the above cause by his attornies. and thereupon on motion of plaintiffs attornies, and it appearing to the Court. Ann Eliza Davis Thomas Jean Davis. Isabella Davis Isaac Davis and Dion Davis are a portion of the Defendants in the above Cause, and are Infants under Twenty one years of age. and upon Motion of plaintiffs attorney, It is ordered adjudged and decreed by the Court that John B Costa Esquire be and he is hereby appointed their guardian ad litem to defend their Interests in said suit,

The State of Texas
County Of Travis

And now on this day Came and appeared in open Court. John C Hampton, and Daniel J Adams. and on Motion of the Sheriff of said County of Travis the said Hampton and Adams. were by the Court. duly sworn. to act as Special Bailiffs for said Court. during the present Term thereof

And thereupon the said Bailiffs was ordered by the Court. to enter upon the discharge of their duties, which was accordingly done—

Ordered by the Court that Court adjourn until Wednesday morning 9. o'clock A M May the third Anno Domini, one Thousand Eight hundred and fifty four—

Spring Term Wednesday May 3rd 1854

Wednesday morning nine o'clock a.m. May The Third A.D. 1854 Court Convened pursuant to adjournment. Present the same as yesterday. Whereupon the following proceedings were had to wit:

122 J R E Goodlet Plaintiff
For the use &c.
vs
Bonnell D Basford Defendant
Certiorari

In the above cause. The Judge of this court having been of Counsel It is therefore ordered that said cause heard the same is hereby continued until the next Term of this Court.

253 James W Smith Plaintiff
vs
Elizabeth B Smith et.al Defendants
Bequestration

And now on this day came the parties to the above entitled cause by their attornies, and thereupon on motion of Defendants attorney And it appearing to the Court, That there was error committed in the issuing of the Interrogatories in the above cause. to David Hutchman, Benjamin Clopton. and Justus Clopton of Bastrop County Texas. And it further appearing to the Court that the answers of said Witnesses have been duely Taken, and returned to this Court. and for the error aforesaid. It is Ordered adjudged and decreed by the Court that the said answers of said witnesses be and the same are hereby Suppressed. And it is further ordered by the Court, that alias Copies of said Interrogatories, and the cross Interrogatories filed thereto, be issued in said cause and also that alias Commission be issued, directed to Bastrop County. to Take the answers of said witnesses.

Spring Term Wednesday May 3rd 1854

279 Phineas De Cordova Plaintiff
vs
Thomas William Ward Defendant
For the recovery of a Horse and Damages

And now on this day come the parties to the above entitled cause by their attornies, and thereupon the said attornies suggested to the court here that the matter in controversy in the above cause has been settled at the costs of the said defendant, he having fully satisfied the plaintiff's claim for the property sued for in said case. It is therefore considered ordered, adjudged and decreed by the court here, that the said defendant go hence without day, and that the said plaintiff Phineas De Cordova do have and recover of and from the said defendant Thomas William Ward, all of the costs in this cause by him laid out and expended, and that Execution issue therefor &c &c —

283. John A Green Administrator of the Estate of Lamar Moore deceased Plaintiff
vs
John S Conner Defendant
Debt on note
Judgment

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said attornies suggested to the court here, that said suit has been compromised, and that the demand of the said plaintiff against the said defendant, was fully satisfied, and that the costs of said suit be adjudged against said defendant.

It is therefore considered ordered adjudged and decreed by the court, that the said plaintiff go hence without day. And that the said plaintiff John A Green Administrator of the Estate of Lamar Moore, deceased do have and recover of and from the said defendant John S Conner all of his costs in this behalf by him laid out and expended and that Execution issue therefor &c &c &c

Spring Term Wednesday. May 3rd 1854

285 Thomas H. Beaty vs James Hoagy — Plaintiff, Defendant — Debt on account

In this case this day came the parties to the above cause, by attornies, and on their motion It is ordered by the Court that said cause be and the same is hereby set for trial, to wit, on Thursday morning next May the fourth A.D. 1854.

241. William Morris vs Charles J. Garner & Marcus Brumble Garnishee — Plaintiff, Defendant, Garnishee — Debt on note

And now on this day come the plaintiff in the above cause by attorney and moved the Court to dismiss the writ of Garnishment in this case - at the costs of said plaintiff, It is therefore considered, ordered, adjudged and decred by the Court that the said writ of Garnishment be and the same is hereby dismissed, and that the said Garnishee Marcus Brumble go hence without day and have and recover of and from the said plaintiff William Morris all of the costs in said Cause expended, and that Execution issue therefor &c. &c.

361 Perry Humphries vs Sherman Case — Plaintiff, Defendant — For the recovery of a Horse

In this case this day come the plaintiff in the above cause by attorney and on his motion, It is ordered by the Court that he be permitted to file an amended Petition in said cause -

386 William O'Connell Guardian &c vs Josiah Fisk admr — Plaintiff's, Defendant — For Land -

And now on this day come the parties to the above cause by attornies, and thereupon the said parties submitted the matters in controversy to the Court upon the petition & Exhibits in the case

Spring Term Wednesday May 3rd 1854

394 Joseph Looney Plaintiff
Robert A Allen vs Defendant Arbitration

And now on this day came the parties to the above entitled cause by their attornies, and thereupon on motion of said attornies, And it appearing to the Court here that the above suit was instituted by the said plaintiff against the said defendant, for the adjustment of certain matters in controversy between said parties, hereinafter mentioned.

And it further appearing to the Court here that the said parties in Order to settle said matters in Controversy, agreed to submit the same to arbitration in decordance with the Statute in such cases made and provided, and to submit the same to the Arbitration of Joseph H Sampton and Abner Alcock, said agreement, being in the words and figures following to wit:

The State of Texas
Travis County This agreement made and entered into between Joseph Looney as plaintiff, and Robert A Allen as defendant, both resident Citizens of the above County and State, Witnesseth

That whereas there is a certain dispute or controversy now pending between the above named parties, Concerning certain Lumber delivered by the said Looney to the said Allen, for Sale, and accounts & other matters in regard thereto, in which dispute the said Looney claims that there is a balance due him of about Two Hundred Dollars, and the said Allen claims there is due him the sum of Seventy five and 72/100 Dollars

Now the said said parties being desireous of settling said controversy upon amicable terms, do by these presents agree to submit said Dispute or Controversy and all the matters relating thereunto to Arbitrators in accordance to the Statute in such cases made and provided, and the said Looney as plaintiff, selects and appoints Joseph H Sampton on his part as one of the Arbitrators, and the said Allen as defendant,

Spring Term Wednesday May 3rd 1854
selects, and appoints Abner S Cook on his
part, as one of the arbitrators Testimony
whereof They have hereunto set their hands. This
the 2nd day of April A.D. 1854

Joseph Looney plaintiff
By J B Callen, attorney
R S Allen
Defendant

And it further appearing to the Court here
by said agreement, that the said Arbitrators
Joseph W Hampton and Abner S Cook,
were duly and legally appointed by said parties
to said cause. The said Arbitrators being good
and lawful men of the County of Davis, over
the age of Twenty one years, Competent to serve
as Jurors.- not related to either of said parties,
either by consanguinity or affinity, and disin
terested in said cause as such Arbitrators,
The said Joseph W Hampton being Chosen by
the said plaintiff Joseph Looney, and the said
Abner S Cook being Chosen by the said Defendant
Robert S Allen, And it further appearing to
the satisfaction of the Court here, that the said
Arbitrators were duly and legally sworn by the
Clerk of the District Court of Davis County, in
the Oath by the Statute acquired, And it further
appearing to the satisfaction of the Court here -
that the said Arbitrators have examined into
and heard all the Testimony concerning said
dispute or controversy, and have rendered, and
returned into Court, their award in the words
and figures following to wit:-

" The State of Texas
" Davis County } We the undersigned
" Arbitrators selected for the purpose of arbit-
" rating a certain matter in controversy between
" Joseph Looney, and Robert S Allen, have
" had the same under consideration, and after
" having been duly sworn as by law required, we
" proceeded to hear the statements and proofs
" of both parties, And after a full investigation
" of the matter, have come to the following, con-
" clusion to wit: That the said Robert N Allen
" pay to the said Joseph Looney the sum of
" Seventy five Dollars in full satisfaction of their

Spring Term Wednesday May 3rd 1854.

" matters in controversy, and in satisfaction of the "
" amount due him by the said Allen. "
" Austin April 29 1854" "J W Hampton "
" " H S Cook "

Whereupon it is considered, ordered, adjudged, and decreed by the Court here that the said award be in all things confirmed, and that the same be and is hereby made the Judgment of this Court. It is therefore considered, ordered, adjudged and decreed by the Court, that the said Plaintiff Joseph Looney do have and recover of and from the said defendant Robert S Allen the said Sum of Seventy five Dollars. The amount so awarded him by the said Arbitrators. together with all of his costs in this behalf laid out and expended, and that Execution issue therefor &c &c

---

"Declaration of intention to become a citizen"

State of Texas } Patrick O'Gorman being
County of Travis } duly sworn according 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 1820. in Ireland, whence
he emigrated in the year 1846. 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 renoun
ce for ever all allegiance and fidelity to every
Foreign Prince, Potentate, State or Sovereignty
whatsoever, and particularly, to the Queen of
England. of whom he was late a Subject

Subscribed and Sworn Patrick O'Gorman
to in Open Court
May 2nd 1854 J W M Cosby
Clerk
District Court of
Travis County
Texas

Spring Term Thursday May 3rd 1854

Ordered by the Court. That Court adjourn until Thursday morning, 9 O'clock A.M. May the fourth A.D. 1854.

Thursday morning 9 O'clock A.M May the fourth A.D. 1854 Court Convened pursuant to adjournment, whereupon the following proceedings were had to wit present the same as on yesterday. to wit The Honorable John Hancock Judge of said Court. John M Cosby Clerk. and George W Scott. Sheriff of said County of Travis,-

The State of Texas
County of Travis And now on the day came, and appeared in open Court the Grand Jury for said County of Travis duly elected, empannelled and sworn to serve as such Juros for the present Term of this Court. as follows to wit; Horatio Grooms. George S Legate. James Chamberlain, Hugh McClure, Thomas C Rowe, Francis Kelly, John Calvin, John H Conner. Louis Horst, Grace F Baker, Walker Wilson, Elijah Reed, Darling D Payne, James Wood, A B Burleson. Matthew Brown, Richard A Lloyd, Minus C Burdine Sylvester Lockwood, James L Cooper and William M Wilson. and said Grand Jury by their Foreman Horatio Grooms presented to the Court the following Bills of Indictments viz!

3 vs 6 The State of Texas vs William Stone — Plaintiff — Defendant — Exhibiting "Faro"

3 vs 7 The State of Texas vs James F Jackson — Plaintiff — Defendant — Exhibiting "Faro"

378 The State of Texas vs Thomas Glasscock — Plaintiff — Defendant — Betting at "Faro"

Spring Term Wednesday May 4th 1854

379 The State of Texas vs Newton Jackson — Plaintiff, Defendant — Exhibiting "Monte"

380 The State of Texas vs Edward R Peck — Plaintiff, Defendant — Betting at Faro

381 The State of Texas vs Edward R Peck — Plaintiff, Defendant — Betting at "Faro"

382 The State of Texas vs William Wyatt — Plaintiff, Defendant — Exhibiting "Roulette"

383 The State of Texas vs Jesse Burdin — Plaintiff, Defendant — Betting at "Faro"

384 The State of Texas vs W K commonly called "Pet Cook" — Plaintiff, Defendant — Betting at "Faro"

385 The State of Texas vs Charles E Brann — Plaintiff, Defendant — Betting at "Faro"

386 The State of Texas vs Samuel G Norvell — Plaintiff, Defendant — Betting at "Faro"

387 The State of Texas vs Samuel G Norvell — Plaintiff, Defendant — Betting at "Monte"

Spring Term Thursday May 4th 1854

388	The State of Texas vs James M. Stallworth	Plaintiff Defendant	Betting at "Faro"
389	The State of Texas vs Ambrose Franklin	Plaintiff Defendant	Grand Larceny
390	The State of Texas vs John S. Saunders	Plaintiff Defendant	"Assault with intent to Kill & Murder"
391	The State of Texas vs Armed Commonly called The "Known Shark"	Plaintiff Defendant	Betting at "Faro"
392	The State of Texas vs Armed Commonly called The "Known Shark"	Plaintiff Defendant	Betting at "Faro"
393	The State of Texas vs Benjamin D. Hill	Plaintiff Defendant	Betting at "Faro"
394	The State of Texas vs Benjamin D. Hill	Plaintiff Defendant	Betting at "Faro"
395	The State of Texas vs Shaddens Beck	Plaintiff Defendant	Exhibiting "Monte"
396.	The State of Texas vs Shaddeys Beck, alias Shad. Beck	Plaintiff Defendant	Betting at "Faro"

Spring Term Thursday May 4th 1854

397 The State of Texas Plaintiff Selling
vs
Shaddeys Beck
called Shad Beck Defendant "Dat" as

398 The State of Texas Plaintiff Exhibiting
vs A. B. C.
Thomas Moore Defendant

399 The State of Texas Plaintiff Exhibiting
vs A. B. C.
Thomas Moore Defendant

400. The State of Texas Plaintiff Exhibiting
vs "Monte"
Weaver Defendant

And Thereupon the said Grand Jury by their Foreman Amalia Groms suggested to the Court that there was further business before whereupon the Court ordered said Grand Jury to retire upon a further discharge of their duties, and said Grand Jury retired accordingly

Ordered by the Court that Court adjourn until Friday Morning Nine O'clock A M. May the Fifth A D 1854

Friday Morning 9 O'clock A M Court Convened Pursuant to adjournment May the Fifth A D 1854 Present the Honorable Johnson Hancock Judge of said Court John M Crosby Clerk of said Court and George H Scott Sheriff of Paris County in said State of Texas.

Thereupon the following proceedings were had in said Court Viz:

315 Nathaniel Simmons et als Plaintiffs Dr
vs Sans
Leander C Cunningham et als Defendants

And now on this day come the Defendants in the above cause by Attorneys, and filed their answers therein

Spring Term Thursday. May 4th 1854

The State of Texas Plaintiff

Vs

Theo: Anderson. Recognizance
Samuel G Sowell &
George W Glasscock Defendants

And now on this day came into Open Court Alexander Pleasants District Attorney for the second Judicial District and moves the Court. That the said Theo. Anderson be required to enter into recognizance with two securities. Conditioned that the said Theo. Anderson do make his personal appearance before the Honorable District Court for Travis County. Texas now in session at the Court House thereof in the City of Austin. On Monday next May the Eighth A.D. 1854 and that he there remain from day to day of the present Term of said Court. Then and there to testify in behalf of the State of Texas. in two certain Cases. Wherein The State of Texas is plaintiff. and Edward R Peck and Benjamin D Hill are defendants. Which said Motion was granted by the Court. Whereupon Came into Open Court Theo. Anderson as principal, and Samuel G Sowell and George W Glasscock. as securities. And thereupon the Court fixed the amount of said recognizance in the sum of One Hundred each of said Cases, and thereupon the said Theo Anderson as principal and Samuel G Sowell and George W Glyscock as his securities. who acknowledged themselves jointly and severally to owe and be indebted unto the State of Texas in the sum of Two Hundred Dollars. To be levied each of their respective goods and Chattels lands and tenements. But to be void on Condition that the above bounden Theo Anderson be and personally appear before the Honorable District Court for said County of Travis and State aforesaid, now in session at the Court House thereof in the City of Austin, on Monday next May the Eighth A.D. 1854 and there remain from day to day of the present term of said Court then and there to testify in behalf of the State of Texas, in a certain cause now pending before the Grand Jury said County of Travis Wherein the said State of Texas is plaintiff and

Spring Term Friday May 5th 1854

Edwin R Peck, charged by said Grand Jury with Betting at "Faro" is defendant, otherwise This recognizance to remain in full force and effect

And now again come The said Thos. Anderson as principal and Samuel G Boxell and George W Peacock, as his securities who acknowledged themselves jointly and severally to owe and be indebted unto the said State of Texas in the sum of Two hundred Dollars. to be levied each of their respective goods and chattles Lands and tenements, But to be void upon condition that the above bounden Thos Anderson be and personally appear before the Honorable District Court for said County of Travis and State aforesaid, now in session at the Court House thereof in the City of Austin, On Monday next May the Eighth A.D 1854. and there remain from day to day of the present Term of said Court, then and there to testify in behalf of The State of Texas, in a certain cause now pending before the Grand Jury of said County of Travis Wherein The State of Texas is plaintiff and Benjamin F Hill charged by said Grand Jury. with "Betting at Faro" is Defendant. and that he do not depart said Court without leave Otherwise this recognizance to remain in full force and effect-

Albert C Horton et al Plaintiff

vs

Joseph W Robertson et al Defendant

And now on this day came the plaintiffs in the above entitled cause by their attorneys of Record, Graham, Marshall and Bonner, and thereupon the said plaintiffs by said Attornies, moved the Court to change the Venue of said cause, and thereupon the said plaintiffs as aforesaid filed their motion in terms of the law for said Change of Venue, setting forth therein their causes therefor, and the Court Considering said Motion and the premises of law thereon arising, and the Court being well advised in the premises, Doth Order adjudge and decree, and it is hereby ordered adjudged and decreed by the Court. That the Venue of said Cause be adjourned to the County

Spring Term May 5th 1854 (Friday)
of Williamson in The State of Texas it being
the nearest County adjoining The County of
Travis, out of the Second Judicial District
as prescribed by law. and that said Cause
stand for hide at the next Term of the Hon
orable District Court for said County of Will-
iamson to be begun and holden at the Court
House thereof in The Town of Georgetown the
County site Thereof. And it is further Con-
sidered, ordered adjudged, and decreed by the
Court here, that the Clerk of this Court make
out and certify according to law, in such
Cases made and provided, all the Original
Entries in said Cause as is of record in this
Court, and Transmit The same. together with
all The Original Papers in said Cause to the
Honorable District Court of said County of
Williamson, on or before The first day of the
next Term Thereof, so that such proceedings
Thereon may be had as to Justice and Equity
may appertain,

Alexander Eanes Plaintiff
vs
Thomas Anderson Defendant } Assumpsit

Y.

And now on this day come
the plaintiff in the above entitled Cause by
his attorneys of Record Oldham, Marshall and
Terrell, and thereupon the said plaintiff by
by his said attornies moved the Court to Ch t
ange The Venue of said Cause. and thereupon
the said plaintiff by his said attornies, made
and filed his motion in terms of the law in such
Cases made and provided for said Change of Venue
setting forth his reason Therein for the Change ther
of. and the Court. Considering said motion, and
the questions of law thereon arising. doth Order
adjudge and decree, and it is Hereby Ordered
adjudged, and decreed by the Court, that the
Venue of said Cause be Changed. And upon
further motion of the said plaintiffs attornies
It is considered ordered, adjudged and decreed
by the Court, that the Venue of said Cause be
adjourned to the County of Williamson in said
State of Texas, it being the nearest County adjoin
ing the County of Travis, and out of the Second

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Judicial District, as prescribed by law, and that said cause stand for trial at the next Term of the Honorable District Court for said County of Williamson to be begun and holden at the Court House thereof in Georgetown. The County site of said County of Willimson in said State, And it is further considered, ordered, adjudged, and decreed by the Court here that the Clerk of this Court make and Certify according to law, in such Cases made and provided, all the Original Entries in said cause, as is of recor in this Court and Transmit the same together with all the Original papers in said cause, to the Honorable District Court, for said County of Williamson, on or before the first day of the next Term thereof so that such proceedings thereon may be had as to right and Justice may appertain

123

Samuel Craft Jr. Administrator de bonis non With the Will annexed of William Barton. deceased — Plaintiff — Suit for decide of title to Land and

John J. Grumbles — Defendant — damages

And now on this day came the plaintiff in the above entitled cause by his attornies, Oldham, Marshall and Terrell and thereupon the said plaintiff by his said attornies moved the Court to Change the Venue of said Cause, and Thereupon the said plaintiff by his said attornies filed his motion in terms of the Law, in such Cases made and provided, for said Change of Venue, setting forth therein, his reasons therefor, for the change thereof, And the Court considering said motion and the questions of law thereon arising, doth order adjudge and decree that the Venue of said cause be changed. And upon further motion of said plaintiff, by his said attornies, It is further considered, ordered, adjudged, and decreed, And it is hereby considered ordered, adjudged and decreed by the Court here, that the Venue of said Cause be and the same is hereby adjourned to the County of Williamson in the State of Texas, to the County site of said County of Williamson, to wit: Georgetown, it being the nearest County seat-

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h that of the County of Davis, where said Cause is now pending, and out of the second Judicial District of the State of Texas, as prescribed by law. And that said Cause stand for Trial at the next Term of the Honorable District Court of said County of Williamson, to be begun and holden at the Court House thereof in the Town of Georgetown, The County seat of said County of Williamson. And it is further Considered Ordered, adjudged and decreed by the Court here that the Clerk of this Court make out and Certify according to law in such Cases made and provided, all the Original Entries in said Cause as is of record in this Court, and transmit the same together with all the Original Papers in said Cause, to the said District Court of said County of Williamson on or before the first day of the next term thereof, so that such proceedings thereon may be had as to right and Justice may appertain.

313 E S Matthews Plaintiff
vs Damages
Charles K Reese Defendant

And now on this day came the plaintiff in the above entitled Cause by his attorney, James H Smith, and the said defendant Charles K Reese being three times Severally called to come and defend said suit Came not but wholly made default., Whereby the said plaintiff's action remains wholly unanswered or defended, and for as much as the Court here is not advised of the Damages sustained by the said plaintiff, by reason of the grievances in his said petition Complained of nor of what Judgment to render for the same

It is therefore Considered, Ordered, adjudged, and decreed by the Court here, that a Writ of Enquiry be and the same is hereby awarded, requiring a Jury to come and assess the damages of the said plaintiff, as in his said petition Complained of &c.

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327 John Harper Plaintiff
vs Divorce
Rhoda Harper Defendant

And now on this day came the plaintiff in the above cause by his attorney, and on his motion It is ordered by the Court That said cause be continued until the next Term of this Court. for the purpose of perfecting service

328 William H Parker Plaintiff
vs For Decree of Title to
H McSallee Defendant Certificate.

In this case, This day came the plaintiff in the above cause, and on his motion, and it appearing to the Court here that said suit was brought by publication, and service perfected at this term of the Court, It is therefore considered, ordered, adjudged, and decreed by the Court that said Cause be and the same is hereby continued until the next Term of this Court, as the law directs in such cases made and provided

147 Sidnick P Alford Plaintiff
vs Arbitration
William Shimpson Defendant

And now on this day came the parties to the above entitled cause by their attornies, and on motion and by consent of parties, It is ordered by the Court that the above Cause be continued until the next term of this Court

332 James Cunningham Plaintiff
vs Debt on Note
Sherman Case Defendant

And now on this day came the defendant in the above case and by his attorney, filed his answer Herein

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333 Henka Jansan Plaintiff Suit for
John vs Dack Defendant Damages
And now on This day came
The defendant in the above cause by his attorney
and filed his answer Therein-

335 A le Stephenson et.als Plaintiff Trespass
Dennis vs Trammell et.als Defendant to try
On This Case This day came Title
The defendants in said cause, and filed
their answers, and Thereupon on motion of
defendants attonies, It is ordered by the court
that said defendants have leave to amend
their answers

334. R N Peck & Co Plaintiff Suit on
McStamee & McNutt vs Defendant Attachment
On This Case This day come
the plaintiff by attorney, and on his motion
It is ordered by The Court That the above
cause be continued until the next term of this
Court for want of service,

342 Annette E Asbane Plaintiff
Broadway vs Scott & Ayres Defendants Injunction
And now on This day come
the defendants in the above cause, and by
their attornies filed their answers Therein

343 Richard Wells admr Plaintiff Order deed
John Webster vs Defendant of title to
And now on this day come Land &c
the plaintiff in the above cause by attorney
and on his motion, and it appearing to the
Court here that said suit was brought at this
term of the Court by Publecation, It is there-
fore ordered by the Court that the same be
continued until the next Term of the Court
as the law directs in such cases made and
provided-

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346 ✓ John Brunden — Plaintiff — Debt on account
vs
Michael Delehannes — Defendant

And now on this day came the defendant in the above cause by his attorney and filed his answer therein

347 ✓ John E Campbell — Plaintiff — Trespass to try Title
vs
Edmund Creuzbaur — Defendant

In this case this day came the parties to the above cause by their attorneys and moved the Court to dismiss the above cause at the costs of the said defendant the same having been compromised between the parties It is therefore considered ordered adjudged and decreed by the Court that said cause be dismissed at the costs of the said defendant Whereupon it is considered ordered adjudged and decreed by the Court that the said defendant Edmund Creuzbaur go hence without day and that the said plaintiff John E Campbell do have and recover of and from the said defendant Edmund Creuzbaur all of the costs in and about said suit laid out and expended and that Execution ifsue therefor &c &c.

350 ✓ Klein & Ritchie — Plaintiff — Debt on account
vs
L B Moore & Co — Defendant

In this case this day come the defendants by their attorneys and filed their answer therein

351 ✓ L N Barfield & Co — Plaintiff — Debt on account
vs
L B Moore & Co — Defendant

In this case this day come the defendants by their attorneys and filed their answer therein.

353 ✓ R. D. McAnnelly — Plaintiff — Debt on Note
vs
Sherman Case — Defendant

On this case this day came the defendant by his attorney and filed his answer therein

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352 Adolphus G Weis Plaintiff } Debt on note —
vs
George W Scott Defendant }

And now on this day come the plaintiff in the above entitled cause, by his attorney, and on his motion, and it appearing to the satisfaction of the Court here that the said defendant had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law, It is therefore Ordered, adjudged, and decreed by the Court, that the said plaintiff have and recover of and from the said defendant, in accordance with the prayer of his said petition.

Whereupon it is considered, ordered adjudged, and decreed by the Court that the said plaintiff Adolphus G Weis do have and recover of and from the said defendant George W Scott the sum of One hundred and forty-nine Dollars and forty three cents, for his principal debt, and interest up to the date of this Judgment, together with interest thereon at the rate of Eight per cent per annum, from the rendition of said Judgment until paid together with all of his costs in this behalf expended, and that Execution issue therefor

354 Nathaniel Townsend Plaintiff } Debt on note
vs
George W Scott Defendant }

And now on this day came the plaintiff in the above entitled cause by his attorney, and on his motion, and it appearing to the satisfaction of the Court here that the said defendant had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law, It is therefore ordered, adjudged, and decreed by the Court that the said plaintiff do have and recover of and from the said defendant in accordance with the prayer of his said petition.

Whereupon it is considered, ordered adjudged, and decreed by the Court, that the said plaintiff Nathaniel Townsend do have and recover of and from the said defendant

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George W Scott. the sum of Two Hundred and forty three Dollars and forty one cents. for his Principal debt and interest up to the rendition of this Judgment. together with interest Thereon at the rate of Ten per centum per annum from the date of said Judgment until paid. together with all of his Costs in this behalf by him in and about said suit expended. and that Execution issue Therefor &c &c

George S Deats &
John W Blue. Partners
doing business under the name
Style and firm of
Deats & Blue
vs
John Brandon

Plaintiffs

Debt on Note

Defendant

355

And now on this day came the plaintiffs in the above entitled cause by their attorney, and on his motion, and it appearing to the satisfaction of the Court here that the said Defendant had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law. It is therefore Ordered, adjudged and decreed by the Court here that the said plaintiffs do have and recover of and from the said defendant in accordance with the prayer of their said petition

Whereupon it is considered, ordered, adjudged, and decreed by the Court here that the said plaintiffs George S Deats & John W Blue. Partners, doing business under the name Style and firm of Deats & Blue, do have and recover of and from the said Defendant John Brandon. The sum of Six hundred and five Dollars and Thirty five cents for their principal debt and interest up to the rendition of this Judgment. with interest thereon at the rate of eight per centum per annum from the rendition of said Judgment until paid. together with all of their costs in this behalf laid out and expended, and that Execution issue Therefor &c &c

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35[illegible] / ✓ Sanford & Blanton vs Plaintiff / Defendant — Sequestration

And now on this day come the defendant in the above cause and filed his answer therein.

358 ✓ Thomas Wood Ward vs Jackson Thompson — Plaintiff / Defendant — Debt on Note

And now on this day came the plaintiff in the above entitled cause by his attorney, and on his motion, and it appearing to the Court here that the said Defendant Jackson Thompson had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law. It is therefore, ordered, adjudged and decreed by the Court that the said plaintiff do have and recover of and from the said defendant in accordance with the prayer of his said petition.

Whereupon it is considered, ordered, adjudged and decreed by the Court here- that the said plaintiff Thomas Wood Ward do have and recover of and from the said defendant Jackson Thompson the sum of One hundred and fifty ~~five~~ Dollars and forty five Cents for his principal debt and interest up to the date of this Judgment, with interest thereon at the rate of Eight per centum per annum from the date of said Judgment until satisfied together with all of his costs in this behalf expended and that Execution issue therefor &c &c

360 William & Brooks vs S & Blanton et al — Plaintiff / Defendants — Debt on Note

And now on this day came the defendants in the above cause by attorney, and filed their answer in therein —

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361. Perry Humphries Plaintiff For the recovery of a
Sherman vs Case Defendant Horse -

And now on this day came the defendant in the above cause by his attorney, and fied his answer therein,

361 Perry Humphries Plaintiff For the recovery of
Sherman vs Case Defendant a horse &c

And now on this day came the defendant in the above cause by his attorney, and on his motion. It is ordered by the Court that he be permitted to amend his answer in said cause -

339 Thomas J Jones Plaintiffs Decree of
Emily Rowe et al Defendants Partition

And now at this Term come the plaintiff by attorney and the said defendants. Emily Rowe by attorney, and the said Ann Eliza Davis Thomas Dean Davis, Isabella Davis, Isaac Davis and Dion Davis having been served with process, and it appearing to the Court here, that they are infants under twenty one years of age. It is ordered that John B Costa Esqr be appointed their Guardian ad litem to defend this suit. And the said Joseph Rowe and Wife, by attorney filed their answer, and the said infant heirs by their guardian ad litem, filed their answer. And it appearing to the Court from the examination of the title that partition of the land in said Bill and answer described ought to be made, and that said plaintiff is legally entitled to one half of said land, and the said Emily Rowe is legally entitled to one fourth of said Land. And the said Ann Eliza Davis, Thomas Dean Davis, Isabella Davis Isaac Davis and Dion Davis are as tenants in common entitled to one fourth of said land and that partition of said Land ought to be made, And it also appearing from the answer of said Emily Rowe that she sold to the plaintiff

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Forty the acres of her intdest in said Land. it is also appearing from said answer of Emily Rowe, and proven to the satisfaction of the Court, that the said Thomas H Jones, and the defendants respectively have occupied certain parcels of said Land and made valuable improvements thereon, It is therefore ordered, adjudged, and decreed that J C Bannehill, James P McKinney, Reuben Ransby, Alfred Smith, and Aaron Burleson, Or any three of them be appointed Commissioners, whose duty it shall be, after being duly sworn according to law, to view the premises, and partition said tract of land according to quantity, and quality, and to set off to said Thomas H Jones one half thereof, and to the said Emily Rowe, one fourth thereof, and to the said Children of said Robert Davis, one fourth thereof, That in making said partition, the improvements of the parties, respectively be assigned to each, and out of the part set off to said Emily Rowe the said Commissioners are directed to appropriation forty one acres of the same to the said Thomas H Jones so that per Contract with him may be specifically performed And said Commissioners shall have power to call in a Surveyor in order to make an accurate report. And for greater certainty the Clerk of this Court is directed to deliver to said Commissioners the papers in this Cause It is further ordered that said Commissioners be required if found practicable to return their report during the present term of this Court

362

Hunter & Benton Plaintiff
vs
Thomas Banks Defendant

And now on this day come the defendant in the above cause by his attorney, and thereupon filed his answer in said Cause.

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363 Morgan & Hamilton Plaintiff Debt on note
vs
Leonard B Friend Defendant

And now on this day came the plaintiff in the above cause, by his attorney and on his motion, it is ordered by the Court that said cause be continued until the next Term of this Court, and that alias Citation issue to said defendant, returnable to said Term of said Court

364 Sebon G Snead Plaintiff Debt on note
vs
John Mc Brietas Defendant

In this case, this day came the plaintiff, by attorney, and on his motion It is ordered by the Court that said cause be continued until the next Term of this court and that alias process issue returnable to the said next Term.

365 John B Banks Plaintiff Debt on note
vs
Nichas G Sott Defendant

In this case this day come the plaintiff by attorney, and on his motion It is ordered by the Court that said cause be continued until the next Term of this court and that alias process issue against the said Nichas, returnable to said Term

367 John C Hyde Plaintiff In recovery of Land &c
vs
Francis Kelly Defendant

And now on this day came the defendant in the above cause by attorney and filed his answer therein

369 N W Burdin Plaintiff Debt on Note
vs
Sherman Case Defendant

And now on this day come the defendant in the above cause, by his attorney and filed his answer therein

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366 David E Lewis Plaintiff Dr
vs Specific
J Henry Robertson Defendant Performance

And now on this day came the plaintiff in the above cause by attorney and moved the Court to dismiss said cause at the costs of the said plaintiff. And the Court considering the same doth order adjudge and decree that said cause be dismissed at the costs of the said plaintiff

Whereupon it is considered, ordered adjudged and decreed by the Court that the said plaintiff take nothing by his suit in this behalf. And that the said defendant J Henry Robertson, go hence without day and have and recover of and from the said plaintiff David E Lewis all of the costs in this behalf laid out and expended, and that Execution issue therefor &c &c

368 Newell W Burdit Plaintiff Debt
vs On
Samuel B Giles Defendant Note

And now on this day came the parties to the above entitled cause by their attornies, and suggests to the Court that said suit has been compromised, and that the same is to be dismissed at the costs of the said defendant.

It is therefore considered, ordered adjudged, and decreed by the Court. here that the said cause be and the same is hereby dismissed, and that the said plaintiff have and recover of and from the said defendant all of the costs in this behalf expended. and that Execution issue therefor &c &c And thereupon the said defendant came forward and paid all of the costs of said suit-

371 James N Gillespie Administrator &c Plaintiff Debt
vs On
Lemuel S Dillard Defendant Note

On this case this day came the plaintiff by attorney, and on his motion it is ordered that the above case be continued, and that alias process issue returnable to the next term of this Court

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342 James D Gillespie Administrator &c &c Plaintiff vs Debt on Note
No D Caperton et.al. Defendants

On This case, This day came the defendants in the above entitled cause by their attornies, and filed Their answers Therein,

343 Albert G Horton Plaintiff vs Debt on Note
Cassidy & Finnin Defendants

And now on this day came the defendants in the above entitled cause by their attornies, and filed their answer Therein,

344 William Simpson & Samuel B Giles doing business under The name and Style of Simpson & Giles Plaintiffs vs Debt on note
S K Jennings Jr. Defendant Judgment

And now on this day Came The plaintiffs in The above entitled cause by their attorney, and on his motion, and it appearing to the Court here, that the said defendant has failed to appear and file his answer in said cause within The time prescribed by law.

Whereupon it is considered, ordered, adjudged, and decreed by the Court that the said plaintiffs William Simpson and Samuel B Giles, doing business under the name and Style of Simpson & Giles, do have, and recover of and from said defendant S K Jennings Jr. the sum of Three Hundred and fifty four Dollars, and fifteen Cents, for their principal debt and interest up to the rendition of This Judgment, with interest thereon at The rate Eight per centum per annum from the rendition of said Judgment until satisfied, together with all of their Costs in This behalf laid out and expended and that Execution issue therefor &c &c

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375 H D Cooper & Co Plaintiffs Debt
vs
Thomas Banks Defendant

And now on this day come the plaintiffs in the above cause by their attorneys and on their motion it is ordered by the Court that this Cause be continued until the next Term of this Court, and that alias Citation issue against said defendant returnable to said Term.

376 Quillen & Nichols Plaintiff Debt
vs
Samuel K Jennings Jr Defendant

And now on this day came the plaintiff in the above entitled Cause by his attorney of Record, John A Green, and moved the Court that the Venue of said Cause be Changed, and thereupon the said plaintiff as aforesaid, filed his motion in terms of the law for said Change of Venue, setting forth therein his reason therefor, and the Court Considering said Motion and the questions of law thereon arising, doth order adjudge and decree, and it is hereby Ordered, adjudged & decreed by the Court, that the Venue of said Cause be Changed, and that the Venue of said Cause be adjourned to the County of Williamson in said State of Texas, it being the nearest adjoining County as prescribed by Statute and that said Cause stand for trial at the next Term of the Honorable District Court for said County of Williamson to be begun and holden at the Court house thereof in the Town of Georgetown, the County site of said County of Williamson, And it is further ordered adjudged and decreed by the Court, that the Clerk of this Court make out and certify according to law in such cases made and provided, all the Original entries in said Cause as is of Record in this Court, and transmit the same together with all the Original papers in said Case to the District Court of said County of Williamson on or before the first day of the next term thereof, so that such proceedings thereon may be had as to justice and equity may appertain of &c.

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377 The State of Texas Plaintiff Forfeiture of Recognizance
vs
Jewell H Burdett
Giles A Burdett and
Edward R Peck Defendants

And now on this day came the Plaintiff in the above cause by Alexander H Chaemers District attorney for the second Judicial District, and on his motion It is ordered by the Court that the above cause be continued until the next Term of this court, and that alias Scire facias issue to Jewell H Burdett, returnable to said next term of said court, service having been perfected as to the other defendants, Giles A Burdett and Edward R Peck

378 James M H Hall Plaintiff Debt on Note
vs
Thomas Cassidy Defendant

In this case this day came the defendant, and by his attorney filed his answer therein,

379 Hall & O'Brien Plaintiffs Debt on Note
vs
Thomas Cassidy Defendant

And now on this day come the defendant in the above cause, and by his attorney filed his answer therein,

380 Francis Dieterich Plaintiff Debt on Note
vs
Thomas Cassidy Defendant

And now on this day come the defendant by attorney and filed his answer in the above cause.

380 Francis Dieterich Plaintiff Debt on Note
vs
Thomas Cassidy Defendant

In this case, this day, came the defendant by attorney, and on his motion it is ordered by the Court, that the defendant have leave to amend his answer &c

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381 Francis Dietrich Plaintiff Debt on note
vs
James M.W. Hall &
Owen O. Brien
Trading in the City of
Austin under the firm
And Style of Hall & O'Brien Defendants

And now on this day came the plaintiff in the above entitled cause by his attorneys of Record Brewster and West. And on their motion, and it appearing to the satisfaction of the Court here, that the said defendants has failed to appear and file their answer to the said plaintiffs petition within the time prescribed by law. It is therefore considered, adjudged, and decreed by the Court here that the said plaintiff do have and recover of and from the said defendants according to the prayer of his said petition.

Whereupon it is considered, adjudged, and decreed by the Court here, that the said plaintiff Francis Dietrich do have and recover of and from the said defendants, James M.W. Hall and Owen O. Brien, trading in the City of Austin under the firm and Style of Hall & O'Brien the sum of One Thousand four hundred and Eighty seven Dollars, and forty six cents for their principal Debt and interest up to the rendition of this Judgment. Together with interest thereon at the rate of Ten per centum per annum from the rendition of said Judgment until satisfied. Together with all of their costs in this behalf laid out and expended and that Execution issue therefor &c &c

383 Elliston Burch & wife Plaintiffs
vs
William R Baker Defendant assumpsit

In the above cause the presiding Judge, being related to the Defendant, and therefore incompetent to try said cause It is ordered that the same be continued until the next Term of this Court.

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382 James M Raymond & John M Bisher Plaintiffs Debt on Contract
vs
Samuel K Jennings Jr Defendant

And now on this day came the plaintiffs in the above entitled cause by their attonies, and the said Defendant Samuel K Jennings Jr. being three times solemnly called to come and defend this suit, came not but wholly made default. whereby the said plaintiffs action remains wholly unanswered or defended, and for as much as the Court here is not advised of the damages sustained by the said plaintiffs. by reason of the grievandes in their petition complained of. nor of what Judgment to render for the same. It is therefore considered, ordered, adjudged, and decreed by the Court here, that a writ of Enquiry be, and the same is hereby awarded, requiring a Jury to come and assess the damages of the said plaintiffs as in their said petition complained of &c &c

384 A H Burdill & Co Plaintiffs Debt on Note
vs
Wade H. Morris Defendant

And now on this day come the plaintiffs in the above cause by their attorney and on his motion it is ordered by the Court that the above cause be continued until the next Term of this Court, and that alias citation issue in said cause against said defendant, returnable to said Term.

385 Elizabeth B Smith Plaintiff Suit for Land
vs
James M Matthews Defendant

And now on this day come the defendant in the above cause by attorney, and filed his answer to the said plaintiffs petition filed in said cause

388 Sampson & Hennick Plaintiffs Debt on Note
vs
Thomas Cassidy Defendant

In this case, this day, the defendant filed his answer in said cause.

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388

Allen Burdett Plaintiff Debt
vs on
Isaac Pierson Defendant Note

And now on this day came the plaintiff in the above entitled Cause by his attorney and upon his motion and it appearing to the satisfaction of the Court here, that the said defendant has failed to appear and file his answer to the said plaintiffs petition within the time prescribed by Law. It is therefore considered ordered, adjudged and decreed by the Court here, that the said plaintiff have and recover of and from the said defendant in accordance with the prayer of his said petition. Whereupon it is considered, ordered adjudged, and decreed by the Court that the said plaintiff Allen Burdett do have and recover of and from the said defendant Isaac Pierson the sum of "One hundred and fourteen Dollars and Twenty one Cents" for his principal debt and interest up to the date of this Judgment together with interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until satisfied, together with all of his Costs in this behalf laid out and expended, and that Execution issue therefor.

389

Joseph A Davis Plaintiff Debt
vs on
John B Alexander Defendant Note

In this Case this day came the plaintiff by attorney, and on his motion it is ordered by the Court that the above cause be continued until the next Term of this Court, and that alias Citation and Copy of Petition issue to said Defendant, returnable to said term of said Court

393

William N Bowles Plaintiff Debt
use &c on
vs Note
Henry P Bierstein Defendant

In this Case, this day come the Defendant and filed his answer to the plaintiffs petition

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390. Albert C Horton Plaintiff Debt on
John R McCall Defendant Note

And now on this day come the plaintiff in the above entitled cause by his attorney of Record Thomas A Duval, and on his motion, and it appearing to the satisfaction of the Court here that the said defendant John R McCall had failed to appear and file his answer to the plaintiffs petition in said cause within the time prescribed by law, but wholly made default. It is therefore considered ordered, adjudged, and decreed by the Court here that the said plaintiff Albert C Horton do have and recover of and from the said defendant John R McCall in accordance with the prayer of his said Petition. Whereupon it is considered, ordered, adjudged and decreed by the Court here, that the said plaintiff Albert C Horton do have and recover of and from the said defendant John R McCall the sum of "One Thousand Sixhundred and fifty dollars, and Seventynine Cents" for his principal debt and interest up to the date of this Judgment, with interest thereon at the rate of Ten per centum per annum from the date of this Judgment until satisfied, together with all of his costs in this behalf by him laid out and expended, and that Execution issue Therefor &c &c

391. Dennis Walsh Plaintiff Debt on
vs. account
John Brandon Defendant

And now on this day come the plaintiff in the above entitled cause by attorney as well the said Defendant John Brandon in his own proper person, and the said defendant consents and agrees that Judgment be rendered against him in said cause for the amount of One hundred and fifty nine Dollars and Eleven Cents, and the said plaintiff by attorney, consenting thereto

It is therefore considered, ordered adjudged, and decreed by the Court that the said plaintiff Dennis Walsh do have and recover

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of and from the said defendant John Brandon the said sum of "One hundred and fifty nine Dollars and eleven cents" for his debt & account. so agreed to as aforesaid, with interest thereon at the rate of eight percentum per annum from the rendition of this Judgment until satisfied; together with all of his costs in this behalf by him laid out and expended and that Execution issue therefor &c &c

William H Fowler
Who sues for the use of
Peter G Willis
vs.
Charles A Harrison

Plaintiff
Defendant

Debt
On
Note

And now on This day came the plaintiff in the above entitled cause by attorney, and on his motion, and it appearing to the Satisfaction of the Court here, that the said defendant Charles A Harrison has failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law. It is therefore considered and adjudged, and decreed by the Court here that the said plaintiff hude and recover of and from the said Defendant in accordance with the prayer of his said Petition

Whereupon it considered, ordered adjudged and decreed by the Court here that the said plaintiff William H Fowler who sues for the use of Peter G Willis, do have and recover of and from the said Defendant Charles A Harrison the sum of One hundred and fifty six dollars and fifty cents for his principal debt and interest up to the date of this Judgment, with interest thereon at the rate of Eight percentum per annum from the rendition of this Judgment until paid. together with all of his costs in this behalf laid out, and expended, and that Execution issue therefor &c, &c

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Stewd W Burdit
Jesse Burdit &
Giles A Burdit
Partners under the
firm name of
S W Burdit & Co
vs
Dilding S Roy

Plaintiffs

Debt on note

Judgment

Defendant

370

Said now on This day Came the plaintiffs in the above entitled Cause by Their attorney of record John B Costa. and on his motion and it appearing to the satisfaction of the Court here that the said defendant had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law. It is Therefore considered, ordered adjudged, and decreed by the Court here that the said plaintiffs do have and recover of and from the said defendant in accordance with the prayer of their said petition.

Whereupon it is considered, ordered, adjudged, and decreed by the Court here that the said plaintiffs Stewd W Burdit Jesse Burdit and Giles A Burdit, partners under the firm name of S W Burdit & Co do have and recover of and from the said defendant Dilding S Roy the sum of "Two Hundred and Eight Dollars for their principal debt and interest upto the date of this Judgment, with interest thereon at the rate of eight percentum per annum from the rendition of this Judgment until satisfied. together with all of his costs in this behalf laid out and expended and that Execution issue Therefor &c &c.

349

William R Perry
John S Ford

Plaintiff
Defendant

Debt on Note

Said now on this day come the plaintiff in the above cause by attorney and on his motion, and it appearing to the satisfaction of the Court here that the said defendant John S Ford has failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law. It is therefore

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Considered, ordered, adjudged, and decreed by the Court here, That the said plaintiff do have and recover of and from the said defendant in accordance with the prayer of his said petition

Whereupon it is considered, ordered adjudged, and decreed by the Court here that the said plaintiff William R Perry do have and recover of and from the said Defendant John S Ford the sum of "Two Hundred and fifty eight Dollars and ninety nine cents" for his principal debt and interest up to the rendition of this Judgment with interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until satisfied together with all of his costs in this behalf expended, and that Execution issue therefor &c. &c.

345

Abram Groesbeck
Frederick A Rice &
William M Rice, partners
Trading under the name
And firm of
Groesbeck Rice & Co
Plaintiffs

vs

Frederick H Moore
Defendant

And now on this day came the parties to the above entitled cause by their attorneys and moves the Court that said cause be dismissed at the costs of the said Defendant, the same having been compromised.

It is therefore considered, ordered adjudged, and decreed by the Court that the said cause be dismissed at the costs of the said Defendant, and that the said defendant Frederick H Moore go hence without day, and that the said plaintiffs "Abram Groesbeck Frederick A Rice and William M Rice partners trading under the name and firm of Groesbeck Rice & Co" do have and recover of and from the said defendant Frederick H Moore all of their costs in this behalf in and about said suit by them expended and that Execution issue therefor &c. &c.

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348 Morgan & Hamilton Plaintiff Debt on note
vs
Owen Shaw
Ashford B McGill
James M Hall
Thomas Beartnell &
Edwin Nash Defendants Judgment

And now on this day came the plaintiff in the above entitled cause by his attorney, and on his motion and it appearing to the satisfaction of the Court here that the said defendants has failed to appear and file their answers to the said plaintiffs petition within the time prescribed by law. It is therefore considered ordered, adjudged, and decreed by the Court here that the said plaintiff do have and recover of and from the said defendants in accordance with the prayer of his said petition

Whereupon it is considered, ordered, adjudged, and decreed, by the Court here that the said plaintiff Morgan & Hamilton do have and recover of and from the said defendants Owen Shaw, Ashford B McGill James M Hall Thomas Beartnell and Edwin Nash the sum of "One hundred and fifty three dollars and eighty one cents" for his principal debt and interest up to the date of this Judgment with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until satisfied, together with all of his costs in this behalf laid out and expended and that Execution issue therefor &c &c

298 Francis Green Plaintiff Debt on note
vs
John S Ford Defendant

And now on this day come the defendant in the above cause by his attorney and filed his answer to the said plaintiffs petition

326 Thomas Collins Plaintiff Injunction
vs
George W Scott Sheriff & Defendant

And now this day come the defendant in the above cause and files his answers in the above cause, according to law &c

Spring Term Friday May 5th 1854

84 Jason Burleson Administrator &c et al Plaintiffs Dr decree Of file to Dand &c

vs

John Burleson Defendant

And now on this day came the plaintiffs in the above entitled cause by attornies Oldham Marshall and Terrell and moved the Court to Change the Venue of said Cause, and thereupon the said plaintiffs by their said Attornies filed their motion in terms of the law in such Cases made and provided for said Change of Venue, setting forth in said Motion their reason therefor, and the Court considering said motion, and being well advised in the premises sustains the same. And the Court therefore doth order adjudge and decree, and it is hereby ordered, adjudged, and decreed that the Venue of said Cause be and the same is hereby Changed And it is further ordered, adjudged and decreed that the Venue of said Cause be adjourned to the County of Williamson in the State of Texas it being the nearest adjoining County, out of the second Judicial District of the State of Texas as prescribed by Statute, And that said Cause stand for trial at the next Term of the Honorable District Court for said County of Williamson to be begun and holden at the Court house thereof in Georgetown the County seat thereof. And it is further ordered, adjudged, and decreed by the Court here, that the Clerk of this Court make out and certify according to law, in such cases made and provided, all the Original Entries in said Cause as is of record in this Court, with a Complete Bill of the Costs accrued in said suit and transmit the same together with all the Original papers in said Cause to the District Court of said County of Williamson on or before the first day of the next Term thereof, So that such proceedings thereon may be had as to right and Justice may appertain &c &c

316 John S Grumbles et ux Plaintiffs

vs Injunction

Gideon G Pace Jas Defendants

In this Case this day come the defendants, and by attornies filed their answer therein

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31

James T Shaw — Plaintiff — For Decree of title to Land
vs
James H Caldwells heirs — Defendants

And now on this day come the plaintiff in the above entitled cause by attorney and ask his motion, and it appearing to the court here that this suit was brought by publication at this term of the court. It is therefore ordered that said suit be continued until the next Term of this Court. as the law directs in such cases made and provided.

332

James Cunningham — Plaintiff — Debt on Note
vs
Sherman Case — Defendant

And now on this day came the parties to the above entitled cause by their attornies, and waiving a Jury submitted the matters in controversy to the Court, upon the petition, Exhibits and proofs in the case. And the Court upon inspection of the said petition exhibits, and proofs in the case, finds in favor of the said plaintiff the sum of "One hundred and five Dollars and Thirty Three cents. for his principal debt and interest on the note sued on in said cause. It is Therefore considered, ordered, adjudged, and decreed by the Court here that the said plaintiff James Cunningham do have and recover of and from the said defendant Sherman Case the said Sum of "One hundred and five Dollars and thirty three cents for his principal debt and interest upto the date of this Judgment, with interest thereon at the rate of eight per centum per annum from the date hereof, until paid. together with all of his costs in this behalf laid out and expended and that Execution issue therefor &c &c

318

The State of Iowa — Plaintiff — Judgment on Forfeiture of Recognizance
vs
Ranley Autry
Thomas Glycerk &
James R Jackson — Defendants

And now on this day came the plaintiff in the above entitled cause, by the District Attorney Alexander H Chaemers, and on his motion

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and it appearing to the satisfaction of the Court here, that the said defendants had failed to appear and show cause why Judgment Ni si heretofore rendered against them in this cause should not be made final against them, and it further appearing to the Court here that the said defendants have been duly and legally served by writ of Scire facias in said cause It is therefore ordered adjudged, and decreed by the Court that the said Judgment Ni si heretofore rendered against the said defendants be and the same is hereby made final, and it further ordered adjudged and decreed by the Court. that said State of Texas do have and recover of and from the said defendants Ranley Autry Thomas Peacock and James R Jackson the sum of "One hundred Dollars" the Amount of the said Judgment Ni si with interest thereon at the rate of Eight percent per annum from the rendition of this Judgment until satisfied, together with all of her costs in this behalf laid out and expended and that Execution issue therefor &c. &c.

319

The State of Texas vs John N Conner Edward R Peck & James W Smith — Plaintiff vs Defendants — Judgment on forfeiture of Recognizance

And now on this day come the Plaintiff in the above entitled cause by the District attorney Alexander M Chaumeson and on his motion, and it appearing to the satisfaction of the Court here that the said defendants have been duly and legally served by writ of Scire facias in said cause, and it further appearing to the satisfaction of the Court here that the said defendants have failed to appear and show cause why Judgment Ni si heretofore rendered against them in this cause should not be made final against them, It is therefore ordered, adjudged, and decreed by the Court here that the said Judgment Ni si heretofore rendered against the said Defendants, be and the same is hereby made final, And it is further ordered adjudged and decreed by the Court that the

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said State of Texas, do have and recover of and from the said defendants, John Kleiner, Edward R Peck, and James H Smith, the sum of "One hundred Dollars" the amount of the said Judgment ni si with interest thereon at the rate of eight per centum per annum from this date of this Judgment until satisfied, together with all of her costs in this behalf expended and that Execution issue therefor

821

The State of Texas Plaintiff
vs
James R Jackson
J M H Hall and
A J Lott Defendants

Judgment on Forfeiture of Recognizance

In this Case this day come the plaintiff by the District Attorney Alexander A Chambers, and on his motion, and it appearing to the satisfaction of the Court here, that the said defendants have been duely and legally served by Writ of Scire facias, And it further appearing to the satisfaction of the Court here that the said defendants have failed to appear and file their answers to show Cause why Judgment ni si heretofore rendered against them in said Cause within the time prescribed by law should not be made final against them, It is Therefore Considered, Ordered adjudged and decreed by the Court here that the said Judgment ni si heretofore rendered in this Cause, against the said defendants be and the same is hereby made final, And it is further Considered Ordered, adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said Defendants James R Jackson J M H Hall and A J Lott, the sum of "One hundred Dollars" the amount of said Judgment ni si with interest thereon at the rate of Eight per centum per annum from the date of this Judgment until paid together with all of the costs in this behalf expended, and that Execution issue therefor

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321 The State of Texas Plaintiff Judgment
vs on For-
D G Pitts feiture of
Wash Stammett & Recogniz-
G A Burdill Defendants ance &c

And now on this day Come the plaintiff in the above entitled cause by the District attorney Alexander D Schaemels and on his motion, and it appearing to the satisfaction of the Court here that the said defendants have been duly and legally served by writ of Scire facias in said cause. And it further appearing to the satisfaction of the Court here that the said defendants have failed to appear within the time prescribed by law, and show cause why the Judgment Ni si heretofore entered against them should not be made final, in said cause. It is therefore considered, ordered, adjudged, and decreed by the Court here that said Judgment ni si. heretofore entered against the said defendants, be and the same is hereby made final against them,

Whereupon it is considered, ordered, adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said defendants D G Pitts Wash Stammett and G A Burdill the sum of "One hundred Dollars" the amount of said Judgment ni si with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until satisfied as well all of her costs in this behalf expended and that Execution issue therefor &c &c &c

322 The State of Texas Plaintiff Judgment
vs on For-
Henry Vines feiture of
Sheridan Case & Recogniz-
Washington Stammett Defendants ance &c &c

And now on this day come The District attorney who prosecutes for the plaintiff in the above cause, and on his motion and it appearing to the satisfaction of the Court here that the said defendants have been duly and legally served by writ of Scire facias in said cause, and it further appearing to the Court here

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That the said defendants have failed to appear and show cause why the Judgment nisi heretofore rendered against them at a former term of this court should not be made final against them, within the time prescribed by law. It is therefore considered ordered, adjudged, and decreed by the Court here that the said Judgment nisi heretofore rendered against the said defendants be and the same is hereby made final. Whereupon it is considered, ordered, adjudged, and decreed by the court here that the said State of Texas do have and recover of and from the said defendants Henry Sims Sherman Case and Washington Hammett, the sum of "One hundred Dollars" The amount of said Judgment nisi with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until satisfied together with all of the costs in this behalf expended and that Execution issue therefor &c. &c.

323

The State of Texas vs William B Allen & Henry W Sublett — Plaintiff — Defendants — Judgment an forfeiture of Recognizance

And now on this day Came the plaintiff in the above entitled cause by the District Attorney Alexander S Schaemels, and on his motion, and it appearing to the satisfaction of the Court here, that the said defendants have been duly and legally served by writs of Scirefacias in said Cause, and it further appearing to the satisfaction of the Court here that the said defendants have failed to appear and show cause why the Judgment nisi heretofore rendered against them at a former term of this Court, should not be made final against them, within the time prescribed by law. But wholly made default thereto. It is therefore considered ordered adjudged, and decreed by the Court here, that the Judgment nisi heretofore rendered against the said defendants be made final as aforesaid Whereupon it is considered, ordered adjudged and decreed by the court here that the said State of Texas do have and recover of and from the said defendants William B Allen and Henry W Sublett, the sum of "One hundred Dollars" the amount of said Judgment

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ni si. with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment. Together with all of the costs in this behalf expended. and that Execution issue therefor &c. &c.

324 The State of Texas Plaintiff — Judgment final on Judgment ni si —
vs
William R Allen &
Henry H Sublett Defendants

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander S Chasmes, and on his motion, and it appearing to the satisfaction of the Court here, that the said defendants have been duly and legally served by writ of Scire facias, in said Cause. and it further appearing to the satisfaction of the Court here that the said defendants have failed to appear and show Cause why the Judgment ni si heretofore rendered against them at a former term of this this Court should not be made final against them, within the time prescribed by law, but wholly made default. It is therefore considered, ordered, adjudged, and decreed by the court here that the said Judgment ni si heretofore rendered against the said defendants as aforesaid be made final. Whereupon it is considered, ordered adjudged, and decreed by the Court here that the said State of Texas do have and recover of and from the said defendants William R Allen and Henry H Sublett the sum of "One hundred Dollars" The amount of said Judgment ni si- together with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until satisfied together with all of the costs in this behalf expended, and that Execution issue therefor &c. &c.

325 The State of Texas Plaintiff — Judgment final on Judgment ni si —
vs
Bayley Autry
Thomas Glueck &
James R Jackson Defendants

And now on this day came the plaintiff in the above entitled Cause by the

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District attorney Alexander S. Chalmers. and on his motion, and it appearing to the satisfaction of the Court here, that the said defendants have been duly and legally served by writ of Scire facias, in said cause, And it further appearing to the satisfaction of the Court here that the said defendants have failed to appear and show cause why the Judgment nisi heretofore rendered against them at a former term of this Court should not be made final against them, within the time prescribed by law but wholly made default, It is therefore considered, ordered adjudged, and decreed by the Court here that the said Judgment nisi heretofore rendered against the said defendants as aforesaid be made final. Whereupon it is considered ordered, adjudged, and decreed by the Court here that the said State of Texas, do have and recover of and from the said defendants, Rawley Autry, Thomas Glascock, & James R Jackson the sum of "One hundred Dollars" the amount of said Judgment nisi, together with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until satisfied, together with all of the costs in this behalf expended, and that Execution issue therefor &c. &c."

829

The State of Texas vs Robert W. Clements Wm C Clements — Plaintiff — Defendants — Judgment final on Judgment nisi &c —

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander S. Chalmers. and on his motion, and it appearing to the satisfaction of the Court here that the said defendants have been duly and legally served by writ of Scire facias in said cause, And it further appearing to the satisfaction of the Court here that the said defendants have failed to appear and show cause why the Judgment nisi heretofore rendered against them at a former term of this Court should not be made final against them, within the time prescribed by law but wholly made default thereto —

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It is therefore considered, ordered, adjudged and decreed by the Court here that the said Judgment nisi heretofore rendered against the said defendants at a former term of this Court as aforesaid be and the same is hereby made final, Whereupon it is considered ordered adjudged and decreed by the Court here, that the said State of Texas do have and recover of and from the said defendants Robert H Clements, A Fore and Wm C Clements, the sum of "One hundred Dollars", the amount of said Judgment nisi together with interest thereon at the rate of Eight per centum per annum from the rendition of this Judgment until paid. as well, all of the costs in this behalf expended, and that Execution issue Therefor &c. &c.

330

The State of Texas } Plaintiff } Judgment on Judgment nisi
vs
John S Conner }
W G Wood and }
James M H Hall } Defendants

And now on this day came the plaintiff in the above entitled cause by the District Attorney, Alexander St Chaumbs and on his motion, and it appearing to the satisfaction of the Court here, that the said defendants have been duly and legally served by Writ of Scire facias in said Cause And it further appearing to the satisfaction of the Court here, that the said defendants have failed to appear and show cause why the Judgment-nisi heretofore rendered against the said defendants at a former term of this Court should not be made final against them, within the time prescribed by law. but wholly made default. It is therefore considered, ordered, adjudged, and decreed by the Court here that the said Judgment nisi heretofore rendered against the said, defendants as aforesaid, be and the same is hereby made final, Whereupon it is considered, ordered, adjudged, and decreed by the Court here, that the said State of Texas do have and recover of and from the said defendants the sum of One hundred Dollars, the

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amount of said Judgment ni se with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid together with all of the costs in this behalf expended, and that Execution issue therefor.

The State of Texas
County of Travis } On motion of Seban G Sneed member of this Bar. The following resolutions were read and ordered to be placed upon the records of this Court, to wit:

Resolved. That the members of the Bar in this District received the intelligence of the decease of Ex Governor William P Duval, resident of this City, and member of the Bar of Texas with the deepest sorrow, and mourn his loss with appropriate and becoming grief.

Resolved. That in his death the Bar have lost the companionship of an able Lawyer, the association of Sterling and integrity and the living example of a well spent, and honorable life, and the whole country have lost a valuable public Servant, whose best days were given to the service of his Country

Resolved. That we present to his bereaved relatives our sympathies, and condolence, and feel that their loss is part and portion ours- and in respect to his many virtues, This Court stand adjourned until Tomorrow morning, and the members of this Bar will wear the usual badge of mourning for the period of thirty days

Ordered by the Court that Court adjourn until Saturday Morning 9 o'clock A M May the Sixth Anno Domini. One Thousand eight hundred and fifty four

Saturday Morning 9 o'clock A M. Court convened pursuant to adjournment May the Sixth A.D. 1854 present the Honorable John Haneck Judge of said Court John Measley Clerk of said Court. and George W Scott Sheriff of Travis County, Whereupon the following proceedings were had in said Court to wit-

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The State of Texas } And now on this day
County of Travis } Came and appeared in
open Court The Grand Jury for said County
of Travis duly elected empanneled and sworn for
the present Term of this Court and by their Fore-
man Horatio Storms presented to the Court
the following Bills of Indictments, to wit:

401 ✓ The State of Texas vs John F. Grumbles — Plaintiff — Defendant — assault with intent to Kill

402 ✓ The State of Texas vs Alexander Eanes — Plaintiff — Defendant — Betting at Monte

403 ✓ The State of Texas vs Alexander Eanes — Plaintiff — Defendant — Betting at Faro

404 ✓ The State of Texas vs Sherman Case — Plaintiff — Defendant — Taking up and using Stray horse

405 ✓ The State of Texas vs Lafayette Guinn — Plaintiff — Defendant — Dealing Monte

406 ✓ The State of Texas vs Lafayette Guinn — Plaintiff — Defendant — Dealing Monte

407 ✓ The State of Texas vs Hugh Burleson Jr & Hugh Meiller — Plaintiff — Defendants — Affray

Spring Term Saturday May 6th 1854.

408	The State of Texas vs Pleasant Barnhill	Plaintiff Defendant	Playing Cards for money in a Grocery	
409	The State of Texas vs Pleasant Barnhill	Plaintiff Defendant	Gaming	
410	The State of Texas vs William Clopton	Plaintiff Defendant	Gaming	
411	The State of Texas vs William Clopton	Plaintiff Defendant	Gaming	
412	The State of Texas vs William Clopton	Plaintiff Defendant	Gaming	
413	The State of Texas vs Elijah Pucket	Plaintiff Defendant	Marking neat cattle	
414	The State of Texas vs Thomas Pucket	Plaintiff Defendant	Marking and branding near cattle	
415	The State of Texas vs Thomas Pucket	Plaintiff Defendant	Marking & branding cattle with consent of owner	
416	The State of Texas vs Thomas Pucket	Plaintiff Defendant	Marking and branding near cattle	

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417 ✓ The State of Texas vs David C. Guinn & Guinn — Plaintiff / Defendants — Permitting Porter to be played in his house &c

418 ✓ The State of Texas vs David C. Guinn & Guinn — Plaintiff / Defendants — Permitting betting on a game of Cards in their house &c

419 ✓ The State of Texas vs David C. Guinn & Guinn — Plaintiff / Defendants — Allowing Gaming &c &c &c

420 ✓ The State of Texas vs Marcus B Raper — Plaintiff / Defendant — Dealing "Faro" &c &c

421 ✓ The State of Texas vs Charles Bryant — Plaintiff / Defendant — Betting on "Monte"

422 ✓ The State of Texas vs Charles Bryant — Plaintiff / Defendant — Betting on "Monte"

423 ✓ The State of Texas vs William Morris — Plaintiff / Defendant — Betting at "Faro"

424 ✓ The State of Texas vs William Morris — Plaintiff / Defendant — Betting at "Faro"

425 ✓ The State of Texas vs William Stone — Plaintiff / Defendant — Exhibiting "Faro"

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426	The State of Iowa vs William Stone	Plaintiff	Defendant	Dealing	"Faro"
427	The State of Iowa vs William Stone	Plaintiff	Defendant	Dealing	"Faro"
428	The State of Iowa vs William Stone	Plaintiff	Defendant	Exhibiting	"Faro"
429	The State of Iowa vs William Stone	Plaintiff	Defendant	Dealing	"Faro"
430	The State of Iowa vs Thomas Glascock	Plaintiff	Defendant	allowing card playing for Money in his house	
431	The State of Iowa vs Thomas Cassidy	Plaintiff	Defendant	Permitting Gaming in his House &c &c	
432	The State of Iowa vs John Ryan	Plaintiff	Defendant	allowing Gaming in his Grocery	
433	The State of Iowa vs Martin K Ryan	Plaintiff	Defendant	assault with intent to Kill	
434	The State of Iowa vs Elihu Casner	Plaintiff	Defendant	Gaming	

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433	The State of Texas vs Elihu Casner	Plaintiff Defendant	Gaming	
436	The State of Texas vs Elihu Casner	Plaintiff Defendant	Gaming	
437	The State of Texas vs James Casner	Plaintiff Defendant	Gaming	
438	The State of Texas vs James Casner	Plaintiff Defendant	Gaming	
439	The State of Texas vs James Casner	Plaintiff Defendant	Gaming	
440	The State of Texas vs George Robinson	Plaintiff Defendant	Allowing gaming in his house for Stealing Liquors	
441	The State of Texas vs George W McCoy	Plaintiff Defendant	assault with intent to kill	
442	The State of Texas vs William Sinds	Plaintiff Defendant	Gaming	
443	The State of Texas vs William Sinds	Plaintiff Defendant	Gaming	

Spring Term Saturday May 6th 1854.

446 The State of Texas Plaintiff
vs Gaming
Fleming Defendant

The State of Texas Plaintiff
444 vs Gaming
William Wiuds Defendants

And Thereupon the Foreman of said Grand Jury. Horatio Storms, made known to the Court here! that said Grand Jury had dispossed of all matters before them, and moved the Court that they be discharged from further attendance on said Court. And thereupon the Court discharged said Grand Jury. and thereupon the said Bills of Indictments, were filed and Docketed, according to law.

Mead Smiths Plaintiff Debt on
Administrator note or
32 vs contract
Isaac Hammet Defendant

And now on This day came the Defendant, in the above entitled cause by his attorney and on his motion it is ordered by the Court, that the said defendant have leave to amend his answer in said Cause.

Pleasant Sumner Plaintiff
199 vs Assumpsit
James M Durley Defendant

And now on this day came the defendant in the above cause by attorney, and on his motion it is ordered by the Court. that the said Defendant have leave to amend his answer in said cause.

Pleasant Sumner Plaintiff
199 vs Assumpsit
James M Durley Defendant

And now on this day came the parties to the above entitled cause by attornies, and thereupon the said Defendant James M Durley by attorney moved the Court to continue said cause and thereupon the said Defendant James M Durley caused to

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be made and filed his affidavit in terms of the law for said continuance. It is therefore ordered, adjudged, and decreed by the Court here that said cause be continued until the next Term of this Court.

225 John Bratton Plaintiff Certiorari
vs
James D Easton Defendant from Justices Court of Travis Co

And now on this day came the parties to the above entitled cause by their attorneys, and thereupon the said Defendants motion for a new trial in said cause, heretofore filed, being taken up by the court for consideration and determination, and the Court after hearing the arguments of counsel for and against said motion, and the court considering the same, and the questions of law thereon arising, and the Court considering the said matter fully, and being well advised in the premises, Is of opinion that said motion be overruled. Whereupon it is considered, ordered, adjudged and decreed by the Court, here that the said Motion of the said Defendant for a new trial in said Cause be and the same is hereby overruled and thereupon the said Defendant, by Attorney in open Court gave notice of his intention to appeal said Cause to the Supreme Court of the State of Texas.

Dy/D S Moins admr Plaintiff For decree
vs of title to
M. Phillips et als Defendants Certificate

And now on this day came the plaintiff in the above cause by attorney, and the said defendants failing to appear and file their answer within the time prescribed by law as ordered at a former term of this court. and the said Plaintiff therefore being entitled to a Judgment final in said cause against the said defendants, which is allowed to be enquired into, And thereupon, in consideration as aforesaid waived a Jury, and submitted the matters in controversy to the court, upon the petition exhibits, and proofs in the case—

285 ✓

Spring Term Saturday May 6th 1854

Thomas W Beaty Plaintiff Debt
vs on
James Moore Defendant account

And now on this day came the parties to the above entitled cause by attornies, and thereupon the said defendant moved the court to continue said cause, and thereupon the said defendant filed his affidavit in terms of the law for said continuance. It is therefore ordered by the court that said cause be continued until the next Term of this court—

286 ✓

John R Woolridge Plaintiff Suit for
vs Damages
Spence & Freeman Defendant

In this case, this day, came the parties to the above entitled cause by attornies and on motion and by consent of parties it is ordered by the court that the above cause be continued until the next Term of this Court—

298 ✓

Francis Green Plaintiff Debt
vs on
John S Ford Defendant Note

And now on this day came the parties to the above entitled cause by attornies and on motion and by consent of parties. It is ordered by the Court that the above cause be continued until the next Term of this court—

318 /

E S Matthews Plaintiff Suit for
vs Damages
Charles K Reese Defendant

And now on this day came the parties to the above entitled cause by attornies and thereupon the said Defendants Motion heretofore filed in this cause to set aside the Judgment by default rendered on the fifth day of the present Term of this court against the said Defendant in said cause being taken up by the court for consideration and determination, and the Court after hearing the argument of counsel for and against said motion, and the questions of law thereon arising and being well advised in the premises is of opinion

Spring Term Saturday May 6th 1854

that said defendant motion be sustained. It is therefore considered, ordered, adjudged, and decreed by the Court that the said defendants motion be sustained, and that the said Judgment by default heretofore rendered, in said cause against the said defendant be and the same is hereby set aside and the said defendant allowed to plead & answer

313 ✓ E S Matthews Plaintiff Suit for Damages
vs
Charles K Reese Defendant

And now again came the parties to the above entitled cause by attornies and thereupon on motion of plaintiffs attorney It is ordered by the court that the said plaintiff have leave to amend his petition in said cause

313 ✓ E S Matthews Plaintiff Suit for Damages
vs
Charles K Reese Defendant

And now again came the parties to the above cause by attornies, and thereupon the said defendant moved the Court to continue said Cause, and thereupon the said defendants Attorney, William R Jones filed his affidavit, in terms of the law for said Continuance Whereupon it is considered, ordered, adjudged and decreed by the Court here that said Cause be continued until the next Term of this Court—

335 ✓ I C Stephenson & Mary Jane Stephenson his wife & Ann E Baton & William C Baton who sue by their Guardian I C Stephenson Plaintiffs Ejectment to try Title to Land
vs
Dennis Brammell Margaret Modgeing & John Tivey Defendants

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said

Spring Term Saturday May 6th 1854
Caused and moved the Court for a Jury. whereupon came a Jury to wit. John Brandon. James Manor. Lewis Lovelace. Joseph L Lane. Giles A Burditt. William O'Connell. Daniel Bostick. James P Railey. Sugar McClain. Josephus Lowan. John A Pelan. and William Barker. twelve good and lawful men of the County of Travis. who being duly elected empannelled and sworn to try said Cause. and after having heard the evidence in the Case. as well the argument of Counsel Thereon. retired under The Charge of the Court to Consider of Their Verdict Whereupon The said Jury returned into Court The following Verdict to wit "We The Jury find for The Defendants D Bostick Thereon"

Jane Burleson Administratrix &c et. als	Plaintiffs	Damages for Rents &c	
336	vs		
John Burleson	Defendant		

And now on this day came the parties to the above entitled cause by attornies and thereupon the said plaintiffs by attornies Oldham. Marshall and Fenley moved the Court to Change the Venue of said Cause. and thereupon filed their motion in terms of the law for said Change of Venue. setting forth therein, their reasons Therefor, and the Court considering said motion and the questions of law thereon arising. sustains the same Whereupon the Court doth order adjudge and decree. and it is hereby ordered, adjudged and decreed that the Venue of said cause be Changed and that the Venue thereof be adjourned to the County of Williamson in the State of Texas, it being the nearest adjoining County out of this District. as prescribed by Statute. and that the Clerk of this Court. Fair a complete Bill of costs. as accrued in this Court. in said Case. as well make out a complete transcript of all the original entries as is of record in this Court. and transmit the same together with all the original papers in said Cause to the Honorable District Court for said County of Williamson. so that the same may stand for trial at the next Term of said Williamson County District Court to be begun and holden at the Court House thereof in the Town of Georgetown. the County seat of said County of Williamson. so that justice may be done to the parties. interest in said cause as aforesaid

Spring Term Saturday May 6th 1854

338 John S Burleson Plaintiff Injunction
vs
Sam Burleson
Administrator &c Defendant

And now on this day came the parties to the above entitled cause by attornies and thereupon the said plaintiffs moved the Court to change the Venue of said cause and thereupon the said Defendants by attornies Oldham Marshall & Semmes filed their motion within terms of the law for said change of Venue and the Court considering the same sustains said motion and doth order adjudge and decree and it is hereby ordered, adjudged, and decreed by the Court here, that the Venue of said cause be Changed, and that the same be adjourned to the County of Williamson in the State of Texas it being the nearest adjoining County east of this District as prescribed by Statute, and that said cause stand for trial at the next Term of the Honorable District Court for said County of Williamson to be begun and holden at the Court house thereof in the Town of George-town the County seat of said County of Williamson And it is further Considered, ordered, adjudged and decreed by the Court here, that the Clerk of this Court make out and certify according to law in such Cases made and provided, the original entries as is of record in this Court together with a correct Bill of Costs thereto annexed and transmit the same together with all the original papers in said Cause to the said District Court of said County of Williamson, on or before the first day of the next Term thereof to be begun and holden at the Court house thereof in said Town of Georgetown So that such proceedings thereon may be had as to right and Justice may appertain &c

340 James G Swisher Plaintiff
vs Injunction
John G Grumbles Defendant

And now on this day came the defendant in the above cause and filed his answer in the above cause according to law in such cases made & provided—

Spring Term Monday May 6th 1854

357 William K Reding Plaintiff
vs
Jane E Dyson &c Defendants

And now on this day came the parties to the above entitled cause by attornies and thereupon the said defendants filed their answers therein, and thereupon on motion and by consent of parties, It is ordered by the Court That the above cause be continued until the next Term of this Court.

Ordered by the Court That Court do now adjourn until Monday Morning next 9 o'clock A M. May the 8th A D 1854

Monday Morning 9 o'clock A M May The 8th A D 1854 Court convened pursuant to adjournment Present The Honorable John Hemeck Judge of said Court John M Leasley Clerk thereof and George W Scott Sheriff of Davis County. Texas. Whereupon the following proceedings were had to wit:

The State of Texas vs Davis County } And now on this day came the District Attorney Alexander Schaemes, and on his motion and it appearing to the Court here that on the first day of the present term of this Court this day Monday 8th 1854 was by the Court set apart for the taking up of the Criminal Docket. It is therefore ordered that the same be taken up and proceeded with, which is accordingly done in words and figures following Towit:

5 The State of Texas Plaintiff
vs
Joshua Nolen Defendant } Murder

On motion of the District Attorney, It is ordered by the Court that the above cause be continued until the next term of this Court

111 The State of Texas Plaintiff
vs
Andrew Jackson Defendant } Murder

On Motion of the District Attorney It is ordered that the above cause be continued until the next term of this Court &c &c

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97 ✓ The State of Texas Plaintiff
vs
Juan Jose Gonzales Defendant
Larceny

On this case. Upon motion of the District attorney, it is ordered by the Court that the same be continued, for service.

122 ✓ The State of Texas Plaintiff
vs
Alexander Allen Defendant
Assault and Battery

On the above case The presiding Judge. having been of Counsel The same is cont'd

130 ✓ The State of Texas Plaintiff
vs
Andrew J Snider Defendant
Forgery

On motion of the District attorney It is ordered that said cause be continued

132 ✓ The State of Texas Plaintiff
vs
Blake Thompson Defendant
Assault with intent to Kill

On motion of the District attorney It is ordered that the above cause be continued until the next Term of this Court, and that alias Capias issue returnable to said Term.

135 ✓ The State of Texas Plaintiff
vs
William Gentry Defendant
Living in Fornication &c &c &c

On motion of the District attorney the above cause is continued, and alias Capias ordered returnable to the next Term of this Court

143 ✓ The State of Texas Plaintiff
vs
Madison Needham Defendant
Murder

On motion of the District attorney It is ordered by the Court that the above case be continued until the next Term of this Court and that alias capias issue returnable to said Term of said Court

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145	The State of Texas vs John Owen	Plaintiff Defendant	Larceny	
146	The State of Texas vs E C Bravestead	Plaintiff Defendant	Larceny	
142	The State of Texas vs E C Bravestead	Plaintiff Defendant	Larceny	
132	The State of Texas vs E C Bravestead	Plaintiff Defendant	Larceny	
153	The State of Texas vs B M Thompson	Plaintiff Defendant	Murder	
181	The State of Texas vs W G W Owens	Plaintiff Defendant	Playing cards	
182	The State of Texas vs W G W Owens	Plaintiff Defendant	Betting at a Faro Bank	
183	The State of Texas vs Simeon Copley	Plaintiff Defendant	Betting at a Faro Bank	

On the above eight cases on Motion of Alexander Holmes District attorney it is ordered by the Court that the same be continued until the next Term of this Court, and that Alias Capias issue, in all of said eight cases returnable to the next Term of this Court &c

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184 The State of Texas Plaintiff Exhibiting a Faro Bank
Simeon Cooley vs Defendant

198 The State of Texas Plaintiff
B C Carver vs Defendant

215 The State of Texas Plaintiff Betting at
Antonio Manchaco vs Defendant Faro

216 The State of Texas Plaintiff Betting at
Burbridge Ward vs Defendant Monte

228 The State of Texas Plaintiff Playing Poker
John H Conner vs Defendant

241 The State of Texas Plaintiff Playing Poker
Josiah H Crosby vs Defendant

242 The State of Texas Plaintiff Dealing Faro
Rawley Autry vs Defendant

244 The State of Texas Plaintiff Dealing Monte
Edward Bennett vs Defendant

251 The State of Texas Plaintiff Assault
Robert Brown vs Defendant and Battery

On motion of the District attorney
It is ordered that the above nine cause be called
and that alias Capias issue in said cause return-
able to the next Term of this court—

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165 ✓ The State of Texas vs Thomas Cassidy & Edward Finnin — Plaintiff — Defendants — Permitting persons to Exhibit a monte bank in their house

In this case, this day came the District attorney, and enters a nolle prosequi in said cause

171 ✓ The State of Texas vs Thomas Cassidy & Edward Finnin — Plaintiff — Defendant — Permitting Faro gaming on their House

In this case this day came the district attorney and enters a nolle prosequi herein,

246 ✓ The State of Texas vs John Horan — Plaintiff — Defendant — allowing Roulette to be dealt in his house

In this case, this day came the plaintiff by the District attorney and enters a nolle prosequi therein,

247 ✓ The State of Texas vs Thomas Glascock — Plaintiff — Defendant — Permitting Faro to be dealt &c

In this case this day came the District attorney and enters a nolle prosequi therein,

253 ✓ The State of Texas vs John Horan — Plaintiff — Defendant — Permitting Faro to be dealt in his house &c

In this case this day came the District attorney, and says that he will not prosecute said cause further. It is therefore ordered by the Court that the said Defendant go hence without day fully acquitted of said charge

254 ✓ The State of Texas vs Thomas Pitts — Plaintiff — Defendant — Permitting Monte to be dealt in his House &c &c &c

Nolle Prosequi entered herein

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264	The State of Iowa vs William R Dayer	Plaintiff Defendant	Betting at Roulette	
269	The State of Iowa vs Robert Cavaness	Plaintiff Defendant	Betting at Ronds	
280	The State of Iowa vs S H Charles	Plaintiff Defendant	Betting at Ronds	
284	The State of Iowa vs Jack Robertson	Plaintiff Defendant	Betting at Ronds	
289	The State of Iowa vs James Diederich	Plaintiff Defendant	Betting at Ronds	
297	The State of Iowa vs H H Johnson	Plaintiff Defendant	Betting at Ronds	
304	The State of Iowa vs John Mc Crocket	Plaintiff Defendant	Betting at Ronds	
306	The State of Iowa vs James Burdick	Plaintiff Defendant	Betting at Ronds	
307	The State of Iowa vs William D Weeks	Plaintiff Defendant	Betting at Ronds	

In the above nine cases on motion of the District attorney it is ordered by the Court that the above causes be continued until the next Term of this Court. and that alias Capias issue therein

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308 ✓ The State of Iowa Plaintiff Betting at Rondo
James W. Scott Defendant

309 ✓ The State of Iowa Plaintiff Betting at Rondo
William C. Young Defendant
The above two cases entered by the State.

311 ✓ The State of Iowa Plaintiff Betting at Rondo
Charles Wyatt Defendant
On this case came the plaintiff by the District attorney and enters a nolle pros cepi in said cause

311 ✓ The State of Iowa Plaintiff Betting at Rondo
Moorbridge Ward Defendant

312 ✓ The State of Iowa Plaintiff Betting at Rondo
Benj. D. Still Defendant

314 ✓ The State of Iowa Plaintiff Betting at Rondo
Charles Westmoreland Defendant
On the above three cases on motion of the District attorney It is ordered by the Court that the above cases be continued, and that alias capias issue in said causes returnable to said Term.

167 ✓ The State of Iowa Plaintiff Exhibiting a Faro Bank
William B. Lilly Defendant
And now on this day came the plaintiff in the above cause by the District attorney who prosecutes for the State in this behalf, as well the said defendant in his own proper person, and also by attorney, and thereupon the said parties announced themselves ready to proceed

Spring Term, Monday May 8th 1854

to the Trial of said cause and thereupon the said defendant was arraigned in said cause and plead guilty to the indictment, and the allegations therein contained whereupon came a Jury to wit, John Brandon, Alex Witt Lovelace, Joseph L Lane, Giles M Burgin, William O'Connell, Benjamin Bostick, Robert Clements, Tyson Jackson, James P Riley Sugar M Cain, Henry L Edwards and Edward Dennin twelve good and lawful men of the County of Ordis, who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the case and the argument of counsel therein retired under the charge of the Court to consider their verdict whereupon said Jury returned into court the following verdict to wit, "We the Jury find the defendant guilty, and assess the fine at Twenty dollars." Wm. O'Connell Foreman. It is therefore considered, ordered, adjudged, and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant the sum of Ten dollars the amount of fine so assessed by the Jury as aforesaid together with all of the costs in this behalf expended, and it is further ordered by the Court that the said defendant remain in the custody of the Sheriff of Travis County until said fine and costs are paid, and thereupon the said defendant came forward and paid said fine and costs.

178

The State of Texas vs Rawley Autry — Plaintiff — Defendant — Betting at Law

And now on this day came the plaintiff in the above entitled cause by Alexander McMahon, District Attorney, who prosecutes for the state in this behalf, and the said defendant Rawley Autry being three times solemnly called came not but wholly made default, and it appearing to the satisfaction of the Court here that the said defendant Rawley Autry who signs his name R. Autry, together with J R Jackson who signs his name J R Jackson and John McConnell who signs his name John McConnell had heretofore their bond and recog-

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Bond Payable unto the said State of Texas. in the sum of One hundred Dollars. dated the 27th day of December A.D 1853. Conditioned that the said defendant Rawley Autry. do make his personal appearance before the honorable District Court for the County of Travis. of said State of Texas to be begun and holden at the Court House thereof in the City of Austin, on the first monday in March A.D 1854 Then and there to answer to an Indictment preferred against him by the Grand Juors of said County of Travis at the Fall Term of said Court A.D 1852 for "Betting at Faro" and shall there remain from day to day and from term to term thereafter, and that he do not depart said Court with leave thereof, and the said defendant Rawley Autry being again three Times solemnly called and required to come into Court and answer said Charge which he wholly failed to do. and the said securities J K Jackson and John A Conner being also Three times solemnly called and required to bring with them into Court the Body of the said defendant Rawley Autry to answer said Charge which they wholly failed to do. It is therefore Considered. Ordered. adjudged and decreed by the Court here that the said Bond of the said Rawley Autry, and the said securities J K Jackson and John A Conner be and the same is hereby forfeited, and that the said State of Texas do have and recover of and from them jointly and severally the sum of One hundred Dollars. the Amount of said Bond. And it is further ordered adjudged and decreed by the Court that Scirefacias do 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 may have why this Judgment should not be made final against them as aforesaid.

179 The State of Texas Plaintiff Exhibiting Bond
v
Rawley Autry vs Defendant

And now on this day came the plaintiff in the above entitled cause by Alexander A Chambers District Attorney who prosecutes for the State in this behalf. and the said Defendant Rawley Autry being Three Times solemnly called came not. but made default—

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and it appearing to the satisfaction of the Court here that the said defendant Rawley Autry who signs his name R Autry. together with J R Jackson who signs his name J R Jackson and John O'Conner who signs his name John O'Conner. had executed their Joint and several Bond payable unto the State of Texas in the Sum of One Hundred Dollars. Conditions that the said defendant Rawley Autry as aforesaid. make his personal appearance before the Honorable District Court of Travis County to be begun and holden at the Court house thereof in the City of Austin on the first Monday in March A D 1854 To answer an indictment preferred against him by the Grand Jurors of said County of Travis. at the Fall Term A D 1853 of said District Court. for Exhibiting "Bad Bank" and that he there remain from day to day and from Term to term of said Court and that he do not depart said Court without leave. And the said defendant Rawley Autry being again three times solemnly called and required to come into Court and answer said Charge. which he wholly failed to do. and the said securities J R Jackson and John O'Conner being also three times solemnly called and required to bring with them into Court the Body of the said defendant Rawley Autry to answer said Charge which they wholly failed and refused to do. It is therefore considered ordered adjudged, and decreed by the Court here that the said Bond of the said Rawley Autry and the said J R Jackson and John O'Conner be and the same is hereby forfeited- and that the said State of Texas do have and recover of and from the joinly and severally the Sum of "One hundred Dollars." the Amount of said Bond. and that scirefacias do issue To them, returnable to the next Term of this Court commanding them, then and there to appear and show cause if any they may have why this Judgment shall not be made final against them as aforesaid,

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234 The State of Texas Plaintiff Dealing
vs Dand
William Stone Defendant

And now on this day came the plaintiff in the above cause by Alexander A Chalmers District Attorney who prosecutes for the State in this behalf, as well the defendant in his own proper person and also by Attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant was arraigned in said cause, and plead guilty to the indictment and the allegations therein contained, whereupon came a Jury to wit, John N Brandon, Dewitt Lovelace, Alexander Eanes, Joseph L Lane, Giles A Burdette William O'Connell, Daniel Fenn Bostick, James M Railey, Lucian M Cain, Henry C Edwards, Edward O'Bannin, & Joshua Patterson, twelve good and lawful men of the County of Travis who being duly elected empannelled and sworn to try said cause, and after hearing the argument of Counsel upon the evidence in the cause, retired under the charge of the Court, to consider of their Verdict, and returned into Court the following verdict to wit, "We the Jury fine the deft. ten Dollars" Alexander Eanes Foreman" It is therefore ordered adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said defendant the sum of Ten Dollars the amount of fine so assessed by the Jury as aforesaid together with all of the costs in said cause expended, and it is further ordered, that the said defendant remain in the Custody of the Sheriff of Travis County until said fine and costs be paid- And thereupon the said defendant came forward and paid said fine and costs-

055 The State of Texas Plaintiff Assault
vs and
Charles Reifinstall Defendant Battery

On this case, This day came the plaintiff in the above entitled cause by Alexander A Chalmers, District Attorney, and the said defendant Charles Reifinstall being three times solemnly called came not but made default. And it appearing to the satisfaction of the Court here that the said-

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defendant Charles Reiffinstale who signs his name Charles Reiffenstale as principal. together with John Seisse who signs his name John Seisse and Conrad Pluegur who signs his name Conrad Pfluegur as his securities. had executed their joint and several Bond payable unto the State of Texas in the Sum of One hundred Dollars conditioned that the said Charles Reiffenstale make his personal appearance at the Spring term of the Honorable District Court for Travis County then in session at the Court house thereof in the City of Austin to answer an indictment preferred against him by the Grand Jurors of Travis County at the said Spring Term of said Court for an "Assault and Battery and that he there remain from day to day and from term to term of said Court and that he do not depart the Court without leave. And the said Defendant Charles Reiffenstale being again three times solemnly called and required to come in to Court and answer said Charge which he failed to do. and the said securities being also three times solemnly called and required to bring with them into Court the body of the said Charles Reiffenstale to answer said Charge which they failed to do. It is therefore ordered adjudged and decreed by the Court here, that the said Bond of the said Reiffenstale and the said John Seisse and the said Conrad Pfluegur be and the same is hereby forfeited. And that the said State of Texas do have and recover of and from them jointly and severally the sum of One hundred Dollars the amount of said Bond. and that Scire facias do issue to each of them jointly and severally returnable to the next Term of this Court Commanding them then and there to appear and show cause if any they may have why this Judgment should not be made final against them as aforesaid.

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273 The State of Texas Plaintiff Betting
vs
Charles L Mann Defendant at Pondeau

And now on This day came the plaintiff in the above entitled cause by the District Attorney Alexander Alphaenzeds. who prosecutes for the State in this behalf and the said defendant in his own proper person and not by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause. and thereupon the said defendant was arraigned in said cause and pleaded not Guilty thereto. to the allegations in the indictment, in said cause contained Whereupon came a Jury fowit: John Brandon Lewis Lovejoy. Alexander Eanes. Joseph L Lane. Giles M Burdett. William A Connell. Daniel Bostick. Jame P Bailey. Sugar M Clair. Henry D Edwards. Edward Dinnin and Joshua Patterson. twelve good and lawful men of the County of Travis. who being duly elected empannelled and sworn to try said cause, and after having heard the evidence in the case. and the argument of Counsel thereon. retired under the charge of the Court. 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 at Ten Dollars. Wm A. Connell Foreman" Whereupon it is considered, ordered, adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said defendant Charles L Mann the sum of Ten dollars the amount of fine as assessed by the Jury as aforesaid together with all of the costs in this behalf expended And it is further ordered, adjudged, and decreed by the Court here that the said defendant Charles L Mann remain in the Custody of the Sheriff of Travis County until said fine and costs are paid

282. The State of Texas Plaintiff Betting
vs
Jacob Bookman Defendant at Ponds

And now on this day came the-

Spring Term Monday May 8th 1854

plaintiff in the above cause by the District Attorney Alexander Schaenders, and the said defendant Jacob Bookman in his own proper person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, And thereupon the said defendant was arraigned in said cause, And pleaded not Guilty to the Indictment in said cause and the allegations therein contains, Whereupon came a Jury to wit: James Daniel, John L Matthews Bryant A Stavely, M Alexander, Henry Johnson, Abram Hennicks John Yahenberger William Patterson John B Rainey William Barber, Augustus Doe, and Lucian Bucken twelve good and lawful men of the County of Travis who being duly elected empanneled and sworn to try said cause, and after hearing the evidence in the case as well as the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict, Whereupon said Jury returned into Court the following Verdict to wit, "We the Jury find the defendant Guilty and fine him ten Dollars, William Barber Foreman" It is therefore considered, ordered and adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant the sum of ten dollars, the amount of fine so assessed by the Jury as aforesaid, together with all of the costs by her laid out and expended And it is further ordered by the Court that the said defendant remain in the Custody of the Sheriff of Travis County until said fine and costs are paid, And thereupon the said defendant came forward and paid said fine and costs.

285

The State of Texas vs Alexander Schaenders — Plaintiff — Defendant — Betting at Roads

And now on this day came the plaintiff in the above cause by the District Attorney and the said defendant in his own proper person and also by attorney, and there

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upon the said defendant was abraigned in said cause, and pleaded not guilty thereto, and thereupon Came a jury to wit; James Fairlee John L Matthews, Bryant C Stavely, M A Houston, Henry Johnson, Abram Hennicks, John Rahenberger, William Patteson, John B Rainey, William Barber, Augustus Fore and Lucian Pickett tryers good and lawful men of the County of Travis who being duly elected, empannelled and sworn to try said cause, and after hearing the evidence in the cause, and the argument of Counsel thereon, 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 defendant not Guilty" William Barber Foreman. It is therefore ordered adjudged and decreed by the court that the said defendant go hence without day fully acquitted of said Charge.

28th

The State of Texas vs James M H Hall } Plaintiff, Defendant } Betting at Rondeau

And now on this day came the plaintiff in the above cause by the District Attorney Alexander Schleicher who prosecutes for the State in this behalf, and the said defendant James M H Hall in his own proper person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant was arraigned in said cause and pleaded "not guilty" whereupon came a jury to wit; John W Brandon, Lee Wilcoxen, Silas McBurnett, Joseph L Lane, William O Connell, Tilliafero Bostick, James P Railey, Sugars M Cain, Henry L Edwards, Joshua Patteson, Alexander Cages, and Bryant C Stavely, tryers good and lawful men of the County of Travis who being duly elected, empannelled and sworn to try said cause, and after hearing the evidence in the Case, and the argument of Counsel thereon retired under the charge of the Court 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 his fine at ten

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Loveads A Eanes Foreman. It is therefore considered, ordered adjudged and decreed by the Court here, that the said State of Texas do have and recover of and from the said defendant James M Nicholls. the sum of Ten Dollars. the Amount of fine so assessed by the Jury as aforesaid together with all of the costs in this behalf expended And it is further ordered by the Court that the said defendant remain in the Custody of the Sheriff of Travis County until said fine and costs be paid.

294 The State of Texas Plaintiff Betting at
John Stone vs Defendant Rondeau

And now on this day came the plaintiff in the above entitled Cause by Alexander McMahemers District Attorney, who prosecutes for the State in this behalf. and the said defendant John Stone being three times solemnly called came not. but made default And it appearing to the Satisfaction of the Court here that the said defendant John Stone who signs his name John Stone as principal together with Thomas J Pitt who signs his name Thomas J Pitt. and J A Burdett who signs his name J A Burdett had executed their joint and several Bond payable unto the State of Texas in the sum of One hundred Dollars. dated the 22nd day of March A.D 1853 Conditioned that the said defendant John Stone make his personal appearance before the Honorable District Court for said County of Travis then in session at the Court house thereof in the City of Austin. then and there to answer an indictment preferred against him by the Grand Jurors of said County of Travis at the then present term of said Court. A.D 1853. to wit: the 8 Spring Term thereof, 1853 for "Betting Money at a certain gambling device called Rondeau" and that he there remain from day to day, and and from term to term of said Court and that he do not depart the Court without leave And the said defendant John Stone being three times solemnly called again, and required to come into Court and answer said Charge, which he -

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wholly failed to do. and the said securities being also three times solemnly called and required to bring with them into Court the body of the said John Stone to answer said charge which they wholly failed to do. It is therefore considered, ordered, adjudged and decreed by the Court that the said Bond of the said defendant John Stone and the said Thomas J Pitt and the said J A Burdine be and the same is hereby forfeited. and that the said State of Texas do have and recover of and from them jointly and severally the sum of One hundred Dollars. the amount of their said Bond, and that scire facias do issue to them jointly and severally returnable to the next Term of this Court commanding them then and there to appear and show cause if any they may have why this Judgment should not be made final against them as aforesaid

296

The State of Texas Plaintiff Betting
Phineas Burchard vs Defendant Rondeau

And now on this day came the plaintiff in the above cause by the District Attorney Alexander McNaemara who prosecutes for the State in this behalf. and the said defendant Phineas Burchard being three times solemnly called came not but made default. And it appearing to the satisfaction of the Court here that the said defendant Phineas Burchard who signs his name Phineas Burchard as principal together with Thomas P Cartmell who signs his name Tho. P Cartmell and G S Chappell who signs his name G S Chappell as his securities had executed their joint and several Bond payable unto the State of Texas in the sum of One hundred Dollars dated the 16th day of March A.D. 1853. conditioned that the said Phineas Burchard do make his personal appearance before the Honorable District Court for Travis County then in session at the Court house thereof in the City of Austin. to answer an indictment preferred against him by the Grand Jurors of Travis County at the Spring term of said Court for betting money at a certain gambling device called Rondeau, and that he there remain from day to day and from term to term of said court. and that he

Spring Term Monday May 8th 1854

do not depart the Court without leave, and the said defendant Phineas Burchard being again three times solemnly called and required to come into Court and answer said charge came not but wholly made default. and the said Securities Thomas P Eastmell and G S Chappell being also three times solemnly called and required to bring with them into Court the Body of the said Phineas Burchard to answer said charge which they wholly failed to do. It is therefore considered, ordered, adjudged, and decreed by the Court here, that the said Bond of the said Phineas Burchard, and the said Thomas P Eastmell, and the said G S Chappell be and the same is hereby forfeited. And that the said State of Texas do have and recover of and from them jointly and severally the Sum of One hundred Dollars, the amount of said Bond, and that Scire facias as issue to each of them jointly and severally returnable to the next Term of this Court Commanding them. then and there to appear and show cause if any they may have why this judgment should not be made final against them as aforesaid-

The State of Texas vs George Foos — Plaintiff — Defendant — Horse Stealing

350

And now on this day came the plaintiff in the above cause by the District Attorney Alexander McNamara who prosecutes for the State in this behalf. and the said defendant George Foos being three times solemnly called came not. and it appearing to the Satisfaction of the Court here, that the said defendant George Foos who signs his name George Foos as principal and Sherman Case who signs his name Sherman Case, Henry Vines, who signs his name Henry Vines, Michael Finnin who signs his name Michael Finnin and Joel A Burdett who signs his name J A Burdett had executed their joint and several Bond payable unto the said State of Texas, in the sum of Seven Hundred Dollars dated the 3rd day of May A.D. 1853. Conditioned that the said defendant George Foos make his

Spring Term Monday May 8th 1854

appearance before the Honorable District Court for Travis County to be begun and holden at the Court house thereof in the City of Austin on the first day of the next Term thereafter, to wit on the first Monday in September A.D. 1853, to answer to the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term A.D. 1853 for Larceny, and there remain from day to day and from term to term of said Court and that he do not depart the Court without leave. and the said defendant George Doss being also again three times solemnly called and required to come into Court and answer said Charge which he failed to do. and the said Securities being also three times solemnly called and required to bring with them into Court the body of the said George Doss to answer said Charge which they wholly failed and refused to do. Whereupon it is considered, ordered, adjudged, and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant George Doss and the said Sherman Lane, Henry Vines, Michael Dinnin, and Joel A. Burditt the Sum of Seven Hundred Dollars the amount of said Bond, and that scire facias do issue to each of them jointly and severally returnable to the next term of this Court. Commanding them, then and there to appear and show cause if any they may have why this Judgment should not be made final against them as aforesaid.

315 V

The State of Texas vs Newton Jackson — Plaintiff — Defendant — Betting at Fandan

And now on this day came the plaintiff in the above cause by Alexander Hathaway, District Attorney who prosecutes for the State in this behalf; and the said defendant Newton Jackson in his own proper person and also by Attorney and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant Newton Jackson was arraigned in said cause and pleaded not Guilty, whereupon came a Jury to wit, John Brandon, &c who were selected

Spring Term Monday May 8th 1854

Giles A Burdine, Joseph L Lane, William O'Connell, Baliafero Bostick, James P. Railey, Sugar M Cain, Henry D Edwards, Joshua Patterson, Alexander Eanes and Bryant A Stanley, twelve good and lawful men of the County of Davis. who being duly elected, empannelled, and sworn to try said Cause after hearing the evidence in the case and the argument of Counsel Thereon, retired under the Charge of the Court to Consider of their Verdict. whereupon said Jury returns into Court the following Verdict to wit: "We the jury find the Deft. not guilty A Eanes Foreman"

It is therefore considered, ordered, adjudged and decreed by the Court here that the said defendant go hence without day fully acquitted of said Charge—

316

The State of Texas } Plaintiff
John A Green } Defendant } Gaming at Law

And now on this day came the plaintiff in the above cause by the District Attorney who prosecutes for the State in this behalf and the defendant John A Green in his own proper person and also by attorney, and thereupon the said defendant was arraigned in said cause, and pleaded not guilty thereto whereupon came a Jury to wit: John L Brandon Dr Will Loveluce, Giles A Burdit, Joseph L Lane, William O Connell, Baliafero Bostick James P Railey, Sugar M Cain, Henry D Edwards, Joshua Patterson, Alexander Eanes and Bryant A Stanley, twelve good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said Cause, and after hearing the evidence in the case as well the argument of Counsel thereon, 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 Defendant not Guilty. A Eanes Foreman. It is therefore Ordered adjudged and decreed by the Court that the said defendant go hence without day fully acquitted of said Charge—

Spring Term Tuesday May 9th 1854
Ordered by the Court That adjourns until
Tuesday Morning nine oclock a M May
the ninth A D 1854 Tuesday morning nine
oclock a M Court convened pursuant to ad
journment. May the ninth A D 1854 where
upon the following proceedings were had as
follows to wit:-

318 The State of Texas Plaintiff Betting
vs at
Thomas E Anderson Defendant Bail

319 The State of Texas Plaintiff Betting
vs at
Henry W Sublett Defendant Bail

321 The State of Texas Plaintiff Betting
vs at
Horace L Upshur Defendant Bail

321 The State of Texas Plaintiff Betting
vs at
Charles K Harrison Defendant Bail

322. The State of Texas Plaintiff Betting
vs at
Edward Finnin Defendant Bail

323 The State of Texas Plaintiff Betting
vs at
Henry P Brooks Defendant Bail

And now at this day came the District Attorney Alexander Adhamus who prosecutes for the State, and says that he will not prosecute the above entitled six cases further. It is therefore considered ordered adjudged and decreed by the Court here that the said Defendants in the said six cases above entitled go hence without day fully acquitted of said Charge &c

Spring Term Tuesday May 9th 1854

324 The State of Texas vs William F. De Normandie — Plaintiff / Defendant — Betting at Bowl

325 The State of Texas vs Charles E. Travis — Plaintiff / Defendant — Betting at Bowl

326 The State of Texas vs Arthur J. Lott — Plaintiff / Defendant — Betting at Bowl

327 The State of Texas vs James M. Thrall — Plaintiff / Defendant — Betting at Bowl

328 The State of Texas vs James A. Pace — Plaintiff / Defendant — Betting at Bowl

329 The State of Texas vs Theophilus Anderson — Plaintiff / Defendant — Betting at Bowl

330 The State of Texas vs Joseph A. Smith — Plaintiff / Defendant — Betting at Bowl

334 The State of Texas vs Ashford B. McGill — Plaintiff / Defendant — Betting at Bowl

And now on this day came the District attorney who prosecutes for the state in the above entitled Eight cases. and says that he will not prosecute the same further. It is therefore ordered, adjudged, and decreed, by the Court here that the said Defendants in the above eight cases go hence without day fully acquitted of said Charges &c &c &c

Spring Term Tuesday May 9th 1854

332 The State of Texas Plaintiff Assault
vs and
Michael Dinnin Defendant Battery

And now on this day came the plaintiff in the above cause by the District attorney and on his motion It is Ordered by the Court that the above cause be continued, and that alias Capias issue in said cause returnable to said Term.

335 The State of Texas Plaintiff Gaming
Ewing D vs Calhoun Defendant

336. The State of Texas Plaintiff Gaming
Henry vs Vines Defendant

337 The State of Texas Plaintiff Betting at Pool
Newton vs Jackson Defendant

338 The State of Texas Plaintiff Betting at Pool
James R vs Jackson Defendant

339 The State of Texas Plaintiff Betting at Pool
Constantine A vs Hopkins Defendant

340 The State of Texas Plaintiff Betting at Pool
George W vs Scott Defendant

And now on this day came the plaintiff in the above entitled Six Cases by the District Attorney Alexander H Chalmers who says that he will not prosecute the same further. It is therefore Ordered and adjudged by the Court that the said defendants, in the said six Cases go hence without day fully acquitted of said Charges therein set forth. against them -

Spring Term Tuesday May 9th 1854

341 The State of Texas Plaintiff Betsy
vs at
George W Logan Defendant Bar

And now on this day come the State by the District attorney. who prosecutes for the State in the above entitled cause, and says that he will not prosecute said suit further. It is therefore ordered adjudged and decreed by the Court here. that the said defendant George W Logan go hence without day fully acquitted of said charge &c

344 The State of Texas Plaintiff Betsy
vs at
Thomas Pitts Defendant Sims

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant was arraigned in said cause, and pleaded "not guilty" Whereupon came a jury to wit. James Bailes, John G Matthews, W A Houston, Henry Johnson, Abram Kenicks, John Wahrenberger William Patterson James B Rainey, William Barber Augustus Dore, Lucian Pucket, and Sherman Cole. to wit good and lawful men of the County of Davis. who being duly elected empanneled, and sworn to try said cause. and after hearing the evidence in the case. and the argument of Counsel thereon 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 defendant not Guilty Sherman Cole Foreman" It is therefore ordered adjudged and decreed by the Court that the said defendant go hence without day fully acquitted of said Charge.

352 The State of Texas Plaintiff Betsy
vs at
Perry Grumbles Defendant Sims

On motion of A S Chauncey District Attorney It is ordered by the Court. that the above cause be continued, and alias Capias issue-

Spring Term Tuesday May 9th 1854

345 ✓

The State of Texas vs Lewis Beardsley — Plaintiff — Defendant — Betting at Keno

In this case this day came the parties to the above cause the plaintiff by the District attorney and the defendant in his own proper person and also by attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant was arraigned in said cause and pleaded "not guilty thereto" whereupon came a Jury to wit: John Branon, Lewis Lovelace, Giles D Burditt, Joseph L Lane, William Abornee Malcolm Bostick, James P Railey, Sugar M Cain, Henry L Edgards, Joshua Patterson, Alexander Eaves and Bryant A Stanley, twelve good and lawful men of the County of Davis who being duly elected, empanneled and sworn to try said cause, and after hearing the evidence in the case and the argument of Counsel thereon 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 defendant not guilty. A. Eaves Foreman" It is therefore considered ordered adjudged and decreed by the Court here that the said defendant go hence without day fully acquitted of said Charge.

348 ✓

The State of Texas vs Constantine L Hopkins — Plaintiff — Defendant — Betting at Keno

And now on this day came the plaintiff in the above cause by the District attorney who prosecutes for the State in this behalf and the said defendant in his own proper person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant was arraigned in said cause and pleaded not guilty thereto" whereupon came a Jury to wit: James Baines, John S Matthews, M A Houston, Henry Johnson, Abram Merricks, John Wakenberger William Patterson, James P Rainey, William Barber Augustus Doe, Lucian Buckett, and Sherman Cass twelve good and lawful men of the County of Davis-

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who being duly elected empannelled, and sworn to try said cause and after hearing the evidence in the Case and the argument of Counsel thereon 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 Deft. not guilty William Barber Foreman" It is therefore Considered ordered adjudged and decreed by the Court here, that the said defendant go hence without day fully acquitted of said Charge.

349

The State of Tenn Plaintiff Betsey
vs
Henry Vines Defendant Kino

And now on this day came the parties to the above cause, the plaintiff by the District attorney, and the said defendant in his own proper person and also by attorney and thereupon the said defendant was arraigned in said cause and pleaded "not guilty" whereupon came a jury to wit, John Brandon Leg Wm Lovelace, Giles A Burditt, Joseph L Lane, William O'Connell, Daliofen Bostick, James P Railey, Sugar M Edin, Henry D Edwards Joshua Patterson, Alexander Eanes and Bryant O Stanley, twelve good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said cause and after hearing the evidence in the case, and the argument of Counsel thereon, 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 Deft. not guilty. A Eanes Foreman" Whereupon it is Considered ordered adjudged and decreed by the Court that the said defendant go hence without day fully acquitted of said Charge.

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351 The State of Texas Plaintiff Exhibiting Kins
Robert Clements vs Defendant

And now on this day came the plaintiff in the above cause by the District Attorney Alexander S. Chalmers who prosecutes for the State in this behalf. And the said Defendant Robert Clements in his own proper person and also by Attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause. and thereupon the said Defendant was arraigned in said cause. and pleaded guilty to the indictment in said cause and the allegations therein contained. whereupon came a jury to wit. John W Brandon Lee Witt Loveladd, Giles A Burdine, Joseph L Lane William A Connell, Daniel Bostick, James P Railey, Sugar Mbain, Henry D Edwards, Joshua Patterson, Alexander Eanes and Bryant A Stanley twelve good and lawful men of the County of Travis who being duly elected empanneled and sworn to try said cause. and after hearing the evidence in the case and the argument of Counsel thereon retired under the Charge of the Court 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 at Ten Dollars A Eanes Foreman" It is therefore Considered, ordered. adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant Robert Clements the sum of ten dollars the amount of said fine so assessed by the jury as aforesaid together with all of the costs in this behalf expended. And it is further ordered by the Court that the said defendant remain in the Custody of the Sheriff of Travis County until said fine and costs are paid.

353

Spring Term Tuesday May 9th 1854

The State of Texas Plaintiff } Betting
vs } at
Newton Jackson Defendant } Fine

In this Case this day came the parties to the above Cause the Plaintiff by the District Attorney who prosecutes for the State in this behalf and the said defendant in his own proper person and also by attorney and thereupon the said parties announced themselves ready to proceed to the trial of said Cause and thereupon the said defendant was arraigned and plead "not guilty" whereupon came a jury to wit: James Davies. John G Matthews, M. A. Houston, Henry Johnson, Abram Hennicks. John Wahrenberger. William Patterson, James B Rainey, William Barber, Augustus Dore. Lucian Puckett and Sherman Lake. twelve good and lawful men of the County of Davis who being duly elected empanneled and sworn to try said Cause and after hearing the evidence in the Case and the argument of Counsel thereon, retired under the Charge of the Court to consider of their Verdict and returned into court the following Verdict towit: "We the jury find the defendant guilty, and assess the fine at Ten Dollars W. Parker Foreman" It is therefore considered ordered, adjuaged and decreed by the Court that the said State of Texas do have and recover of and from the said defendant Newton Jackson the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid together with all of the costs in this behalf expended. And it is further ordered adjuaged, and decreed by the Court here that the said defendant remain in the Custody of the Sheriff of Davis County, until said fine and costs are paid-

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355 The State of Davis Plaintiff Betting
vs of
Arthur D Lott Defendant Keno

In this Case This day came the parties to the above cause, The plaintiff by the District attorney who prosecutes for the State in this behalf. and the said defendant in his own proper person and also by attorney and thereupon the said parties announced them selves ready to proceed to the trial of said cause and thereupon the said defendant was arraigned and pleaded "not guilty" Whereupon came a Jury to wit, James Bailee, John G Matthews M A Stanston, Henry Johnson, Abram Hendricks, John Hahenberger, William Patterson, John B Rainey, William Barber, Augustus Dore Lucian Puckett and Sherman Case. Twelve good and lawful men of the County of Davis, who being duly elected empannelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon retired, under the Charge of the Court, to Consider of their Verdict, Whereupon said Jury returned into Court the following Verdict Vizt: "We the Jury find deft. not guilty, A Dore. Foreman"

It is therefore Considered, ordered, adjudged and decreed by the Court here that the said defendant Arthur D Lott go hence without day fully acquitted of said Charge—

356 The State of Davis Plaintiff Betting
vs of
Horace L Upshur defendant Keno

In this Case this day came the plaintiff by the District attorney Alexander McCharmon who prosecutes for the State in this behalf and the said defendant Horace L Upshur being three times solemnly called came not but wholly defaulted, And it appearing to the Satisfaction of the Court here that the said defendant Horace L Upshur who signs his name H L Upshur as principal, together with E Fidenin who signs his name E Fidenin and John S Ford who signs his name John S Ford had executed their

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joint and several Bond payable unto the said State of Texas in the sum of One hundred Dollars. dated the 18th day of September ADo 1853 Conditioned that the said Horace G Upshur appear Instanter before the Honorable District Court of Travis County, then in session in the City of Austin, at the Court House thereof to answer any indictment preferred against him by the Grand Juries of Travis County at the Nest Term of said Court ADo 1853. for Betting Money at a certain gaming Table at a Game called Faro. wherein by the said Defendant was Charged. and that he there remain from day to day and from term to term of said Court. and that he do not depart the Court without leave And the said defendant being again three times solemnly called, and required to come and answer said Charge which he wholly failed to do. and the said Securities being also three times solemnly called and required to bring with them into Court the body of the said defendant Horace G Upshur to answer said Charge as they were bound to do. but wholly made default It is therefore considered, ordered. adjudged and decreed by the Court. that the said Bond of the said Horace G Upshur and the said E Finnin and the said John S Ford be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of One hundred Dollars the Amount of said Bond. and that Scire facias do issue to each of them jointly and severally returnable to the next Term of this Court Commanding them then and there to appear and show cause if any they may have why this Judgment should not be made. final against them as aforesaid-

354 The State of Texas Plaintiff Betting
vs at
Alexander Eagles Defendant Faro

And now on this day Came the plaintiff in the above cause by the District attorney who prosecutes for the State in this behalf and the said defendant in his own proper person

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and also by attorney, and thereupon the said defendant was arraigned in said cause, and pleaded "not guilty" whereupon came a jury to wit; John Brandon Lewis Lovelace Joseph L Lane, Giles A Burditt, William O'Connell, Daniel Bostick, Robert Clements, Newton Jackson, James P Bailey, Sugar Mclain, Henry D Edwards, and Edward Dinnin twelve good and lawful men of the County of Davis who being duly elected, empanelled and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel thereon 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 Defendant not Guilty. S M Clain Foreman. It is therefore considered, adjudged, and decreed by the Court here that the said Defendant go hence without day fully acquitted of said charge.

358. The State of Iowa Plaintiff } Betting
Edward Dinnin vs Defendant } Fine

And now on this day came the plaintiff in the above cause by the District Attorney and the said Defendant Edward Dinnin in his own proper person, and also by Attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause Whereupon the said Defendant was arraigned in said cause and "pleaded not guilty thereto" Whereupon came a jury to wit, John Brandon Lewis Lovelace, Joseph L Lane, Giles A Burditt, William O'Connell, Daniel Bostick, Robert Clements, Newton Jackson, James P Bailey, Sugar Mclain Henry D Edwards and Alexander Eaves, twelve good and lawful men of the County of Davis, who being duly elected empanelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon, 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 Defendant not Guilty. S M Clain Foreman." It is therefore ordered, adjudged and decreed by the Court here that the said Defendant go hence without day fully acquitted of said charge & c

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361 The State of Texas Plaintiff Betting
vs
George W Logan Defendant Faro

And now on this day came the plaintiff in the above cause by the District Attorney Alexander Abhamers who prosecutes for the State in this behalf. and the said defendant George W Logan being three times solemnly called came not. but made default And it appearing to the satisfaction of the Court here that the said defendant George W Logan who signs his name Geo W Logan as principal together with J M Swisher who signs his name Jas M Swisher and D S Roy who signs his name D S Roy as his securities had executed their joint and several Bond payable unto the State of Texas in the sum of One hundred dollars dated the 13th day of September A.D. 1853. Conditioned that the said defendant George W Logan. appear Instanter before the Honorable District Court of Travis County. Then in session in the City of Austin, then and there to answer an indictment preferred against him by the Grand Jurors of Travis County at the Fall Term A.D. 1853 of said Court for "Betting money at a certain gaming Table at Faro. and that he there remain from day to day and from term to term thereafter of said Court. and that he do not depart the Court without leave. And the said defendant being again three times solemnly called and required to answer said Charge which he wholly failed to do. and the said securities also being three times solemnly called and required to bring with them into Court the body of the said defendant George W Logan to answer said Charge which they wholly failed to do

It is therefore considered. ordered, adjudged and decreed by the Court here that the said Bond of the said defendant George W Logan and the said J.M. Swisher. and the said D S Roy be and the same is hereby forfeited. and that the said State of Texas do have and recover of and from them jointly and severally the Sum Of One hundred Dollars. the amount of said. and that Scire facias do 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 may have why this Judgment should not be made final against them

062

Spring Term Tuesday May 9th 1854

The State of Texas Plaintiff Exhibiting
vs Kiss
Gray Clements Defendant

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander Mckamey who prosecutes for the State in this behalf. and the said defendant Gray Clements being three times solemnly called came not. and it appearing to the satisfaction of the Court here, that the said defendant Gray Clements who signs his name Gray Clements as principal together with William Clements who signs his name Wm Clements and Thomas J Pitt who signs his name Thomas J Pitt as his securities had executed their joint and several bond payable unto the State of Texas in the sum of One hundred Dollars. dated the 13th day of September A D 1853. Conditioned nevertheless to be void upon condition that the said defendant Gray Clements make his appearance Instanter before the Honorable Court of Travis County. then in session in the City of Austin. To answer an indictment preferred against him by the Grand Jurors of Travis County at the Dale Term A D 1853. of said Court for "Exhibiting and keeping a certain gaming Table Called Kiss" and that he then remain from day to day and from term to term of said Court. and that he do not depart said Court without leave thereof. And the said defendant Gray Clements being three times solemnly called and required to come into Court and answer said Charge. which he wholly failed to do. and the said Securities being also three times solemnly called and required to bring with them into Court the body of the said defendant Gray Clements to answer said charge which they wholly failed and refused to do. It is therefore considered ordered, adjudged, and decreed by the Court here, that the said bond of the said Gray Clements, and the said William Clements, and the said Thomas J Pitt be and the same is hereby forfeited. And that the said State of Texas do have and recover of and from them the sum of One hundred Dollars the amount of said Bond and that Scirfacias do 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 may have why this Judgment should not be made final against them—

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364 The State of Texas vs Perry Grumbles et al } Plaintiff } Defendant } assault and Battery

In this cause on motion of the District Attorney Alexander St Clair it is ordered by the Court that the above cause be continued until the next Term of this Court and that alias Capias issue against the said Defendant Perry Grumbles returnable to said term of said Court.

365 The State of Texas vs Perry Grumbles, John F Grumbles, Augustus Dore, Gray Clements, Henry Vines and John A Mexican } Plaintiff } Defendants } Murder

In the above cause on motion of the District Attorney It is ordered by the Court that a Special Venire issue in said cause, Commanding the Sheriff to Summon thirty six good and lawful men of the County of Travis to be and appear before this Court on Thursday morning next May the eleventh A.D. 1854. at 9 O'clock A.M. to serve as Jurors in said cause. Whereupon the said Venire was issued accordingly.

369 The State of Texas vs John Wahrenberger } Plaintiff } Defendant } Selling Liquor to a Slave

In this case this day came the District Attorney who prosecutes for the State in this behalf, and says that he will not prosecute said case further. It is therefore ordered by the Court that the defendant go hence without day fully acquitted of said Charge.

Ordered by the Court that Court adjourn until Wednesday morning Nine O'clock A M May the Tenth A.D. 1854.

Spring Term Wednesday May 10th 1854
Wednesday morning nine O'clock a M
Court convened pursuant to adjournment
May the tenth A D 1854 Present the Hon
John Hancock Judge of said Court. John M
Castleberry clerk. and George W Scott Sheriff of Davis
County. whereupon the following proceedings
were had to wit;

366 The State of Texas Plaintiff assault
vs with intent
Gray Clements Defendant to Kill

In the above case. came the
plaintiff by the District attorney. and on his
motion and it appearing to the satisfaction
of the court here that Martin Games. witness for
the said plaintiff had been duly and legally
summoned to appear and give evidence on behalf
of the said plaintiff, in said case. and being
three times solemnly called came not but made
default. Whereupon it is ordered adjudged and
decreed by the court that a fine of one hun-
dred dollars be and the same is hereby imposed
upon said witness, and that scire facias do
issue against and to said witness returnable to
the next term of this court commanding him then
and there to appear and show cause if any he
may have why said fine should not be made
final against him, and also that a writ of
Attachment issue against said defendant
Martin Games returnable to the next term of this
court. and also that the said above case be
continued until the next term of this court-

367 The State of Texas Plaintiff disturbing
vs Public
Owen Adkins worship
John Woodridge
John Hayris &
Thomas Elgin Defendant

And now on this day came the
plaintiff in the above cause by the District Attorney
Alexander Mahaemes who prosecutes for the State
in this behalf, and it appearing to the satisfaction
of the court here, that the defendants in the above

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Cause to wit Owen Atkins John Haynie and Thomas le Elgin had not been served by writ of Capias. And it further appearing to the satisfaction of the Court here that the said defendant John Wooldridge who signs his name Jno R Wooldridge as principal together with A E Brown who signs his name A E Brown and Jno W Haynie who signs his name Jno W Haynie as his securities had executed their joint and several bond payable unto the State of Texas in the sum of One hundred Dollars dated the 13th day of September A.D. 1853. Conditioned that the said defendant John R Wooldridge make his appearance instanter before the Honorable District Court for Travis County then in session at the Court House of said County in the City of Austin to answer an indictment preferred against him by the Grand Jurors of said County of Travis at the Fall term A.D. 1853 of said Court for "Disturbing religious worship" and that he there remain from day to day and from term to term of said Court and that he do not depart the Court without leave thereof And the said defendant John Wooldridge being again three times solemnly called and required to come into Court and answer said Charge which he wholly failed to do. And the said securities being also three times solemnly called and required to bring with them in to Court the body of the said defendant John Wooldridge to answer said Charge which they wholly failed to do. It is therefore Ordered adjudged and decreed by the Court here that the said Bond of the said John Wooldridge and the said John W Haynie and the said A E Brown be and the same is hereby forfeited and that the said State of Texas do have and recover of and from them jointly and severally the sum of One hundred Dollars the amount of said Bond, and that Scire facias do 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 may have why this Judgment should not be made final against them as aforesaid

Spring Term Wednesday May 10th 1854

3y1. The State of Texas Plaintiff
vs Killing
Adolphus Ware and Benjamin Ware Defendant Ox

On this case this day came the plaintiff in the above cause by the District Attorney and says that he will not prosecute said cause further. It is therefore ordered, adjudged and decreed by the Court here that the said defendants go hence without day fully acquitted of said charge.

3y2 The State of Texas Plaintiff Gaming
vs
Gray Clements Defendant

On this case on motion of the District Attorney, It is Ordered by the Court that the above cause be continued until the next term of this Court.

The State of Texas Plaintiff Marking
vs Cattle not
Andrew Yager Defendant his own

And now on this day came the plaintiff in the above cause by the District Attorney Alexander McNamee who prosecutes for the State in this behalf and the said defendant being three times solemnly called came not but made default, and it appearing to the satisfaction of the Court here that the said defendant Andrew Yager who signs his name A. Yager as principal together with A. Four. who signs his name A. Fore. and Ziller Michael who signs his name Ziller Michael_ as his securities had executed their joint and several Bond payable unto the State of Texas in the sum of Five Hundred Dollars. dated the 26th day of September A.D. 1853. conditioned that the said Defendant Andrew Yager. make his appearance Instanter before the Honorable District Court of Travis County then in session at the Court house of said County in the City of Austin, to answer an Indictment preferred against him by the Grand Jurors of said County of Travis at the Fall Term A.D. 1853 for Marking & "Branding certain neat Cattle not his own," and that he there remain from day to day and from term to term thereafter, and that he

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do not depart the Court without leave thereof. and the said defendant Andrew Yager being again three times solemnly called and required to come into Court and answer said Charge which he wholly failed to do. And the said securities being also three times solemnly called and required to bring with them into Court the body of the said Defendant Andrew Yager to answer said Charge which they wholly failed and refused to do. It is therefore Considered Ordered adjudged and decreed by the Court here that the said Bond of the said defendant Andrew Yager. and the said securities A Dorn and Zeller Michael be and the same is hereby forfeited. And that the said State of Texas do have and recover of and from them jointly and severally the Sum of Five Hundred Dollars the Amount of said Bond. And that Scire facias do issue to each of them severally returnable to the next Term of this Court. Commanding them then and there to appear and show cause if any they may have why this Judgment should not be made final against them as aforesaid—

375 The State of Texas vs Adolphus Ware — Plaintiff — Defendant — Felony Stay

In this case this day came the plaintiff by the District Attorney and on his motion and suggestion that he will not prosecute the same further. It is therefore Ordered adjudged and decreed by the Court here that the said defendant go hence without day fully acquitted of said Charge

376 The State of Texas vs William Stone — Plaintiff — Defendant — "Exhibiting" "Law"

In this case on motion of the District Attorney It is ordered by the Court that the above cause be continued until the next Term of this Court and that alias capias issue

Spring Term Wednesday May 10th 1854

3249 ✓

The State of Texas } Plaintiff } Exhibiting
vs } "Bar"
James H Jackson } Defendant

In this case this day came the District attorney Alexander McMahemes and on his motion It is ordered by the Court that the above cause be continued until the next Term of this Court.

3248 ✓

The State of Texas } Plaintiff } Betting
vs } at
Thomas Glascock } Defendant } Bar

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander McMahemes who prosecutes for the State in this behalf. and the said defendant Thomas Glascock being three times solemnly called came not but made default. And it appearing to the satisfaction of the Court here that the said defendant Thomas Glascock who signs his name Thos Glascock. as principal with James M H Hall as his security who signs his name J M. M Hall. had executed their joint and several Bond payable unto the State of Texas in the sum of Five Hundred Dollars. dated the 6th day of May A D 1854 Conditioned that the said Thomas Glascock make his personal appearance Instanter before the Honorable District Court of Travis County. then in session in the City of Austin. Then and there to answer an indictment preferred against him by the Grand Jurors of Travis County at the Spring Term A D 1854 for "Betting at a certain Gaming bank Called Bar" and that he there remain from day to day and from term to term of said Court and that he do not depart the Court without leave. And the said defendant Thomas Glascock being again three times solemnly called and required to come into Court and answer said Charge. which he wholly failed to do, And the said Security being also three times solemnly called and required to bring with him into Court the body of the said defendant Thomas Glascock to answer said Charge which he wholly failed to do

It is Therefore Considered, ordered, adjudged—

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and decreed by the Court here that the said Bond of the said Defendant Thomas Glascock and the said James M M Hall be and the same is hereby forfeited, and that the said State of Texas do have and recover of and from them jointly and severally the sum of Two hundred dollars, the amount of said Bond. And that Scire-facias do issue to them jointly and severally returnable to the next Term of this Court Commanding them then and there to appear and show cause if any they may have why this Judgment should not be made final against them as aforesaid

379 The State of Texas vs Newton Jackson } Plaintiff / Defendant } Exhibiting Monte

And now on this day Came the plaintiff in the above Cause by the District Attorney W. Alexander Mckaennels who prosecutes for the State in this behalf and the said defendant in his own proper person and also by Attorney. And thereupon the said parties announced themselves ready to proceed to the trial of said cause. Whereupon the said defendant was arraigned, and plead guilty to the Indictment in said cause Whereupon came a jury to wit; S M Cain and Eleven others, Twelve good and lawful men of the County of Travis who being duly elected empannelled and sworn in said Cause and after hearing the evidence in the Case and the argument of Counsel thereon 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 Defft. ten Dollars S M Cain Foreman" Whereupon it is considered, ordered adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said Defendant Newton Jackson the sum of Ten Dollars, the amount of said fine assessed by the Jury as aforesaid, together with all of the costs in this behalf expended. And it is

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further ordered by the Court here that the said
Defendant Newton Jackson remain in the
Custody of the Sheriff of Davis county until
said fine and costs are paid.

381 ✓ The State of Texas Plaintiff Betting
Edward R Peck Defendant Fine
And now on this day came
the parties to the above entitled cause, the
plaintiff by the District attorney, and the
said Defendant in his own proper person
and also by attorney, and thereupon the said
defendant was arraigned in said cause and
pleaded guilty to the Indictment in said
Whereupon came a jury to wit, A Eanes and
eleven others twelve good and lawful men of
the County of Davis, who being duly elected em-
pannelled and sworn to try said cause and
after hearing the evidence in the case and the
argument of Counsel thereon, 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 defendant guilty and assess
his fine at ten Dollars" A Eanes Foreman"
It is therefore considered, ordered, adjudged
and decreed by the Court here that the said State
of Texas do have and recover of and from the
said defendant the sum of Ten Dollars. the
amount of fine so assessed by the Jury as afore-
said together with all of the costs in this be-
half expended, and it is further ordered by
the Court here that the said defendant remain
in the Custody of the Sheriff of Davis County
until said fine and costs are paid. And thereupon
said defendant came forward and paid said
fine and costs

381. The State of Texas Plaintiff Betting
Edward R Peck Defendant Fine
And now on this day came
the plaintiff in the above cause by the District
Attorney Alexander McNamees who prosecutes
for the State in this behalf, and the said defendant

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in his own proper person and Jacs by Attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said. Whereupon said defendant was arraigned in said cause and pleaded Guilty Whereupon came a jury to wit: A. Eanes and eleven others, twelve good and lawful men of the County of Ouachita, who being duly elected, empannelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon, retired under the Charge of the Court 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 his fine at ten Dollars. A Eanes Foreman. It is therefore considered, ordered adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant Edward R Peck the sum of Ten Dollars the amount of fine so assessed by the Jury as aforesaid together with all of the costs in this behalf expended. And it is further ordered adjudged and decreed by the Court here, that the said defendant Edward R Peck remain in the Custody of the Sheriff of Ouachita County until said fine and costs are paid. And thereupon said defendant came forward and paid said fine and costs.

382

The State of Texas vs William Wyatt — Plaintiff — Defendant — Exhibiting Forfeits

And now on this day came the plaintiff in the above cause by the District Attorney Alexander McKenzie who prosecutes for the State in this behalf. and the said defendant William Wyatt in his own person and Jacs by attorney. And thereupon the said parties announced themselves ready to proceed to the trial of said cause. Whereupon came a jury to wit S M Cain and eleven others, twelve good and lawful men of the County of Ouachita who being duly elected empannelled and sworn to try said cause and after

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hearing the evidence in the Case and the argument of Counsel thereon retired under the Charge of the Court to consider of their Verdict. and returned into court the following Verdict to wit, "We the jury fine the Deft. ten Dollars & Mc Cain Foreman" It is therefore considered. ordered. adjudged and decreed by the Court here that the said State of Miss do have and recover of and from the said defendant William Wyatt the sum of Ten Dollars. the amount of fine so assessed by the jury as aforesaid together with all of the costs in this behalf expended and it is further ordered adjudged and decreed by the Court here that the said defendant William Wyatt remain in the Custody of the Sheriff of Davis County until said fine and Costs are paid- and thereupon said defendant came forward and paid said fine and costs-

383 ✓

The State of Miss Plaintiff "Betting"
Vs at
Jesse Burdin Defendant Stan.

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander McNairn who prosecutes for the State in this behalf. and the said defendant in his own proper person and also by Attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause. and thereupon the said defendant was arraigned in said cause and pleaded Guilty thereto. and the allegations in the indictment in said cause contained. whereupon came a jury to wit: John Brandon. James Mann. Lee Wells Lovelace. Joseph L Lane. Giles H Burdin. William O'Connell. Daniel Bostick. James D Railey. Lugard Mlain. Josephus Cowan. John A Pleasant and William Barber. twelve good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said cause. and after hearing the evidence in the case. and the argument of Counsel thereon retired under the Charge of the Court to consider of their Verdict and returned into Court the following Verdict to wit: "We the jury fine the deft

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ten dollars, & Main Judgment &c is therefore considered, ordered, adjudged, and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant Jesse Burdin the sum of ten dollars the amount of fine so assessed by the jury aforesaid, together with all of the costs in this behalf expended, and it is further considered, ordered, adjudged and decreed by the Court here, that the said defendant Jesse Burdin remain in the custody of the Sheriff of Travis County until said fine and costs be paid—

384 The State of Texas vs Cook commonly called Pet. Cook — Plaintiff — Defendant — Betting at Faro

385 The State of Texas vs Charles E Travis — Plaintiff — Defendant — Betting at Faro

391 The State of Texas vs Armed "commonly called the "Human Sharks" — Plaintiff — Defendant — Betting at Faro"

392 The State of Texas vs Armed "commonly called the "Human Sharks" — Plaintiff — Defendant — Betting at Faro

On the above four cases on motion of the District Attorney Alexander Mahoney, It is ordered by the Court that the same be continued until the next term of this Court and that alias Capias issue therein returnable to the next Term of this Court

386

Spring Term Wednesday May 10th 1854

The State of Texas Plaintiff Betting at Stars
vs
Samuel G Norvell Defendant

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander Pleasants who prosecutes for the state in this behalf and the said defendant, Samuel G Norvell being three times solemnly called came not but made default, and it appearing to the satisfaction of the Court here that the said defendant Samuel G Norvell who signs his name S G Norvell as principal together with J N Jackson who signs his name J N Jackson and G E Robinson who signs his name G E Robinson had executed their joint and several bond payable unto the said State of Texas in the sum of Two hundred Dollars, dated the 5th day of May A D 1854 Conditioned that the said Samuel G Norvell make his appearance personally before the Honorable District Court of Travis County then in session at the City of Austin, to answer an Indictment preferred against him by the Grand Jurors of said County of Travis at the Spring Term A D 1854 of said Court for "Betting at a certain gaming Bank called Roods" and that he there remain from day to day and from term to term of said Court and that he do not depart the Court without leave, and the said Defendant Samuel G Norvell being again three times solemnly called and required to come into Court to answer said charge which he wholly failed to do And the said Securities being also three times solemnly called and required to bring with them into Court the body of the said defendant Samuel G Norvell, to answer said charge which they wholly failed to do, It is therefore ordered adjudged and decreed by the Court here that the said Bond of the said Samuel G Norvell and the said securities, viz J N Jackson and G E Robinson be and the same is hereby forfeited, and that the said State of Texas do have and recover of and from them Jointly and severally the sum of Two hundred Dollars the amount of said Bond. and that Scire facias do issue to them returnable to the next Term of this Court commanding them then and there to appear and show cause if any they may have why this Judgment should not be made final as aforesaid against them as aforesaid

387

Spring Term Wednesday May 10th 1854

The State of Texas Plaintiff } Betting
vs } at
Samuel G Norvell Defendant } Monte

And now on this day came the plaintiff in the above cause by the District Attorney Alexander Alshaemes who prosecutes for the State in this behalf, and the said defendant Samuel G Norvell being three times solemnly called came not but made default. And it appearing to the satisfaction of the Court here that the said defendant Samuel G Norvell who signs his name S G Norvell as principal and J T Jackson who signs his name J T Jackson and G E Robinson who signs his name G E Robinson as his securities had executed their joint and several bond payable unto the State of Texas in the sum of Two Hundred Dollars dated the 6th day of May A D 1854 conditioned that the said Defendant Samuel G Norvell make his personal appearance instanter before the Honorable District Court of Travis County then in session in the City of Austin, to answer an indictment preferred against him by the Grand Jurors of Travis County, State of Texas, at the Spring Term A D 1854 of said Court for "Betting at a certain gaming banks called Monte" and shall there remain from day to day and from term to term of said Court, and that he do not depart thence without leave, and the said defendant Samuel G Norvell being again three times solemnly called and required to come into court to answer said charge which he wholly failed to do, and the said Securities being also three times solemnly called and required to bring with them into Court the body of the said defendant to answer said charge which they wholly failed to do, It is therefore considered, ordered, adjudged and decreed by the Court here that the said Bond of the said Samuel G Norvell and the said J T Jackson and the said G E Robinson be and the same is hereby forfeited, and that the said State of Texas do have and recover of and from them jointly and severally the sum of Five hundred Dollars the amount of said Bond, 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 may have why this Judgment should not be made final against them

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388 ✓

The State of Texas Plaintiff Betting
vs
James M. Hall Defendant Faro

In this case This day came the District attorney Alexander H Chalmers who prosecutes for the State in this behalf, and the said defendant in his own proper person and also by Attorney and thereupon the said parties announced themselves ready to proceed to the trial of said cause. whereupon the said defendant was arraigned in said cause, and pleaded "not guilty" Whereupon came a jury to wit; John K Brandon, De Witt Lovelace, Joseph L Lane Giles A Burditt, William O'Connell, Calicatzo Bostick, Robert Clements, Newton Jackson, James D Railey, Sugar M Cain, Henry D Edwards and Alexander Canes Twelve good and lawful men of the County of Travis, who being duly elected empannelled, and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel thereon, 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 deft. guilty and fine him ten dollars A Canes Foreman"

It is therefore considered, ordered, adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant James M Hall the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid together with all of the costs in this behalf expended And it is further ordered by the Court that the said defendant James M Hall remain in the Custody of the Sheriff of Travis County until said fine and costs are paid

389 ✓

The State of Texas Plaintiff Grand
vs
Ambrose Franklin Defendant Larceny

And now on this day came the parties to the above cause. The plaintiff by the District Attorney Alexander H Chalmers who prosecutes for the State in this behalf and the said defendant in his own proper person and also the said defendant was arraigned in said cause and pleaded "not guilty" And thereupon

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the said defendant filed his affidavit for a continuance of said cause. And the Court after considering said affidavit and application overrules the same-

390 The State of Texas Plaintiff } Assault with intent to Kill and Murder
John S. Grumbles Defendant }

And now on this day Came the plaintiff in the above cause by the District Attorney Alexander Dykeman who prosecutes for the State in this behalf. And the said defendant in his own proper person and also by Attorney, and thereupon the said plaintiff by said attorney moved the Court to quash the Bond given in the above case in the Justices Court. and have the said defendant re-recognized, in the sum of One Thousand Dollars. And the Court after hearing the arguments of Counsel for and against said Motion and the Court Considering the same. and the questions of law thereon arising, doth order adjudge and decree that the said motion of the said plaintiff be sustained, and that the said Bond given in the Justices Court be and the same is hereby quashed and that the said defendant be recognized in the sum of "One thousand Dollars" And thereupon again came the parties. the said plaintiff by said Attorney, and the said defendant in his own proper person, and also by Attorney And thereupon in open Court Came the said defendant John S. Grumbles as principal and Joseph H Robertson and William O'Connell as his securities, who each and every of them acknowledged themselves jointly and severally to owe and be indebted unto the State of Texas in the sum of One thousand Dollars to be levied each of their respective goods and Chattels Lands and tenements But to be void upon Condition that the said defendant John S Grumbles make his personal appearance before the Honorable District Court for said County of Paris to be begun and holden at the Court house thereof in the City of Austin, on the Eighth Monday after the first Monday in September next ade 1854

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then and there to answer an Indictment preferred against him by the Grand Jurors of said County of Travis at the Spring Term of said District Court A.D. 1854 for an "assault with intent to kill and Murder" and that he there remain from day to day and from term to term thereafter and that he do not depart the Court without leave thereof—

391

The State of Texas } Plaintiff } assault with
vs } intent to kill
John S Grumbles } Defendant } and Murder

On the above cause this day came the District attorney Alexander H Chadmers who prosecutes for the State in this behalf and moved the Court that Edward Finnin a witness duly summoned on behalf of the Plaintiff in the above case be recognized for his appearance in said cause to testify therein as aforesaid. And thereupon the Court fixed the Amount of recognizance of said witness in the sum of Five hundred Dollars. And thereupon the said witness Edward Finnin came in to open Court and acknowledged himself to owe and be indebted unto the State of Texas in the sum of Five hundred Dollars to be levied of his respective goods and Chattels lands and tenements. But to be void upon condition that the said Edward Finnin make his personal appearance before the Honorable District Court for said County of Travis to be begun and holden at the Court House thereof in the City of Austin on the Eighth Monday after the first Monday in September next A.D. 1854 then and there to testify and the truth to speak on behalf of the plaintiff in a certain Cause in said District Court pending wherein the State of Texas is plaintiff and John S Grumbles is defendant. Charged with an "assault with intent to kill and Murder" and that he there remain from day to day and from term to term thereafter and that he do not depart the Court without leave thereof—

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393	The State of Texas vs Ben D. Hill	Plaintiff Defendant	"Betting at Faro"	
394	The State of Texas vs Ben D. Hill	Plaintiff Defendant	"Betting at Faro"	
395	The State of Texas vs Shadeus Beck &c	Plaintiff Defendant	Exhibiting Monte	
396	The State of Texas vs Shadeus Beck called Thad Beck	Plaintiff Defendant	Exhibiting Monte	
397	The State of Texas vs Shadeus Beck called Thad Beck	Plaintiff Defendant	Betting at Faro	
398	The State of Texas vs Thomas D Moore	Plaintiff Defendant	Exhibiting A.B.C.	
399	The State of Texas vs Thomas D Moore	Plaintiff Defendant	Exhibiting A.B.C.	
401	The State of Texas vs Weaver	Plaintiff Defendant	Exhibiting Monte	
	The State of Texas vs John D Grumbles	Plaintiff Defendant	assault with intent to kill	

On Motion of the District Attorney. It is Ordered by the Court that the above entitled cause be continued and that Alias Capias issue returnable to the next term of this court

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Theodor Peckt.

And the said Theodor Peckt, having here in open Court filed his petition to become a citizen of the United States, and the Court here being satisfied by the affidavit of John L Bragg and Benjamin Brauner that the said Theodor Peckt was known to them for the last five years, during two years of which time he has behaved as a man attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and being also satisfied that the said, Theodor Peckt has made his declaration to become a citizen of the United States in accordance with the Act of Congress in such cases made and provided and the said Theodor Peckt in open Court having Taken the oath prescribed by law to support the Constitution of the United States, and to absolutely and entirely renounce and abjure all allegiance and fidelity to every prince potentate state or Sovereignty whatsoever, and particularly to Ferdinand Wilhelm King of Prussia of whom he was late a subject.

It is therefore Considered, ordered, adjudged and decreed by the Court here that the said Theodor Peckt be and he is hereby admitted a citizen of the United States of America, and that the Clerk of this Court issue to him a Certificate accordingly—

Ordered by the Court that Court adjourn until Thursday morning nine o'clock a m. May the Eleventh A D 1854

Thursday morning nine o'clock A M Court Convened pursuant to adjournment May the Eleventh A D 1854 present the Honorable John Hancock Judge of said Court John Measley Clerk of said Court and Jurye W Scott Sheriff of Travis County, whereupon the following proceedings were had, to wit—

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365 The State of Texas } Plaintiff } Murder
vs
Perry Grumbles et.als. } Defendant

And now on this day came the plaintiff in the above cause by the District Attorney Alexander S. Chambers who prosecutes for the State in this behalf And on his motion, and showing filed it is ordered by the Court that the above cause be continued until the next Term of this Court

365 The State of Texas } Plaintiff
vs
Perry Grumbles
John J. Grumbles
Augustus Fore
Gray Clements
Henry Vines and
John A Mexican } Defendants } Murder

And now on this day came the plaintiff in the above cause by the District Attorney Alexander S. Chambers who prosecutes for the State in this behalf. And moved the Court that Thomas D. McKinney a witness duly and legally summoned on behalf of the plaintiff in the above cause be recognized for his appearance at the next term of this Court, to give evidence on behalf of said plaintiff, and thereupon the Court fixed the amount of the sum to be recognized in by said witness, in the sum of Five Hundred Dollars And thereupon came into open Court. the said witness Thomas D. McKinney. 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 chattels lands and tenements, But to be void upon condition that the said Thomas D. McKinney make his personal appearance before the Honorable District Court of Travis County at the next term thereof to be begun and holden at the Court House thereof in the City of Austin on the Eighth Monday after the first Monday in September next A.D. 1854 then and there to give evidence on behalf of the plaintiff in the above cause in said Court pending and that he there remain from day to day of

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said Court and from term to term thereafter and that he do not depart the Court without leave thereof

389 The State of Iowa Plaintiff Grand
vs
Ambrose Shanklin Defendant Larceny

And now on this day came the plaintiff in the above cause by the District Attorney. and the said defendant Ambrose Shanklin in his own proper person. and thereupon the said defendant suggested to the Court that he had no Counsel to defend him and thereupon filed his affidavit in terms of the law to that effect, Whereupon the Court appointed Sebron G Sneed and Edward R Peck Esqrs Attorneys of the Bar to defend the said defendant. And thereupon the said parties announced themselves ready to proceed to the trial of said cause. Whereupon came a Jury to wit James Dailee, John G Matthews, Bryant C Savey, Mc Alonston, Henry Johnson, Abram Hendricks, John Wakenberged William Patterson, John B Rainey, William Barber, Lucian Puckett and Sherman Case twelve good and lawful men of the county of Dubois, who being duly elected impannelled and sworn to try said cause, And thereupon the said parties proceeded with a portion of the evidence in the cause. and thereupon in consequence of the sudden illness of one of the said Jurors to wit Sherman Case, the said Juror was withdrawn, and by consent of parties Sugar N Cain was substituted in in the place and stead of the said Sherman Case, whereupon said Jury was empannelled, and the said case proceeded with de novo. And after the said Jury had heard the evidence adduced by the parties, and the argument of Counsel thereon retires under the charge of the Court to consider of their Verdict, Whereupon said Jury returned into Court the following Verdict to wit: "We the Jury find the defendant not guilty" Barber Foreman. Whereupon it is considered ordered adjudged and decreed by the Court here that

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the said defendant go hence without day fully acquitted of said charge.

4411 The State of Texas Plaintiff } Allowing gaming in his house &c
vs
George Robinson Defendant }

And now on this day came the plaintiff in the above cause by the District Attorney Alexander McChalmers who prosecutes for the State in this behalf and the said defendant in his own proper person and also by attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause. and thereupon the said defendant was arraigned and pleaded guilty whereupon came a jury to wit. Bryant C Stanley and eleven others. true and good and lawful men of the County of Davis who being duly elected impannelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon 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 deft ten dollars. Bryant C Stanley Foreman" It is therefore Considered, ordered, adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid. together with all of the costs in this behalf expended, and it is further ordered by the Court here that the said defendant George Robinson remain in the custody of the Sheriff of Davis County until said fine and costs aforesaid, and thereupon the said defendant came forward and paid said fine and costs.

133 Nelson Mires Plaintiff } Debt
vs
Timmings & Case Defendant }

On this case this day came the plaintiff by attorney, and on his motion It is ordered by the Court that said plaintiff have leave to file an amended petition in said cause

Spring Term Thursday May 11th 1854

333 Rerka Jansan Plaintiff Suit
John vs Dark Defendant for Damages
And now on this day came the parties to the above entitled cause by their attornies, and thereupon an motion of plaintiffs attornies and the affidavit filed of said plaintiff for continuance. being read to the court. and the court considering the same. Orders that the said cause be continued until the next Term of this Court—

292 John R Slocumb Plaintiff Debt
Diana vs Gilliland Defendant on Account
And now on this day came the parties to the above entitled cause, by attornies and thereupon the plaintiff by attorney moved the Court to be permited to file an amended petition in said cause. which said permission was by the court granted. and leave given the said plaintiff to file an amended petition in said cause

421 The State of Texas Plaintiff Petting
Charles vs Bryant Defendant at
And now on this day came Mate
the plaintiff in the above cause by the District Attorney who prosecutes for the State in this behalf and the said defendant in his own proper person and also by attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and thereupon the said defendant was arraigned in said cause and "pleaded Guilty" Whereupon came a jury to wit: S McBain and eleven others good and lawful men of the County of Travis who being duly elected empannelled and sworn to try said cause. and after hearing the evidence in the case and the argument of Counsel thereon 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 Defendant ten dollars, S McBain Foreman

Spring Term Thursday May 11th 1854

It is therefore considered, ordered, adjudged and decreed by the Court here, that the said State of Texas do have and recover of and from the said defendant the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid. together with all of the costs in this behalf expended. and it is further ordered, adjudged and decreed by the Court here that the said defendant remain in the custody of the Sheriff of Travis County until said fine and costs are paid—

422 The State of Texas vs Charles Bryant — Plaintiff — Defendant — Petty Larceny

And now on this day came the plaintiff in the above cause by the District Attorney Alexander McKinney who prosecutes for the State in this behalf, and the said defendant Charles Bryant in his own proper person and also by Attorney, and thereupon the said defendant was arraigned in said cause, and pleaded not guilty thereto, And also a former Conviction at the present term of this Court. for the same offence whereupon came a jury. to wit; S McClain, and eleven others twelve good and lawful men of the County of Travis, who being duly elected empanelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon, 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 Deft. not guilty." S McClain Foreman It is therefore ordered adjudged and decreed by the Court here that the said defendant Charles Bryant go hence without day fully acquitted of said charge—

Ordered by the Court, that Court adjourn until Friday Morning Nine O'clock A M May 12th A.D 1854

Spring Term Friday May 12th 1854

Friday Morning nine o'clock A M May the twelfth A D 1854 Court Convened pursuant to adjournment. Present the Honorable John Dancock. Judge of said Court John Mcguire Clerk of said Court and George W Scott Sheriff of Davis County whereupon the following proceedings were had to wit!

335

James C Stephenson & Wife Mary Jane Stephenson, Ann B Barton & William C Barton who sue by their Guardian, James C Stephenson, Plaintiffs

vs

Dennis Drammell, Margaret Hodgling & John Zively Defendants

Decree

And now on this day came the parties to the above entitled cause by their attornies, to wit! the plaintiffs James C Stephenson, and Mary Jane Stephenson his wife by attornies, and Ann B Barton, and William C Barton, by their lawful Guardian, James C Stephenson, and the said defendants by attornies, and the said cause being announced for trial the said parties also announced themselves ready to proceed to trial of said cause and moved the Court for a jury - whereupon came a jury to wit: John Brayton, James Mayo, Lewis Wickware, Joseph L Sane, Giles A Burditt, William C Cornell, Decatur Bostick, James P Railey - Sugar M Cain, Josephus Cowan John A P Carr, and William Barber, twelve good and lawful men of the County of Davis, who being duly elected empannelled, and sworn to try said cause and the matters in issue between the plaintiffs, and defendants, and after having heard the evidence adduced by the said parties, in said cause, as well the argument of Counsel thereon, retired under the Charge of the Court to consider of their Verdict, whereupon the said Jury returned into Court the following Verdict to wit; "We the Jury find for the defendants

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Patrick Brennan. Whereupon it appearing to the Court here, from said Verdict. That the charges and allegations. in the petition of the said plaintiffs Contained. are not true. It is therefore Considered ordered adjudged and decreed by the Court here that the said plaintiffs James le Stephenson and his wife Mary Jane Stephenson, Ann B Baton, and William E Baton take nothing by their suit in this behalf, and that the said Defendants, Dennis Braddneel, Margaret Modgling, and John Zively, go hence without day, and have and recover of and from said plaintiffs. James le Stephenson. and Mary Jane. Stephenson his wife. and Ann B Baton and William E Baton, all of their costs in this behalf expended. and that Execution issue therefor &c &c

Ordered by the Court. That Court adjourn until Monday next nine O. Clock A. M. May the fifteenth A D 1854

Monday Morning Nine O'clock A M May the fifteenth A D 1854 Court Convened pursuant to adjournment. Present The Honorable John Hancock Judge of said Court. John Measley Clerk thereof and Geo W Scott Sheriff of Travis County Whereupon the following proceedings were had to wit!

402 The State of Texas vs Alexander Eanes — Plaintiff — Defendant — Betting as Monte

403 The State of Texas vs Alexander Eanes — Plaintiff — Defendant — Betting at Faro

In the above two cases this day came the District Attorney, and on his motion it is ordered by the Court that the above cause be continued until the next Term of this Court. and that alias Copias issue in said two cases returnable to the next Term of this Court

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404	The State of Texas vs Sherman Case	Plaintiff Defendant	Taking and using Stray Horse	
405	The State of Texas vs La Fayette Gwinn	Plaintiff Defendant	Dealing Monte	
406	The State of Texas vs La Fayette Gwinn	Plaintiff Defendant	Dealing Monte	
407	The State of Texas vs Aaron Burleson Jr. & Hugh Nelles	Plaintiff Defendant	Affray	
408	The State of Texas vs Pleasant Barnhill	Plaintiff Defendant	Playing Cards for Money in a Grocery	
409	The State of Texas vs Pleasant Barnhill	Plaintiff Defendant	Gaming	
411	The State of Texas vs William Clopton	Plaintiff Defendant	Gaming	
411	The State of Texas vs William Clopton	Plaintiff Defendant	Gaming	
412	The State of Texas vs William Clopton	Plaintiff Defendant	Gaming	

In the above nine cases on Motion of the District Attorney It is Ordered that the same be continued until the next Term of this court, and that alias process issue therein

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413 The State of Texas vs Elijah Pucket — Plaintiff, Defendant — Marking neat cattle

414 The State of Texas vs Thomas Pucket — Plaintiff, Defendant — Marking & Branding neat cattle

415 The State of Texas vs Thomas Pucket — Plaintiff, Defendant — marking & branding cattle with out consent of owner

416 The State of Texas vs Thomas Pucket — Plaintiff, Defendant — Marking & Branding neat Cattle

417 The State of Texas vs David le Gwinn et als — Plaintiff, Defendants — Allowing Gaming

418 The State of Texas vs David le Gwinn et als — Plaintiff, Defendants — Permitting & Betting on a Game of Cards in their House

419 The State of Texas vs David le Gwinn et als — Plaintiff, Defendants — Allowing Gaming

425 The State of Texas vs William Stone — Plaintiff, Defendant — Exhibiting Faro

In the above eight cases this day came the District attorney, and on his motion it is ordered by the Court here that the said above entitled eight case be continued until the next Term of this court. and that the proper process issue in said cases. returnable to said Term of said Court

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426	The State of Texas vs William Stone	Plaintiff Defendant	Dealing	Slave
427	The State of Texas vs William Stone	Plaintiff Defendant	Dealing	Slave
428	The State of Texas vs William Stone	Plaintiff Defendant	Exhibiting	Slave
429	The State of Texas vs William Stone	Plaintiff Defendant	Dealing	Slave
433	The State of Texas vs Martin K Ryan	Plaintiff Defendant	assault with intent to kill	
434	The State of Texas vs Elihu Casner	Plaintiff Defendant	Gaming	
435	The State of Texas vs Elihu Casner	Plaintiff Defendant	Gaming	
436	The State of Texas vs Elihu Casner	Plaintiff Defendant	Gaming	
437	The State of Texas vs James Casner	Plaintiff Defendant	Gaming	

In the above nine cases on motion of the District Attorney. It is ordered by the Court that the above nine cases be continued until the next Term of this court. and all the capias issued

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438	The State of Texas vs James Varner	Plaintiff Defendant	Gaming	
439	The State of Texas vs James Varner	Plaintiff Defendant	Gaming	
441	The State of Texas vs Geo W Mc Coy	Plaintiff Defendant	ass and with intent to kill	
442	The State of Texas vs William Winds	Plaintiff Defendant	Gaming	
443	The State of Texas vs William Winds	Plaintiff Defendant	Gaming	
444	The State of Texas vs William Winds	Plaintiff Defendant	Gaming	
445	The State of Texas vs Fleming	Plaintiff Defendant	Gaming	

In the above entitled seven cases on motion of the District Attorney it is ordered by the Court here that the said seven cases be continued until the next Term of this Court, and that alias Capias issue in said seven cases returnable to said Term of said Court &c &c

331

Spring Term Monday May 15th 1854

Alexander Area Plaintiff
vs Judgment
Samuel Whiting Defendant

And now comes the parties on this day by their attornies in the above entitled cause, and in accordance with the motion of plaintiff made and granted at the Fall Term A.D. 1853. of this Court, in words and figures following to wit: "It is ordered that the "above entitled cause, which disappeared from the "docket of this Court, after the Spring Term of this "Court A.D. 1848. without the proper orders "being made in the case, as required by law, be "dismissed. and that the case proceed regularly "from that Stage at which it was left according "to the minutes of the Court to its Conclusion." "

The Court proceeded to consider the same and it appearing to the Court here that full and legal service had been made by publication to said defendant, and that the said defendant, Samuel Whiting though so summoned, Yet. comes not, and says nothing in bar or preclusion of the action of the said plaintiff Alexander Area as in his said petition set forth, but hath wholly made default, whereby the action of the said plaintiff Alexander Area, against the said Samuel Whiting, remains undefended. Wherefore It is considered, ordered, adjudged and decreed by the Court here that the said plaintiff Alexander Area, do have and recover of and from the said defendant Samuel Whiting his debt aforesaid, as in his said petition set forth amounting to One hundred and ninety Dollars, and seventy five Cents, as well the further sum of One hundred and seventy five Dollars and forty nine Cents, being the amount of Interest on the said principal debt, up to the date of this Judgment, together with interest on the said Principle debt, at the rate of eight per centum per annum from the rendition of this Judgment until satisfied, by way of damages he has sustained by reason of the detention of his said debt together with all of his costs in and about this suit expended, and that Execution issue against the said defendant in favor of the said plaintiff, for the full amount of his said debt damages, Interest and costs, as above set forth &

Spring Term Monday May 15th 1854

421 The State of Texas Plaintiff Dealing
vs
Marcus B Raper Defendant Gaw

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander Alshaeuser, who prosecutes for the State in this behalf, and the said defendant in his own proper person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, whereupon the said defendant was arraigned and pleaded "not guilty" whereupon came a jury to wit John Brennon and eleven others, twelve good and lawful men of the County of Davis who being duly elected impannelled and sworn to try said cause, and after hearing the evidence in the case and the argument of counsel thereon, retired under the charge of the court 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 Ten Dollars. John Brennon Foreman" It is therefore considered ordered adjudged and decreed by the court here that the said State of Texas do have and recover of and from the said defendant Marcus B Raper the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid. together with all of the costs in this behalf expended, and it is further ordered that the said defendant remain in the custody of the Sheriff of Davis County until said fine and costs be paid-

423 The State of Texas Plaintiff Betting
vs
William Morris Defendant Gaw

And now on this day came the plaintiff in the above cause by the District Attorney Alexander Alshauser who prosecutes for the State in this behalf and the said defendant William Morris in his own proper person and also by attorney, and thereupon the said

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Parties announced themselves ready to proceed to the trial of said cause, whereupon the said defendant was arraigned therein and pleaded not Guilty, whereupon came a jury to wit: J A P Carr and eleven others, twelve good and lawful men of the County of Travis who being duly elected, empannelled and sworn to try said cause, and after hearing the evidence in the case and the argument of Counsel thereon 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 defendant Guilty, and assess the fine to Ten Dollars. J A P Carr Foreman" It is therefore considered, ordered, adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant William Morris, the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid together with all of the costs in this behalf expended. And it is further ordered by the Court that the said defendant remain in the custody of the Sheriff of Travis County until said fine and costs are paid—

424

The State of Texas Plaintiff
vs Betting of
William Morris Defendant Hard

Had now on this day came the plaintiff in the above cause by the District Attorney Aldrich who prosecutes for the State in this behalf and the said defendant William Morris in his own proper person and not by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, whereupon the said defendant was arraigned in said cause, and pleaded Guilty. Whereupon came a jury to wit: John Brymond and eleven others twelve good and lawful men of the county of Travis, who being duly elected empannelled and sworn to try said cause, and after hearing the evidence in the case, and the argument of Counsel thereon retired under the charge of the Court to consider of their Verdict, and returned into Court the following

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Verdict Towit, "We the jury fine the defendant Ten Dollars. John B Armond Foreman. It is therefore considered ordered adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant William Morris the sum of Ten Dollars. the amount of said fine as aforesaid together with all of the costs in this behalf expended. And it is further ordered by the Court that the said defendant William Morris remain in the custody of the Sheriff of Davis County until said fine and costs are paid

431

The State of Texas vs Thomas Glascock } Plaintiff / Defendant } Assault & Battery & Card playing for Money &c

And now on this day came the plaintiff in the above case by the District attorney who prosecutes for the State in this behalf. and the said defendant in his own proper person, and also by Attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause. whereupon the said defendant was arraigned therein and pleaded "not guilty" whereupon came a jury towit, John B Armond and eleven others twelve good and lawful men of the County of Davis, who being duly elected empannelled and sworn to try said case and after hearing the evidence in the case and the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict and returned into court the following Verdict towit, "We the jury find the defendant Guilty and assess the fine Ten Dollars. John Brumond Foreman" It is therefore considered ordered adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid. together with all of the costs in this behalf expended, and thereupon the said defendant came forward and paid said fine and costs &c

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431 The State of Texas } Plaintiff } Permitting gaming
Thomas vs Cassidy } Defendant } for money in his
House &c &c

And now on this day came the plaintiff in the above cause by the District Attorney Alexander Schaemel who prosecutes for the State in this behalf. and the said defendant Thomas Cassidy in his own proper person and ass by attorney. and thereupon the said parties announced themselves ready to proceed to the trial of said cause. whereupon the said defendant was arraigned in said cause and "pleaded not guilty." Whereupon came a jury to wit! William Wicks. and eleven others twelve good and lawful men of the county of Travis who being duly elected. empanneled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon retired under the charge of the Court to consider of their Verdict, and returned into court the following Verdict towit! "We the jury find the defendant Guilty, and assess the fine Ten Dollars William Wicks Foreman" It is therefore considered, ordered, adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant Thomas Cassidy. the sum of Ten Dollars the amount of fine so assessed by the jury as aforesaid. together with all of the Costs in this behalf expended. And it is further ordered by the Court here that the said defendant remain in the custody of the Sheriff of Travis County until said fine and costs be paid—

432 The State of Texas } Plaintiff } allowing
John Horan vs } defendant } gaming in his
} Grocery

And now on this day came the plaintiff in the above entitled cause by the District Attorney Alexander Schaemel who prosecutes for the State in this behalf, and the said defendant John Horan in his own proper person and ass by attorney, and thereupon the said parties announced themselves

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ready to proceed to the trial of said cause and thereupon the said defendant was arraigned in said cause. and pleaded guilty. Whereupon came a jury to wit; John M Gibaut and eleven others twelve good and lawful men of the County of Davis who being duly elected empannelled, and sworn to try said cause. and after hearing the evidence in the case, and the argument of Counsel thereon retired under the charge of the Court 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 Ten Dollars. It is therefore Considered, ordered adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant John Avran the sum of Ten Dollars the amount of fine so assessed as aforesaid, together with all of the costs in this behalf expended. And it is further ordered by the Court here that the said defendant John Avran remain in the custody of the Sheriff of Davis County until said fine and costs are paid.

178

The State of Texas } Plaintiff
vs } Betting
Rawley Autry } Defendant } at Law

And now on this day came the plaintiff in the above cause by the District Attorney who prosecutes for the State in this behalf and the said defendant Rawley Autry in his own proper Person and also by Attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, whereupon said defendant was arraigned therein and "pleaded guilty" whereupon came a jury to wit; John Fremond and Eleven others to be good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said cause and after hearing the evidence in the case as well the Argument of Counsel thereon retired under the charge of the Court to consider of their Verdict

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and returned into Court the following Verdict towit "We the jury find the Defendant Guilty and assess the fine at Ten Dollars John Desmond Foreman"

It is Therefore considered, ordered, adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said Defendant Rawley Autry the sum of Ten Dollars the amount of fine so assessed as aforesaid as well all of the Costs in this behalf expended. And it is further ordered by the Court here that the said Defendant remain in the Custody of the Sheriff of Travis County until said fine and costs are paid—

179 ✓

The State of Texas Plaintiff Exhibiting
vs
Rawley Autry Defendant Bank

And now on this day came the parties to the above entitled cause by their respective attornies, the plaintiff by the District attorney and the said Defendant in his own person and also by attorney, and thereupon the said parties announced themselves ready to proceed to the trial of said cause. Whereupon the said Defendant was arraigned in said cause and pleaded guilty, whereupon came a jury towit John Desmond and eleven others, true and lawful men of the County of Travis, who being duly elected, empanneled and sworn to try said cause, and after hearing the evidence in the case and the argument of Counsel thereon retired under the Charge of the Court to consider of their Verdict, whereupon said jury returned into Court the following Verdict towit; "We the jury find the Defendant Guilty, and assess the fine at Ten Dollars— John Desmond Foreman"

It is therefore ordered adjudged and decreed by the Court that the said State of Texas do have and recover of and from the said Defendant Rawley Autry the sum of Ten Dollars the amount of said fine, and all costs herein expended And it is further ordered by the Court that said Defendant remain in the Custody of the Sheriff of Travis County until said fine and costs are paid—

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191

The State of Texas Plaintiff Betting
vs
William R Allen Defendant Faro

And now on this day came the plaintiff in the above entitled cause by the District attorney Alexander A Chambers who prosecutes for the State in this behalf and the said Defendant in his own proper person and also by Attorney, And thereupon the said parties announced themselves ready to proceed to the trial of said cause. And thereupon the said Defendant was arraigned and pleaded Guilty. Whereupon came a jury to wit, John M Tibaut and Eleven others, twelve good and lawful men of the County of Travis who being duly elected empannelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon, 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 Defendant Guilty, and fine him Ten Dollars John M Tibaut Foreman" It is therefore considered ordered adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said Defendant the sum of Ten Dollars the Amount of fine so assessed by the jury as aforesaid together with all of the Costs in this behalf expended. And it is further ordered by the Court that the said Defendant remain in the custody of the Sheriff of Travis County until said fine and Costs are paid—

196

The State of Texas Plaintiff Exhibiting
vs
William R Allen Defendant a Faro Bank

And now on this day came the parties to the above entitled cause the plaintiff by the District Attorney and the said Defendant William R Allen in his own proper person and also by attorney and thereupon the said Parties announced themselves ready to proceed to the trial of said cause And thereupon the said

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defendant was arraigned and pleaded Guilty" Whereupon came a jury to wit! John W Tibaut and eleven others to-wit good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said cause and after hearing the evidence in the case and the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict, and returned in to Court the following Verdict to wit, "We the jury find the defendant guilty and assess the fine of ten Dollars John W Tibaut Foreman" It is therefore considered ordered, adjudged and decreed by the Court here that the said State of Texas do have and recover of and from the said defendant the sum of ten Dollars the amount of fine so assessed by the jury, as aforesaid together with all of the costs in this behalf expended. And it is further ordered by the Court here that the said defendant remain in the custody of the Sheriff of Davis County until said fine and costs are paid—

21 Marietta Wilburn Plaintiff For recovery
vs of Negro
Owen O'Brien Defendant Slaves &c

And now at this day came the parties to the above entitled cause by their attornies, and thereupon the attornies of the said defendant moved the Court to change the Venue of said cause, and thereupon the said defendants attornies to wit! Reed, Oldham, Marshall, and Davis filed their motion in terms of the law for said change of Venue. setting forth therein their reasons therefor, and the Court considering said Motion, and being well advised in the premises, doth order adjudge and decree that the Motion of said defendant be sustained and that the Venue of said cause be and the same is hereby changed. and that the same be adjourned to the County of Williamson in said State of Texas, it being the nearest adjoining County to the County of Travis Out of the 2nd Judicial District of the State of Texas, and that the said cause stand for trial at the next Term of the honorable District Court for said

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County of Williamson to be begun and holden at the Court House thereof in the Town of George town the County seat thereof. And that the Clerk of this Court make out and certify according to law a Transcript of all the Original entries as is of record in this Court in said cause. together with a correct Bill of costs in said case, and transmit the same together with all the original papers in said cause to the said District Court of Williamson County, on or before the first day of the next Term thereof so that such proceedings thereon may be had as to right and justice may appertain &c

346. John Brandon vs Michael Delaunes — Plaintiff — Defendant — Debt on account

And now on this day came the parties to the above entitled cause by their attornies, and on motion of Defendants attornies It is ordered by the Court that the said Defendant have leave to amend his answer in said cause.

360 William C Brooks vs Sanford E Blanton — Plaintiff — Defendant — Debt on Note

And now on this day came the parties to the above entitled cause by attornies and on motion of Pltffs attornies. It is ordered by the Court that the said plaintiff have leave to amend his petition.

385 Elizabeth B Smith vs James H Mathews — Plaintiff — Defendant — Suit for Land

And now on this day came the parties to the above cause by their attornies and on motion of Plaintiffs attornies It is ordered by the Court that they have leave to file a Demurrer and Motion in the above case, which is accordingly done—

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John L Buas

And the said John L Buas having filed in open Court his petition to become a citizen of the United States and the Court being satisfied by the affidavit of Theodor Tycht and Carl G Frank that the said John L Buas was known to them for the last five years during two years of which time he has behaved as a man attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and being also satisfied that the said John L Buas has made his declaration to become a citizen of the United States, in accordance with the act of Congress in such case made and provided, and the said John L Buas having in open Court Taken the oath prescribed by law to support the Constitution of the United States and to absolutely and entirely renounce and abjure all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King of Norway, Oscar of whom he was late a subject

It is therefore considered, ordered adjudged and decreed by the Court here, that the said John L Buas be and he is hereby admitted a citizen of the United States. And that the Clerk of this Court issue to him, a certificate accordingly

Ordered by the Court That Court adjourn until Tuesday Morning Nine O'clock A M May the Sixteenth A D 1854

Tuesday Morning Nine O'clock A M. Court convened pursuant to adjournment May the Sixteenth A D 1854 Present the Honorable John Hancock Judge of said Court, John M Eastes Clerk and George W Scott Sheriff of Davis County Texas. Whereupon the following proceedings were had to wit -

S C Robertson's Adm'r Plaintiff
vs
James B Shaw Ampl'r Defendant } Injunction

In the above case the Judge

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of this Court having been of Counsel in this Case. The same is hereby Ordered to be Continued until the next Term of this Court.

32 Samuel Mathes Administrator Of Donald Smith Deceased Plaintiff Debt on note

vs

Isaac Hammet Defendant

And now on this day Came the parties to the above entitled Cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause and moved the Court for a Jury. Whereupon came a jury to wit; Jonathan Vanleve, Samuel Taylor, L B Waddle, Joseph Erwin, James Bailey, Dennis Nash, Neal McDonnell, Fielding S Roy, John Brymon, E S Giles, Hale Medlin and Robert Caldwell twelve good and lawful men of the County of Davis, who being duly elected empanneled and sworn to try said Cause, and after hearing the evidence in the Case and the argument of Counsel thereon, retired under the Charge of the Court to consider of their Verdict Whereupon said Jury returned into Court the following Verdict to wit; "We The jury find for the Defendant the sum of Seven Dollars 79/100 Cents Less amount deducted from note & Interest John Brymon & Freeman" Whereupon it is considered Ordered adjudged and decreed by the Court here That the said Defendant Isaac Hammet do have and recover of and from the said Plaintiff Samuel Mathes, administrator of the Estate of Donald Smith deceased the sum of Seven Dollars and 79/100 cents the amount so found by the jury as aforesaid, together with all of the costs in this behalf expended, And it is further ordered, and adjudged by the Court here that this said Judgment together with a certified copy of the Bill of costs in this Case, be certified by the Clerk of this Court to the Probate Court of Williamson County, as an Established Claim against the Estate of the said Donald Smith deceased as a just and legal Claim against the succession thereof

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Moses Wells Plaintiff } Decree
vs } of title to
George W Cox Defendant } Land &c

In this case the plaintiff
failing to appear either in person or by attorney
to prosecute said suit as by law he is required
to do. It therefore considered, ordered adjud-
ged and decreed by the Court here that the said
suit be, and the same is hereby dismissed for
want of prosecution, and that the said plain-
tiff take nothing by his suit in this behalf and
that the said defendant go hence without day
and have and recover of and from the said
plaintiff all of his costs in this suit by him
expended and that Execution issue therefor &c

98

Alexander Thomson and children Plaintiffs } For Specific
vs } Performance
E & S & Robertson Administrators &c &c Defendants } of Contract

And now on this day came the
parties to the above entitled cause by their attor-
-nies, and thereupon the said plaintiffs attor-
-nies moved the Court to change the Venue of
said cause, and thereupon filed their motion in
term, of the law for said Change of Venue setting
forth therein their reasons therefor, and the
Court considering said motion and the questions
of law thereon arising, and the Court being well
advised in the premises, doth order adjudge
and decree, and it is hereby ordered, adjudged
and decreed that the Venue of said Cause be
Changed, and that the same be changed and
adjourned to the County of Williamson in the State
of Texas, it being the nearest adjoining County
to that of the County of Travis out of the second
Judicial District of the State of Texas as pres-
cribed by Statute, and it is further ordered
adjudged and decreed by the Court here that the
Clerk of this Court make out and certify ac-
cording to law, all the Original Entries as is
of record in said case in said Court together
with a correct bill of costs in said case and
transmit the same together with all the Original
papers in said case the District Court of said

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County of Williamson to be begun and holden at the County seat of said County of Williamson to wit in the Town of Georgetown on the first day of the term thereof. So that such proceedings thereon may be had as to justice may appertain &c"

101. Isaac Applewhite et al Plaintiffs For Partition
vs
Wade Wilson Defendant of Land

In this case came the parties by attornies, and on motion and by consent of parties It is ordered by the Court that the above case be continued until the next Term of this Court.

118. Martha Lewis et als Plaintiffs Suit for Land &c
vs
Morgan C Hamilton Defendant

In this case, this day, come the parties to the above cause by their attornies and suggests to the Court that said cause had been compromised and that the same is to be dismissed at the costs of the said Defendant. It is therefore considered ordered adjudged and decreed by the Court that the said cause be dismissed at the costs of the said Defendant, And it is further Ordered, adjudged, and decreed by the Court that the said Plaintiffs take nothing by their suit in this behalf, and that the said Defendant go hence without day, and that the said Plaintiffs have and recover of and from the said Defendant all of the costs in this behalf expended and that Execution issue therefor, And thereupon the said Defendant came forward and paid the said costs of said suit,

170 Webb Kidd Plaintiff For
vs Consummation
W C Hamilton et al Defendants of Contract

And now at this day came the parties to the above entitled cause by their

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attorkies, and on motion and by consent of parties It is ordered by the Court that said cause be continued until the next term of this Court,

187 ✓ Robert Mitchell Plaintiff For
Mc E Burdit et al Defendants decree
of Land

In the above case, this day came the parties by their attornies, and on motion of plaintiffs attornies, the defendants attornies consenting thereto. It is ordered by the Court that the above cause be continued until the next term of this Court, for the purpose of perfecting the Order of Survey in said cause.

174 ✓ William Mc Williams Plaintiff Petition
vs for
Stephen Crosby Commissioner Of the General Land Office of the State of Texas Defendant Mandamus

And now at this day came the parties to the above entitled cause by attornies and thereupon the said plaintiff by attornies moved the Court to dismiss the said cause at the costs of the said plaintiff, and the said defendant by attornies consenting thereto, It is therefore Considered, ordered, adjudged and decreed by the Court here that the said cause be dismissed at the costs of the said plaintiff

Whereupon it is considered ordered adjudged and decreed by the Court here that the said plaintiff take nothing by his suit in this behalf and that the said defendant Stephen Crosby Commissioner of the General Land office of the State of Texas go hence without day and have and recover of and from the said plaintiff William M Williams all of the costs in this behalf expended and that Execution issue therefor &c &c

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196. Giles S Burdit Plaintiff Suit for
v's Damages
William Custard Defendant

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and prayed the Court for a Jury whereupon came a Jury to wit; John W Dibrell, Isaac Nammett, Stephen D Sisk, Bryant A Stavely, Hall Medlin, James Powell, John A Plear, Patrick N Monroe, Robert Smith, Lawson B Collins, James N Matthews and William Wicks, twelve good and lawful men of the County of Davis who being duly elected empanneled and sworn to try said cause, and after having heard the evidence in the Case and the argument of Counsel thereon 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 Plaintiff the sum of One Dollar & 91 cts & J N Matthews Foreman" Whereupon it is considered, ordered, adjudged, and decreed by the Court here that the said Plaintiff Giles S Burdit do have and recover of and from the said defendant William Custard the sum of One hundred and Seventy two Dollars ninety one cents and eight mills for his damages together with all of the costs in this behalf laid out and expended and that Execution issue therefor &c. &c.

253. James W Smith Plaintiff Sequestration
v's &c &c &c
Elizabeth B Smith et.al. Defendants

And now on this day came the parties to the above entitled cause, by attornies, and thereupon the said plaintiffs attornies suggested to the Court that the Minor Heirs, defendants in the above cause to wit John E Smith, Mary E Smith, and Susan E Smith were minors under the age of twenty one years, and moved the Court that a Guardian ad litem be appointed to represent and defend the interests of the said Minors. It is therefore ordered &

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and decreed by the Court here that Alexander W Perrie attorney at Law and a member of this bar be and he is hereby appointed Guardian ad litem for to represent and defend the interests of the said minor heirs as aforesaid-

257 ✓ James C Stephenson and wife, and others vs Samuel Croft Jr Admr et al — Plaintiffs — Defendants — For Partition of Slaves &c &c

And now on this day came the parties to the above cause by attornies and thereupon on motion of defendants attornies It is ordered by the Court that the defendants have leave to Amend their pleadings in said Case-

958 ✓ Edward Grumbles vs Benjamin Grumbles sen & Isabella Grumbles — Plaintiff — Defendants — For recovery of Negro Slaves

And now on this day came the parties to the above entitled cause by attornies on motion and by consent of parties It is Ordered by the Court that the above cause be and the same is hereby set for trial on Friday next May the 19th A.D. 1854-

266 Edward A Pearson Administrator et als vs Giles A Burdett et als — Plaintiffs — Defendants — Trespass to try title to Land

And now on this day came the parties to the above entitled cause by their attornies, and on motion of Intervenors attornies It is ordered by the Court They have leave to amend their pleadings in said case-

266 Edward A Pearson Administrator et als vs Giles A Burdett et als — Plaintiffs — Defendants — Trespass to try title to Land &c &c

And now again on this day came the parties to the above entitled cause

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by their attornies, and on motion of Defendants attornies, It is ordered by the Court that the Defendants have leave to amend their pleadings in said cause—

340 ↓

James G Swishes Plaintiff
vs Injunction
John G Grumbles Defendant

And now on this day came the parties to the above entitled cause by their attornies, and thereupon on motion of Defendant by attornies, It is ordered by the Court that a Survey of the Land and Matters in Controversy be made, and that an order that effect issue to the Surveyor of Davis Land District commanding him to Survey the lands in Controversy between said parties, and it is further ordered by the Court that the said Surveyor make return of his proceedings to this term of this Court so soon as practicable and it is further ordered by the Court that the said parties furnish Copies of their field Notes for the lands in controversy to said Surveyor—

Ordered by the Court that Court adjourn until Wednesday Morning Nine Oclock A M May the Seventeenth A D 1854

Wednesday Morning Nine Oclock A M May the Seventeenth A D 1854

Court convened pursuant to adjournment Present the Honorable John Hancock Judge of said Court John M Easley Clerk and Geo W Scott Sheriff of Davis County Whereupon the following proceedings were had viz!

Edward A Pearson Administrator &c Plaintiff
vs Trespass to try title to Land &c
266 Giles A Burdine et ses Defendants

In this case this day came the parties to the above cause, and thereupon on motion It is ordered that the Intervenors and plaintiffs have leave to amend their pleadings herein—

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133 Nelson Morey Plaintiff Debt on note
vs
Eppes & Jennings & Sherman Case Defendants

And now on this day came the parties to the above entitled cause by their attornies. and announced themselves ready to proceed to the trial of said cause and moved the Court for a Jury whereupon came a jury to wit: Jonathan Vanbleve. Samuel Dayer. D D Wadale. Joseph Erwin, James Bailee. Swante Palm. Ozburn Walsh. Neal McDonnell. John Damond Robert Caldwell. Robert Bratton. and Fielding S Roy twelve good and lawful men of the County of Travis who being duly elected empanneled and sworn to try said Cause. and after having heard the evidence in the Case as well the Argument of Counsel thereon retired under the charge of the Court 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 note and interest from January 2d 1851 to this the 17th day May 1854. at 8 pr cent. being the sum of One hundred and seventy nine dollars 64/100 John Damond Foreman

It is therefore considered, ordered, adjudged and decreed by the Court here that the said Plaintiff Nelson Morey, do have and recover of and from the said Defendants Eppes & Jennings and Sherman Case. the sum of One hundred and seventy nine dollars and Sixty four cents the amount so found by the jury as aforesaid with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid. together with all of the Costs in this behalf expended. and that Execution issue therefor &c &c

47 Isaac Miller Plaintiff Venue
vs from
Andrew D Berry et als Defendant Williamson Co

On this Case, This day came the parties to the above cause by attornies. and thereupon on motion of Defendants attornies It is ordered by the Court that the said Defendants have leave to amend their pleadings &c &c

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292 John F. Sloan Plaintiff Debt on account
vs
Diana Gilleland Defendant

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury whereupon came a Jury to wit; John M. Dibrell, Isaac Hammett, Bryant A. Stavely, Hall Medlin, James Powell, John A. Pegg, Patrick H. Moore, Robert Smith, E. S. Giles, George W. Glasscock, Joseph Dawson, and Birrell H. Norton. Twelve good and lawful men of the County of Travis, who being duly elected empannelled and sworn to try said cause and after having heard the evidence in the case, and the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict

344 Abner Lee Plaintiff Certiorari from Justices
vs Court of
George W. D. Wood & E. H. Simson Defendants Travis Co.

And now on this day came the parties to the above entitled cause by their attornies, and the said plaintiff by Attorney argued his motion to dismiss the Certiorari in this cause, which said motion the Court overruled, and thereupon the said plaintiff standing upon said motion refused to proceed with the trial in this Court, de novo; and thereupon upon motion of defendants Wood and Simson by attorney, the said case was dismissed for want of prosecution. It is therefore considered & decreed adjudged, and decreed by the Court here that the said plaintiff Abner Lee take nothing by his suit in this behalf, and that the said defendants George W. D. Wood and E. H. Simson go hence without day and have and recover of and from the said plaintiff Abner Lee all of their costs in this behalf expended, and that they also have and recover all of their costs in the Justices Court expended and that Execution issue therefor &c &c

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Ordered by the Court. That Court adjourn until Thursday Morning Nine O'clock A M May the Eighteenth A D. 1854

Thursday Morning Nine O'clock A M May the Eighteenth A D 1854. Court Convened pursuant to adjournment Present the Honorable John Haneck Judge of said Court, John M Cosley Clerk and George W Scott Sheriff of Davis County Whereupon the following proceedings were had viz;

47 | Isaac Miller Plaintiff Venue from
vs Williamson
Andrew J Berry et al Defendants County

And now on this day came the parties to the above cause by their attornies, and thereupon on motion and by consent of parties It is ordered by the Court that the above cause be continued until the next Term of this Court.

25 | James G Stephenson and Wife and others Plaintiffs Suit for Partition of Slaves &c &c
vs
Samuel Croft Sr. Administrator, &c and others Defendants

And now on this day came the parties to the above cause by attornies and thereupon the plaintiffs by attorneys suggested to the Court that there are minor heirs plaintiffs in the above case under the age of twenty one years. and that the same are unrepresented and upon further motion It is ordered by the Court that John B Costa Esquire Member of this Bar. be and he is hereby appointed Guardian ad litem for the said minor heirs for the purpose of representing their interests in said suit.

266 | Edward A Pearson Administrator and others Plaintiff Trespass to try title to Land
vs
Giles A Burdett & others Defendants

In the above case on motion of defendants attornies It is ordered by the Court that they have leave to further amend pleadings

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271 Elizabeth Floyd et al Plaintiffs For
vs Partition
Richard J Floyd Defendant of Land

In this case this day came the parties to the above cause by their attornies, and thereupon an motion and by consent of parties It is ordered by the Court that the above cause be continued until the next Term of this Court as on behalf of the defendant in said Cause,

275 Pratt & Co Plaintiffs Debt
vs on
Richard J Floyd Defendant Note

And now on this day came the parties to the above cause by attornies, and the defendants demurrer being argued was sustained by the court, and thereupon on motion leave was given plaintiffs to amend. which amendment was made and filed, and thereupon on motion and by consent of parties the cause was continued as on behalf of defendant.

280 Alexander E Davis Plaintiff Debt on
For the use &c note or
vs obligation
Calvary Woodry et al Defendants

In this case this day came the plaintiffs by attorney and on his motion It is ordered by the Court that said cause be continued for want of service-

282 Wm B Clark et al Plaintiffs
vs Trespass
Sherman Case Defendants

And now on this day comes the plaintiffs in the above cause by attornies and on their motion, It is ordered by the court that the above cause be continued until the next term of this court- as upon affidavit of plaintiffs

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286. John R Woolridge Plaintiff Suit for
vs Damages
Spence & Sneeman Defendants

And now on this day came the parties to the above cause by attornies, and on motion of defendants attornies It is ordered by the Court they have leave to amend their answer in said Cause-

287. Patrick A Monroe Plaintiff Debt
vs on
Richard S Lloyd Defendant account

And now on this day came the parties to the above entitled cause by their attornies, & announced themselves ready to proceed to the trial of said cause. and waiving a Jury submitted the matters in controversy to the Court upon the petition exhibits and proofs in the case. and the Court upon inspection of the petition, exhibits, and proofs in the case. finds in favor of the plaintiff the sum of Four hundred and thirty six Dollars

It is therefore considered ordered adjudged and decreed by the Court here that the said plaintiff Patrick A Monroe do have and recover of and from the said defendant Richard S Lloyd the sum of Four hundred and thirty six Dollars. for his debt together with interest thereon at the rate of eight per-cent per annum from the rendition of this Judgment until satisfied together with all of his costs in this behalf laid out and expended

And thereupon on motion and by consent of parties. It is ordered by the Court that the issuance of Execution on said Judgment be stayed for the space of six months-

292 John R Slocumb Plaintiff Debt on
vs account
Diana Gilliland Defendant

And now on this day came the parties to the above entitled cause by their attornies, and thereupon came into Court the Jury heretofore duly elected empannelled and sworn to try said cause, as follows to wit

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John M Sibaut, Isaac Scannett, Bryant
C Stavely, Hall Medlin, James Pindle
John Alp Esqr. Patrick A. Moyne Robert
Smith, E S Giles, Gurgo W Glasscock, Joseph
Dawson and Berell A Morron. and thereupon
the said Jury informed the Court that they
coued not agree upon a Verdict in said
Cause. and thereupon on motion and by
consent of parties, It is ordered by the Court
that a Mistrial be and the same is hereby award-
ed in said Case. and that said cause be and
the same is hereby continued until the next term
of this Court—

295

Quiller J Nichoes & James N Gillespie Administrators Of Charles L McSehee deed — Plaintiffs — Debt

vs

Geo W Walling — Defendants

And now on this day
came the plaintiffs in the above cause by
their attorney and moved the Court to
dismiss the above cause at the costs of the
said plaintiffs. It is therefore considered
ordered, adjudged, and decreed that the said
cause be dismissed at the costs of the said
plaintiffs. Whereupon it is considered ordered
adjudged and decreed by the Court here that
the said plaintiffs take nothing by their suit
in this behalf. and that the said Defendant
Geo W Walling go hence without day and
have and recover of and from the said plain-
tiffs Quiller J Nichoes and James N Gillespie
Administrators of Charles L McSehee deceased
all of the costs in this behalf expended, and
it is further ordered by the Court. that the
Clerk of this Court shall make out and certify
according to law a correct Bill of said costs
together with a certified Copy of this Judgment
and certify the same to the Probate Court
of Davis County as an Established Claim
against the Succession of the said Charles
L McSehee deceased—

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312 Reson Burch Plaintiff Debt
vs on
John Gray Defendant account

And now at this day came the parties to the above cause by their attornies and announced themselves ready to proceed to the trial of said cause, and moved the Court for a jury, whereupon came a jury to wit, Johathan Vanleve, Samuel Taylor, D F Waddel, Joseph Erwin, James Finlee, Dennis Nash, Neal McDonnell, Reading & Roy, John Bremond, Robert Caldwell William Custard and Swante Palm, twelve good and lawful men of the County of Travis who being duly elected empannelled and sworn to try said cause and after having heard the evidence in the case as well the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict whereupon said Jury returned in to Court the following Verdict to wit "We the jury find for plaintiff the sum of One hundred and forty six dollars 16/100 cents. John Bremond Foreman. It is therefore considered ordered adjudged and decreed by the Court here that the said plaintiff Reason Burch do have and recover of and from the said defendant John Gray the sum of One hundred and forty six dollars and sixteen cents the amount of his debt on account with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, together with all of his costs in this behalf expended and that Execution issue therefor &c.

314 John A P Carr Plaintiff Certiorari
vs from Justices
Thomas W Glascock Defendant Court Travis Co.

And now at this day came the parties to the above cause by their attornies and thereupon the said defendants motion to dismiss the Certiorari was taken up by the Court and after argument had and heard by the Court for and against said motion, and the Court considering the same. Overrules said Motion to dismiss the Certiorari in said cause

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314 John T Blair. Plaintiff Certiorari
vs from Justices
Thomas H Glascock Defendant Court Com. Co.

And now on this day again came the parties to the above entitled Cause by their attornies, and announced themselves ready to proceed to the trial of said cause, and moved the Court for a jury whereupon came a jury to wit, John M Bryant, Washington Kahmeta, Bryant A Stavely, Hall Malin, James Powell, Patrick A Pinnae, Robert Smith, E J Giles, Joseph Lawson, Terrell J Horton, A E McNab and William Clements twelve good and lawful men of the County of Davis, who being duly elected, empanneled and sworn to try said Cause and after having heard the evidence in the case and the argument of Counsel thereon, retired under the charge of the Court to Consider of their Verdict.

315 Nathaniel Amory et al Plaintiffs Suit
vs for
S C Cunningham et al Defendants Land

In the above case the parties appeared by attornies, and on motion and by consent of parties. It is ordered by the Court that said Cause be continued until the next Term of this Court.

318 The State of Texas Plaintiff Judgment
vs on forfeiture
Rawley Autry of Recognizance
Thomas Glascock & made final
James R Jackson Defendants

And now on this day came the parties to the above cause by attornies and upon motion and good cause shown to the Court here. It is ordered that the Judgment final heretofore rendered in this case at a former day of the present Term of this court be and the same is hereby set aside and held for naught. and that the said plaintiff have and recover of and from the said defendants all the costs herein expended, and thereupon the said defendants come forward and pay said costs

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323 The State of Texas vs William R Allen & Henry H Sublett — Plaintiffs / Defendants — Judgment Final an Judgment ni-si-

And now on this day came the parties to the above cause by attornies, and upon motion and good cause shown to the Court here. The Judgment heretofore rendered in this case at a former day of the present term of this Court be and the same is hereby set aside and held for naught. And it is further ordered adjudged and decreed by the Court here that the said defendants go hence without day, and that the said plaintiff have and recover of and from them all of the costs of said proceedings, and thereupon the said defendants came forward and paid all of said costs.

324 The State of Texas vs William R Allen & Henry H Sublett — Plaintiff / Defendants — Judgment final an Judgment ni si —

And now on this day came the parties to the above cause by their attornies, and thereupon on motion and good cause shown by defendants, It is ordered by the Court that the said Judgment final rendered at a former day of the present term of this Court be and the same is hereby set aside and held for naught at the costs of said defendants. It is therefore ordered adjudged and decreed by the Court that the said defendants go hence without day, and that the said plaintiffs do have and recover of and from said defendants all of the costs in this behalf expended, and thereupon the said defendants came forward and paid said costs.

325 The State of Texas vs Ranley Autry Thomas Glasscock & James R Jackson — Plaintiff / Defendants — Judgment final an Judgment ni si —

And now on this day came

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the parties to the above cause by attornies and thereupon on motion of defendants and good cause shown to the Court It is therefore ordered that the Judgment heretofore rendered at the present term of this Court in said cause be and the same is hereby set aside and held for naught as to the Costs of the said defendant, It is therefore ordered and adjudged by the Court that the said defendants go hence without day- and that the said plaintiff have and recover of and from them the costs in this behalf expended and thereupon said defendants came forward and paid all of said costs

326 Thomas C Collins Plaintiff
George W Scott Sheriff of Travis County Defendant
Injunction

And now on this day came the parties to the above entitled cause by their attornies, and the motion to dismiss the Bill and injunction in this case coming on to be heard. and after argument heard thereon the Court overruled said motion, and the Court after having heard heard the argument of Counsel upon the merits of the case. The Court doth Order adjudge and decree, that the injunction in said Cause be dissolved, and the Bill be dismissed, and that the said defendant George W Scott Sheriff of Travis County go hence without day and have and recover of and from the said plaintiff Thomas C Collins, and the securities on his injunction Bond to wit E Degress Eyck and A B McGill all of his costs in this behalf expended and that Execution issue therefor. And it is further ordered and adjudged by the Court that the proper process issue from this Court to enforce the collection of the fine and costs as set forth in the Bill in said case. and thereupon the said plaintiff by Attorney in open Court gave Notice of his intention to appeal said Cause to the Supreme Court of the State of Texas—

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329 The State of Iowa } Plaintiff } Judgment
vs } final an
Robert A Clements & } Judgment
A Fore and } ni si—
William A Clements } Defendants }

And now at this day came the parties to the above cause by their attornies and thereupon on motion of Defendants and good cause shown to the court here. It is ordered adjudged and decreed by the court that the Judgment final rendered at a former day of this court in said case be and the same is hereby set aside and held for naught at the cost of the said Defendants. It is therefore Ordered. adjudged and decreed by the court here that the said plaintiff recover of and from the said Defendants all of the costs in this behalf expended and that Execution issue therefor and thereupon the said defendants came forward and paid said costs

330 The State of Iowa } Plaintiff } Judgment
vs } final an
John A Conner } Judgment
W G Wood and } ni si
James M H Hall } Defendants }

And now at this day came the parties to the above cause by their attornies and thereupon on motion of Defendants and good cause shown to the Court here It is Ordered and adjudged by the court that the Judgment final in this case rendered at a former day of the present term of this court be and the same is hereby set aside at the costs of the said Defendants. It is therefore considered ordered adjudged and decreed by the court here that the said plaintiff do have and recover of and from the said defendants all of the costs in this behalf expended, and that Execution issue therefor and thereupon said Defendants came forward and paid all of said costs

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246 ↓

Henry Gerwin & Conrad Seabaugh Merchants Trading under the firm and Style of Gerwin & Seabaugh — Plaintiffs — debt on promissory note

vs

James M W Hall & Albert A Lockwood — Defendants

And now on this day came the parties to the above cause by attornies and thereupon the attornies of said parties suggested to the Court here that said suit had been compromised, and that the same to be dismissed at the costs of the said plaintiffs. It is therefore considered ordered adjudged and decreed by the Court here that said cause be dismissed at the costs of the said plaintiffs. Whereupon it is considered, ordered adjudged and decreed by the Court here that the said defendants James M W Hall and Albert A Lockwood go hence without day, and have and recover of and from the said plaintiffs Henry Gerwin and Conrad Seabaugh, Merchants trading under the firm and Style of Gerwin & Seabaugh. all of the costs in this behalf laid out and expended and that Execution issue therefor &c. &c.

334

John A Bennett Administrator &c — Plaintiff — Certiorari from Justices Court of Travis County —

vs

Sarah A Cockerfals — Defendant

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the Defendants in the said cause filed their affidavit & terms of the law for a continuance of said cause. It is therefore ordered by the Court that said cause be continued until the next Term of this Court,

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340 James G Bushee Plaintiff
vs Injunction
John G Grumbles Defendant

And now on this day came the parties to the above cause by attorneys, and thereupon on motion and by consent of parties It is ordered by the Court that said cause be continued until the next term of this Court.

342 Annette E Ashune Plaintiff
vs Injunction
Broadway Jones et als Defendants

And now on this day came the parties to the above cause by attornies and thereupon the defendants demurr to the sufficiency of the plaintiffs petition in said cause being taken up by the Court for consideration and determination, and the court after hearing the argument of counsel for and against said motion, and the court considering the same and the questions of law thereon arising, Overrules said demurrer. And thereupon on motion of said defendants, leave was given them to amend their answer.

346 John Brandon Plaintiff Debt
vs on
Michael McElhannes Defendant account

And now on this day came the plaintiff in the above cause by attorney and on his motion it is ordered by the Court that the plaintiff have leave to amend his petition which is accordingly done and filed-

Ordered by the Court that Court adjourn until Friday morning Nine o'clock a m May the Nineteenth A D 1854

Friday morning Nine o'clock a m May the nineteenth A D 1854 Court convened pursuant to adjournment. Present the Honorable John Hancock Judge of said Court John M Castley Clerk, and George W Scott Sheriff of Rapis County whereupon the following proceedings were had to wit-

Spring Term Friday May 19th 1854

98 Alexander Thomson &c Plaintiff For Specific
vs Performance
E & S C Robertson &c Defendant

And now on this day came the parties to the above cause by attornies, and on motion and by consent of parties, The papers original, in this case having been discovered. They are substituted in lieu of Copies Thereof. heretofore substituted in the Case. and the said Copies withdrawn.

258 Edward Grumbles Plaintiff For recovery
vs of Negroes
Benjamin Grumbles &
Isabella Grumbles Defendants

And now on this day came the parties to the above cause by attornies and thereupon the said plaintiff filed his affidavit in terms of the law for a continuance of said cause It is therefore ordered by the Court that said cause be continued until the next Term of this Court,

259 Edward Grumbles Plaintiff For recovery
vs of Negro Slaves
Williamson S Oldham Defendant

And now on this day came the parties to the above cause by attornies, and thereupon the said defendant moved the Court to rule the plaintiff to enter into Bond and security for the costs of said suit as the law directs, the plaintiffs Attorney present and notified. It is therefore ordered adjudged and decreed by the Court here that the said plaintiff enter in bond and security for the costs of said suit on or before the first day of the next Term of this Court otherwise said suit will be dismissed at the costs of the said plaintiff

259 Edward Grumbles Plaintiff For recovery
vs of Negro
Williamson S Oldham Defendant Slaves

In the above case the plaintiff appeared and filed his affidavit in terms of the law to continue said cause, Therefore the same is hereby continued as aforesaid.

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260 Benjamin Grumbles Jr Plaintiff For recovery
vs of Negro
Williamson B Oakham Defendant Slaves

And now at this day came the parties to the above cause by attornies, and thereupon the defendant moved the Court that the plaintiff be ruled to give bond and security for the costs of said suit as the law directs- the plaintiffs attorney present and notified It is therefore ordered by the Court that the said plaintiff enter into Bond and security for the costs of said suit on or before the first day of the next Term of this court, otherwise the said suit will be dismissed at the costs of the said plaintiff

260 Benjamin Grumbles Jr Plaintiff Pltf for
vs recovery of
Williamson B Oakham Defendant Negro Slaves

And now at this day again came the parties to the above cause by attornies, and thereupon the said plaintiff moved the Court to continue said cause as upon agreed affidavit between the parties, filed at a former term of this Court It is therefore ordered that said cause be continued as aforesaid-

261 Benjamin Grumbles Jr Plaintiff Pltf recovery
vs of Negro
Sebron G Sneed Defendant Slaves

And now at this day came the parties to the above cause by attornies and thereupon the said defendant moved the Court to rule the plaintiff to give Bond and security for the costs of said suit as the law directs the plaintiffs attorney present and notified. It is therefore considered ordered adjudged and decreed by the Court that the said plaintiff enter into Bond and security for the costs of said suit, as the law directs, on or before the first day of the next Term of this Court otherwise the said suit will be dismissed at the costs of the said plaintiff

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261 Benjamin Grubbs Jr Plaintiff In recovery
vs of Negro
Silvus G Sneed Defendant Slave

And now on this day again came the parties to the above cause by Attornies and thereupon the said plaintiff moved to continue said cause, as upon an agreed affidavit made applicable to all the "Grubbles" cases in this court made at a former term of this court. It is therefore ordered that said cause be continued until the next Term of this Court—

966 Edward H Pearson Plaintiffs Fi
Administrator & others Fa
vs Damages
Giles A Burditt et als Defendants &c & Sfa

And now on this day came the parties to the above cause by Attornies and thereupon the said plaintiffs moved the Court to continue said cause upon the ground of surprise, by reason of new matter set up by defendants in their pleadings at this term of the Court, and the Court considering said motion, doth order adjudge and decree that said cause be continued until the next Term of this court upon the said Motion of the said plaintiffs—

314 Silas H Pearson Plaintiff Certiorari
vs from Justices
Thomas H Glascock Defendant Court Daniels

And now on this day came the parties to the above cause by attornies, and thereupon came the jury in said cause heretofore duly elected empannelled and sworn to try the same as follows to wit: John M Tibbut, Washington Hammett, Bryant A Stavely, Saml Mellen, James Powell, Patrick H Monroe, Robert Smith, E S Giles, Joseph Dawson, Jerrels A Morrow, A C McNobb and William Clements, and thereupon the said Jury informed the Court that they could not agree as to a Verdict in said cause and moved the Court to be discharged

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and thereupon by consent of parties said Jury was discharged - and a mistrial awarded. It is therefore considered ordered adjudged and decreed by the Court here that a mistrial be and the same is hereby awarded in said case. and that said case be continued until the next Term of this Court -

346. John Brandon vs Michael De Chaumes — Plaintiff, Defendant — Debt on account

And now on this day came the parties to the above entitled cause by attorneys, and thereupon the said defendant moved the Court to be permitted to file an amended answer in said cause. which permission was granted, and said amended answer filed -

246 John Brandon vs Michael De Chaumes — Plaintiff, Defendant — Debt on account

And now on this day came the parties to the above cause by their attornies, and announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury whereupon came a Jury to wit; John McDibart, Isaac Hammett, Bryant A Stanley, James H Matthews, John A P Carr, Robert Smith, Jesse H Renwick, James P Raley, Washington Hammett, George W Glasscock, Darrell H Morrow, and E S Giles, twelve good and lawful men of the County of Davis who being duly elected empannelled and sworn to try said Cause, and after having heard the evidence in the case, as well the argument of Counsel thereon retired under the Charge of the Court to consider of their Verdict whereupon said Jury returned into Court the following Verdict to wit; We the jury find for the Plaintiff Two hundred and Seventy Dollars. J. A. P. Carr. Foreman It is therefore Considered ordered adjudged and decreed by the Court here that the said plaintiff John Brandon do have and recover of and from the said defendant Michael De Chaumes the sum

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of Dollars and Twenty Dollars, for his debt on account, the amount aforesaid by the jury as aforesaid, with interest on said amounts at the rate of eight per centum per annum from the rendition of this Judgment until satisfied, together with all of the costs in this behalf laid out and expended, and that Execution issue therefor &c.

350 ↓ Klein & Ritchie vs G B Moore & Co — Plaintiffs — Debt on account

And now at this day came the parties by their attornies, and on motion and by consent of parties, this case is cont'd until the next Term of this Court.

351. ↓ I N Barfield & Co vs G B Moore & Co — Plaintiffs — Defendants — Debt on account

And now at this day came the parties to the above cause by attornies, & on motion and by consent of parties the above case is continued until the next Term of this Court.

356 ↓ John Horan vs John Wahenbergen — Plaintiff — Defendant — Continued from Justices Court Docket

And this case, this day came the parties to the above cause by attornies, and thereupon submitted the matters in controversy to the Court.

361. ↓ Perry Humphries vs Sherman Case — Plaintiff — Defendant — Suit for Horse & damages

And now at this day came the parties to the above by attornies, and on motion of plaintiffs attorney, It is ordered by the Court that the same be continued until the next term of this Court.

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361 William C Brooks Plaintiff Debt
vs on
Sanford C Blanton note
William D Gamble
Sherman Reynolds &
James A Gillespie Defendants Judgment

And now on this day came the parties to the above entitled cause, by Attornies and announced themselves ready to proceed to the trial of said cause, and waiving a Jury submitted the matters in controversy to the Court upon the petition exhibits and proofs in the cause, and the Court upon inspection of the petition, exhibits, and proofs in the case, finds in favor of said plaintiff the sum of Four Hundred and ninety three Dollars and Sixty cents for his principal debt and interest on the note sued on in said case up to this date

Whereupon it is considered ordered adjudged and decreed by the Court here that the said plaintiff William C Brooks do have and recover of and from the said Defendants Sanford C Blanton William D Gamble Sherman Reynolds and James A Gillespie, the aforesaid sum of Four Hundred and ninety three Dollars and sixty cents for his principal debt and interest up to this date with interest thereon at the rate of ten per centum per annum from the rendition of this Judgment until satisfied, together with all of his costs in this behalf laid out, and expended, and that Execution issue therefor &

And thereupon by agreement of parties, the issuance of Execution on said Judgment, is hereby stayed for the space of four months from the date of this Judgment, as above.

362 Hunter & Benton Plaintiffs
vs Debt
Thomas Banks Defendant

And now on this day came the plaintiffs in the above cause by attorney and on his motion it is ordered by the Court that the above cause be continued until the next term of this Court

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367 John C Hyde Plaintiff Suit for
vs Land
Francis Kelly Defendant de de

And now on this day come the parties plaintiff and defendant, and by consent agree to Continue the cause until the next Term of this Court, the plaintiff having leave of the Court to file his amended petition and copies of the Exhibits "A" "B" & "C" referred to in his Original petition, which are accordingly filed with the papers of the case

369 Samuel W Burdine Plaintiff Debt
vs on
Sherman Case Defendant Note

And now on this day came the plaintiff in the above cause, by attorney, and the said defendant Sherman Case. and his attorney of Record William R Jones being three times solemnly called and required to come and defend this suit came not but made default. And thereupon the said plaintiff by attorney moved the Court for a jury to come and assess the debt and damages of the said plaintiff against the said defendant whereupon come a Jury to wit; R M Johnson, Jonathan Vanleer, Samuel Taylor, A C McNab, James Faulkner, Swanie Paty, Dennis Walsh, Neal McDonnell Fielding S Roy, John Stemmons, Robert Caldwell and William Eustard, twelve good and lawful men of the County of Davis who being duly elected, empannelled and sworn to try said cause and after having heard the evidence in the case on the part of the plaintiff and the argument thereon by the same 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 in favor of the plaintiff the sum of Two hundred and fifty two Dollars and forty seven cents for the principal and interest due on the note sued on in this case, John Stemmons Foreman"

Whereupon it is considered ordered adjudged and decreed by the Court here that the said plaintiff Samuel W Burdine do have and recover of and from the said defendant Sherman

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case the sum of Two hundred and fifty two Dollars and forty seven cents for his principle debt and interest up to this date with interest thereon at the rate of ten per centum per annum from the rendition of this Judgment until satisfied together with fee of the costs in this behalf laid out and expended, and that Execution issue therefor &c &c

385 Elizabeth B Smith Plaintiff Suit
James H Matthews Defendant Case

And now at this day come the parties to the above entitled cause by their attornies, and the exceptions of the plaintiff to the answer of the Defendant being read to the Court, and the argument of Counsel being heard It is considered ordered and adjudged by the Court, that so much of the Defendants answer as prays to make one James Wall a party to this suit, be stricken out, and that the remaining exceptions of plaintiff to Defendants answer be overruled, and thereupon the said parties announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury whereupon came a Jury to wit; R M. Johnson Jonathan Vanlees Samuel Taylor A le McFak. James Faires, Swante Palen Dennis Walsh, Neal McConnell Fielding S Roy, John Brenard, Robert Caldwell and William Custard, twelve good and lawful men of the County of Davis who being duly elected empanneled and sworn to try said cause and the pleadings of the plaintiff and Defendant being read, and the evidence of both parties heard as well the argument of Counsel thereon, the said Jury retired under the charge of the Court to consider of their Verdict, whereupon said Jury returned into Court the following Verdict to wit; "We the Jurors find the Plff. entitled to the Land, and the Defendant to Sixty Dollars claimed by him for improvements." "Samuel le Taylor Foreman" Whereupon it is considered ordered, adjudged and decreed by the Court here that the said plaintiff Elizabeth B Smith, do have and recover of and from the said Defendant

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James S. Matthews The land described in the Plaintiffs petition to wit, Lot Number Fourteen (14) in Division "F" of the Government Tract adjoining the City of Austin, in the County of Travis, And it is further argued, adjudged, and decreed by the Court here That the Clerk of This Court do issue the proper writ of possession directed to the Sheriff of said County of Travis, Commanding him to cause the said plaintiff to have possession of the Lot or tract of land above described, And it is further Considered ordered adjudged and decreed by the Court that the said plaintiff Elizabeth B Smith do have and recover of and from the said defendant James S Matthews all of her costs in this behalf laid out and expended in the prosecution of this suit, and that Execution issue therefor at the same time with the writ of possession, And it is also further Considered Ordered adjudged and decreed by the Court here that the said defendant James S Matthews do have and recover of and from the said plaintiff Elizabeth B Smith the sum of Sixty Dollars the value of improvements made by said defendant on the land in controversy in said suit, so found by the Verdict of the Jury as aforesaid, and that Execution do issue therefor in favor of said defendant against said plaintiff-

Ordered by the Court That Court adjourn until Saturday Morning nine O'clock A. M. May the Twentieth A.D. 1854

Saturday Morning nine O'clock A M May the Twentieth A.D. 1854 Court Convened pursuant to adjournment whereupon the Officers of said Court being Present to wit! The Honorable John Hancock Judge of said Court. John M Eastley Clerk and Geo W Scott Sheriff of Travis County- Whereupon the following proceedings were had. to wit!

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216 Benjamin Grumbles Sen.r Plaintiff D/or
John Js Grumbles Defendant Negroes

And now on this day came the parties to the above cause by attornies and upon motion and appreciation of Defendant the above cause is continued until the next Term of this Court.

221. Benjamin Grumbles & wife Plaintiffs
John J Grumbles Defendant Injunction

In this case this day came the parties to the above cause by attornies and on appreciation of Defendant the above cause is continued until the next term of this Court.

222 Benjamin Grumbles & wife Plffs Sequestration
John J Grumbles et al Defts

In this case this day came the parties to the above cause by attornies and on appreciation of Defts It is ordered by the Court that the above cause be continued until the next term of this Court.

298 Francis Green Plaintiff Debt
John S Ford Defendant Con. Note

And now on this day came the parties to the above cause by attornies and thereupon on motion and by consent of parties It is ordered by the Court, that the Continuance of this cause entered on the 6th day of the present term of this Court be and the same is hereby set aside and held for naught. And thereupon on Motion of Oldham Marshall and Terrill attornies at law. It is ordered by the Court that the Answer heretofore filed by them in said case be withdrawn, the same having been filed by mistake by them the said Oldham Marshall and Terrill attornies aforesaid.

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298 Francis Green Plaintiff } Debt
vs } on
John S Ford Defendant } Note

And now on this day came the plaintiff in the above cause by attornies, and on motion of plaintiffs attornies and it appearing to the satisfaction of the Court here that the said defendant had failed to appear and file his answer to the said plaintiffs petition within the time prescribed by law It is therefore ordered adjudged and decreed by the Court here that the said plaintiff recover of the defendant in accordance with the prayer of his said petition

Whereupon it is considered ordered adjudged and decreed by the Court here that the said plaintiff Francis Green do have and recover of and from the said Defendant John S Ford the sum of One hundred and thirteen dollars for his debt on note sued on in this case, with interest thereon at the rate of eight per cent per annum from the rendition of this Judgment until paid together with all of his costs in this behalf expended and that Execution issue therefor

312 Nelson Burch Plaintiff } Debt
vs } on
John Gray Defendant } account

And now on this day came the plaintiff in the above cause by attorney, and moved the Court to reform and amend the Judgment rendered in this case at a former day of the present term of this Court, which motion is allowed by the Court and said Judgment heretofore rendered as aforesaid ordered to be so reformed and amended as to read as follows to wit, "And now on this day came the plaintiff in the above cause by attorney. and the said defendant failing to appear, and answer said plaintiffs petition as appears by the writ of Enquiry aforesaid at the former term of this Court. Thereupon the said plaintiff by attorney moved the Court that said writ of Enquiry be returned into court and that a Jury come to assess the damages of the

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said plaintiff. whereupon in obedience to said writ of Enquiry the Sheriff returns into Court a Jury of twelve good and lawful men of the County of Travis. to wit: Jonathan Vanleave Samuel Bayler. D & Waddle. Joseph Ermin James Bailey Dennis Nash Neal McDonnell. Fielding S Roy John Bremond. Robert Caldwell, William Custard and Swante Paem. who being duly elected empannelled and sworn to try said Cause and after hearing the evidence in the case, and the argument of plaintiffs Counsel 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 plaintiff the sum of One hundred and forty six Dollars 00/100 cents. John Bremond Foreman" Whereupon it is considered ordered adjudged and decreed by the Court that the said plaintiff Nelson Burch do have and recover of and from the said Defendant John Gray the sum of "One hundred and forty six Dollars 00/100 cents. for his debt on account with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, as well all of his costs in this behalf expended, and that Execution issue therefor. Pe

337 R N Puck & Co Plaintiffs Suit on Attachment
vs
McNamee & McNutt Defendants

In this case this day came the plaintiffs in the above cause by attorney and on motion of plaintiffs attorney It is ordered by the Court that Citation by Publication issue in said cause returnable to the next term of this Court. the said plaintiffs having filed their affidavit as to the non residence of the said Defendants,

393 William N Fowler use of P P Willis Plff Debt
vs
Henry P Bjerster Deft

By consent of parties It is ordered by the court that the above Cause be continued

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342

Annette E Osborne — Plaintiff — Injunction to restrain sale of property

vs

Thomas H Jones
Nicholas Broadway &
Geyge W Scott. Sheriff
of Travis County — Defendants

And now on this day came the plaintiff in person. and also by attorney, and the said defendants by their attorney, and thereupon the plaintiff moved to strike out the answer filed by the defendant Scott, and for Judgment by default against all the parties defendant. which motion being considered by the Court. It is ordered, adjudged and decreed that the same be overruled, so far as a Judgment on the merits of said suit are concerned. And thereupon the said plaintiff moved the Court to tax the Costs in this Cause having accrued inbehalf of the said defendants Broadway and Jones. against them respectively, which being heard the same is ordered adjudged and decreed. And thereupon the plaintiff moved the Court. upon affidavit filed for a continuance of this cause until the next Term of this Court. which said application being heard and considered by the Court. It is ordered that the same be overruled. And thereupon the said plaintiff comes into Court in person person, and also by attorney, and moves the Court. to dismiss her Injunction Bill in this Cause filed, which said Motion being considered by the Court, It is ordered adjudged and decreed that the Injunction granted in this cause be dissolved, and said Cause dismissed, and that the said Nicholas Broadway. defendant as aforesaid, do have and recover of and from the said plaintiff Annette E Osborne. and her securities on her Injunction Bond in this case to wit Jacob Long and A B McGee, the amount of his Judgment Enjoined. of one hundred and fifty seven Dollars together with interest thereon from the twenty-ninth day of March A D 1853 at the rate of Eight per centum per annum from then until paid. together with forty four Dollars the costs in said Cause expended. and also enjoined &

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That the said Nicholas Bradbury and George W Scott Sheriff of Travis County do have and recover of and from the said plaintiff Annette E Osborne. and her securities in her said Injunction Bond to wit Jacob Lony and A B McGill the sum of Twenty one dollars and fifty cents being the amount of their Execution issued the 1st day of December A.D. 1853 enjoined in this proceeding.

That the said Thomas D Jones and George W Scott Sheriff of Travis County do have and recover of and from the said plaintiff Annette E Osborne. and the said securities in her said Injunction Bond to wit: Jacob Lony and A B McGill. The sum of Twenty one dollars the amount of their Execution enjoined in this proceeding.

And it is further ordered adjudged and decreed by the Court here that the said defendants respectively do have and recover of the said plaintiff Annette E Osborne and her said securities on her Injunction Bond to wit: Jacob Lony and A.B. McGill. all of their costs in this behalf laid out and expended not otherwise decreed for which Execution may issue &c

Declaration of intention to become a citizen

The State of Texas
County of Travis } Charles A Fox being duly sworn according 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 1835 in the town of Meisenheim in the Kingdom of Prussia whence he emigrated in the year 1846 to the United States of America. and has selected the State of Texas as the place of his settlement, and he further declares, that it is bonafide 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 Kingdom of

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Prussia of whom he is now a subject.
Sworn to and subscribed
in Open Court May 9th 1854 Charles A Fox
Jno M Bostley Clk D.C. T.C.

Declaration of intention to become a citizen

State of Texas
County of Travis Charles Alexander Harrison being duly sworn according to law, in the District Court in the County of Travis in and for the State of Texas doth declare that he was born in the year 1815 in England in the Empire of Great Britain whence he emigrated in the year 1841 to the United States of America, and 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 England (Victoria) of whom he is now a subject.
Sworn to and Subscribed
before me in Open Court May Charles Alexander Harrison
20th 1854. Jno M Bostley Clk D.C. T.C.

Declaration of intention to become a Citizen

State of Texas
County of Travis Peter A Meyers being duly sworn according 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 A.D. 1830 in Nassau Germany, whence he emigrated in the year A.D. 1849, to Texas in the United States of America; and has selected the said State of Texas, as the place of his intended Settlement. And he further declares that it is his bona fide intention to become a citizen, of the United States and of the said State of Texas, and renounce all allegiance and fidelity to every Foreign Prince, Potentate or Sovereignty whatsoever and particularly to the prince Adolf of Nassau of Germany of whom he is now a subject.
Sworn and Subscribed to in Peter A Meyers
Open Court May 18 1854 Jno M Bostley Clk

123

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William K Perry vs John S Ford — Plaintiff, Defendant — Debt on Note

And now on this day came the parties to the above entitled cause by their attornies, and thereupon on motion and by consent of parties, It is ordered by the Court that the Judgment final by default rendered in this case at a former day of the present term of this Court be and the same is hereby set aside and held for naught. And the said defendant allowed to file his answer. And thereupon on motion and by consent of parties the above cause is continued as upon application of defendant.

353

Robert D McAnelly vs Sherman Case — Plaintiff, Defendant — Debt on account

And now on this day came the parties to the above cause by attornies and announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury whereupon came a Jury to wit, Samuel Boyles, Jonathan Vanbeve, D F Nadale, Joseph Erwin, James Faille, Swante Palm, Dennis Walsh, Neal McDonell, John Bremond, Robert Edwards, Robert Bratton and Fielding S Roy Twelve good and lawful men of the County of Travis who being duly elected Empanneled and sworn to try said cause and after having heard the evidence in the case and the arguments of counsel thereon 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 Plaintiff the Sum of One Hundred and Thirty Dollars. John Bremond Foreman Whereupon upon the Verdict of said Jury as aforesaid, It is ordered adjudged and decreed by the Court here that the said plaintiff Robert D McAnelly do have and recover of and from the said Defendant Sherman Case the sum of One hundred and thirty Dollars, for his debt on account with interest thereon at the rate of 8 percent per annum from the rendition of this Judgment until paid

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together with all of his costs in this behalf laid out and expended, and that Execution do issue therefor &c.

357 C R Cox et als Plaintiffs
S C Vs Blanton Defendant Sequestration

On this case, this day, came the parties, by attornies, and on motion of defendants attorney leave is given him by the Court to amend his answer in said case And thereupon the said defendant moved the Court to continue said Cause and filed his affidavit in terms of the law for said Continuance, It is therefore ordered by the Court that said Cause be continued until the next term of this Court.

James H Gillespie, Administrator of the Estate of Charles L McCehee deceased Plaintiff
Vs
M D Capperton
L W Capperton and
H H Capperton Defendants
Debt on Note

On this Case now comes the parties by attornies, and thereupon came on to be heard the plaintiffs Exceptions to the defendants answer, as a defence to this suit and the same having been read by the Court as well as the argument of Counsel It is ordered by the Court that the said answer as a defense be stricken out, whereupon the plaintiff by his attorney moved the Court for a Judgment by default for want of an answer. Which motion being heard by the Court, and it appearing that the said defendants had no answer on file in this cause. but to do the same had made default. and it appearing to the Court that the Cause of action in this Cause is an on unliquidated demand on a promissory note. It is therefore considered, ordered, adjudged and decreed by the Court that the said plaintiff James H Gillespie Administrator of the Estate of Charles

Recd on this judgment. two hundred and three dollars and fifty cents
Atty for Plff

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L McGehee deceased, do have and recover of and from the said defendants, M D Casperson, A N Casperson, and A A Casperson, the sum of Three Hundred and ninety four Dollars and forty cents, the principal and interest due the said plaintiff on said promissory note, together with interest thereon at the rate of eight per centum per annum from the date of this Judgment until paid, as well as all of his costs herein expended, and that Execution do issue therefor &c.

0/0
3/3.

Albert G Horton vs Thomas Cassidy & Edward Dinnin — Plaintiff — Defendants — Judgment and decree

And now on this day came the parties to the above cause, by attornies, and the said defendants Thomas Cassidy and Edward Dinnin, having waived a Jury, and relinquished and withdrawn their answer, hither to filed in this suit, and say nothing in bar or preclusion of the petition of the said plaintiff Albert G Horton, whereby the said action of the said plaintiff remains now undefended, It is therefore considered, ordered, adjudged and decreed by the Court here that the said plaintiff Albert G Horton do have and recover of and from the said defendants Thomas Cassidy and Edward Dinnin, the sum of Five Hundred Dollars ($500.) and also of the defendant Edward Dinnin the sum of Seventy five Dollars ($75.) interest up to the day of the rendition of this Judgment, and also against the said defendant Edward Dinnin interest at ten per centum per annum from this date, of the said Five Hundred Dollars up to the day of the satisfaction of this Judgment And it is further considered, ordered, adjudged and decreed by the Court, that the said plaintiff Albert G Horton do have and recover of and from the said defendants Thomas Cassidy and Edward Dinnin, his costs and charges by him expended in and about the prosecution of this suit, and that Execution issue against defendants for the principal, interest costs and

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charges in favor of said plaintiff Albert Morton agreeably to the prayer of the said plaintiffs petition.

378 James M. W. Hall Plaintiff } Debt on
Thomas Cassidy Defendant } Note

And now on this day came the parties to the above cause by their attornies, and waiving a Jury submitted the matters in controversy to the Court upon the petition exhibits and proofs in the case and the Court upon inspection of the said petition exhibits and proofs in the case finds in favor of the said plaintiff, the sum of Two Hundred and forty five Dollars and sixty five cents, for his principal debt and interest on the note sued on in this case up to this date, Whereupon it is considered ordered, adjudged and decreed by the Court here that the said plaintiff James M. W. Hall do have and recover of and from the said defendant Thomas Cassidy the sum of Two Hundred and forty five Dollars and sixty five cents, for his said principal debt and interest on the note sued on in this case up to this date with interest thereon at the rate of eight percentum per annum from the rendition of this Judgment until paid as well as all of his costs in this behalf laid out and expended and that Execution issue Therefor &c.

379 James M. W. Hall & Owen O'Brien Trading Together in the City of Austin under the Firm & Style of Hall & O'Brien vs Thomas Cassidy } Plaintiffs Defendant } Debt on Note Judgment

And now on this day came the parties to the above entitled cause by their attornies, and waiving a Jury submitted the matters in controversy to the Court, upon

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the petition exhibits and proofs in the case and the Court upon inspection of the said petition exhibits, and proofs in the case finds in favor of the said plaintiffs the sum of Three Hundred and thirty dollars and twelve cents for their principal debt and interest on the note sued on in this case up to this date. Whereupon it is considered ordered adjudged and decreed by the Court here that the said plaintiffs James Mc Dade and Owen O'Brien trading together in the City of Austin, under the firm and style of Dade & O'Brien do have and recover of and from the said defendant Thomas Cassidy the said Sum of Three Hundred and thirty dollars and twenty seven cents for their principal debt and interest on the said note sued on in this case up to the date of this Judgment, together with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment until paid, aswell all of their costs in this behalf laid out and expended and that Execution do issue therefor &c. &c.

380

Francis Dieterich vs Thomas Cassidy — Plaintiff, Defendant — Judgment and decree

And now on this day came the parties to the above entitled cause by their attornies, and the said defendant Thomas Cassidy, having waived a Jury and abandoned and withdrawn his answer heretofore filed in this cause, and says nothing in bar or preclusion of the said plaintiffs suit, whereby the suit of the said plaintiff remains undefended, Wherefore It is considered, ordered adjudged and decreed by the Court here, that the said plaintiff Francis Dieterich do have and recover of and from the said defendant Thomas Cassidy the sum of Five Hundred dollars ($500.) principal and one hundred and one dollars interest up to this date, being the sum of Six hundred and one dollars principal and interest, together with interest on the sum of Five Hundred dollars from this date up to the day of the-

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satisfaction of this Judgment at the rate of Ten per centum per annum, And it is further considered ordered adjudged and decreed by the Court here, that the following property as described in the petition of the said Plaintiff Francis Dietzeick. to wit; All the right title Claim and interest of the said Defendant Thomas Cassidy, in and to Lot Number five in Block Number Seventy with the improvements thereon, having a front of Twenty six feet on Congress Avenue and running back to the Alley in the City of Austin, and in the County of Travis and State of Texas be publicly sold by the Sheriff of said County of Travis, before the Court House door of said County of Travis in the said City of Austin, on the first Tuesday in August next A.D. 1854 according to law, to the highest and best bidder for Cash in hand, and that the proceeds of such Sale be applied to the satisfaction of the said Plaintiffs Claim, as above set forth, and to the payment of the said Plaintiffs debt and interest above set forth, and that the remainder of the proceeds of said Sale after the payment of the Plaintiffs debt and interest. be paid over by the Sheriff of said County of Travis, to the said Defendant Thomas Cassidy, and that due return thereof be made to this Court at the next term thereof, as the law directs, And it is further ordered adjudged and decreed by the Court here that the said plaintiff Francis Dietzeick do have and recover of and from the said defendant Thomas Cassidy all costs and charges expended in and about the prosecution of this suit, And that Execution issue for said debt interest costs and charges against said defendant, in favor of said Plaintiff as above decreed-

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382

James S Raymond & John M Swisher vs Samuel K Jennings

Plaintiff
Defendant

Debt
Con
Contract

And now on this day came the parties to the above entitled cause by their attornies, and thereupon the attornies of the said parties moved the Court to dismiss said cause at the costs of the said Defendant, suggesting that the same had been compromised and the costs to be adjudged against the said Defendant. Whereupon it is considered adjudged and decreed by the Court here that the said cause be dismissed as aforesaid and that the said plaintiffs take nothing by their suit in this behalf, and that the said defendant go hence without day. And that the said plaintiffs James S Raymond and John M Swisher do have and recover of and from the said defendant Samuel K Jennings Co. all of the costs in this behalf laid out and expended and that Execution issue therefor, &c

340

Annette E Ashmore vs Nicholas Broadway, James N Jones & George W Scott Shiffer

Plaintiff
Defendants

Injunction

And now on this day came the plaintiff in the above cause by attorney and moved the Court to reinstate this cause, on the grounds in said motion stated, which said motion being considered by the Court, It is considered, ordered, adjudged and decreed by the Court, that said motion be and the same is hereby overruled. And thereupon in open Court the said plaintiff by attorney gave notice of an intention to appeal said cause to the Supreme Court of the State of Texas.

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388. George W Sampson & Abram Kenricks Merchants & Partners doing business in the City of Austin under the name firm & Style of Sampson & Kenricks vs Thomas Cassidy } Plaintiffs } Defendant } debt on note

Said now on this day came the parties to the above cause by their attornies and waiving a Jury submitted the matters in controversy to the Court. who finds that the said Defendant is indebted to the plaintiffs in the sum of Fourhundred and forty six Dollars and sixty seven cents, principal and three dollars and Twenty five cents interest. It is therefore considered and adjudged, and decreed by the Court here that the said plaintiffs George W Sampson and Abram Kenrick Merchants and Partners doing business in the City of Austin under the name firm and Style of Sampson & Kenricks do have and recover of and from the said Defendant Thomas Cassidy the sum of Four Hundred and fifty Dollars, and twenty five Cents for their debt and damages together with all of their costs in and about said suit expended, and that Execution do issue therefor.

1110 Robert Bratton } Plaintiff } Matter in Arbitration between the parties in the annexed case
vs
William Wilks & Amanda Bargely Administrator and Administratrix of William Bratton dec'd } Defendants }

And now on this day came the parties to the above entitled cause by their attornies, and thereupon on motion of said attornies, and it appearing to the satisfaction of the Court here, that the above suit was instituted by the said plaintiff against the said Defendants, for the adjustment of certain matters in controversy between said parties herein after

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mentioned, and it further appearing to the satisfaction of the Court here that the said parties in order to settle said matters in controversy agreed to submit the same to arbitration in accordance with the Statute in such cases made and provided and to submit the same to the arbitration of Nelson Merrell and James Rogers, said agreement being in the words and figures following to wit!

State of Iowa } Article of agreement made
Davis County } and entered into this 25th day
of April A.D. 1854. by and between Robert
Bratton of the first part as plaintiff and Wm
Wilks as Administrator and Amanda Bargsley
as Administratrix of Wm Bratton, of the second
part the said party of the first part agrees with
the parties of the second part as defendants, that
he will submit all matters of difference between
himself and the Estate of the said Wm Bratton
decd. being all claims and demands legal and
Equitable against said Estate, to arbitration, he
Chosing Nelson Merrell as arbitrator on his
part, and the parties of the second part agree
with and bind themselves that they will submit
all matters of dispute, claims and demands
of the Estate of the said Wm Bratton deceased to
Arbitration they Chosing on their part, James
Rogers. And it is agreed by both parties of both
parts that both parties shall have notice of the
time and place, and have time and opportunity
to bring forth and introduce all legal testimony
they may deem necessary to sustain their resp-
ective claims, and it is further agreed that if
the aforesaid arbitrators shall be unable to agree
upon any or all matters in said arbitration, That
the they shall chose an umpire whoes decision
shall be conclusive in all matters referred to him
and that said Arbitrators make their decision
in writing and sign the same, and that said
decision shall be conclusive between the parties
upon all matters in dispute without the right
of appeal. Signed and sealed this 25th day of
April A.D. 1854

Robert Bratton
William Wilks
Amanda Bargsley
Defendants

Spring Term Saturday May 20th 1854

And it further appearing to the Court here by said agreement that said Arbitrators Reason Merrill and James Rogers were duly and legally appointed by said parties to said cause, the said Arbitrators being good and lawful men of the County of Travis over the age of Twenty one years, competent to serve as Jurors, not related to either of said parties either by consanguinity or affinity and disinterested in said cause, as such Arbitrators the said Reason Merrill being Chosen on the part of the said plaintiff and the said James Rogers being Chosen on the part of the said Defendants, And it further appearing to the satisfaction of the Court here that the said Arbitrators were duly and legally sworn by the Clerk of the District Court of Travis County in the oath by the Statute required, And it further appearing to the satisfaction of the Court here that the said Arbitrators hath examined into and heard all the testimony concerning said dispute or controversy, and have reduced and returned into the Court here their award in said matter, said award being in the words and figures following towit:

"State of Texas
"Travis County
"Robert Bratton
"William Wilks et al
"vs
"In District Court
"Spring Term 1854

"Whereas a difference has arisen between Robert Bratton plaintiff & William Wilks administrator & administratrix Largely administratrix of the Estate of William Bratton deceased, concerning the adjustment of the account between the said Robert Bratton and the Estate of the said William Bratton for divers sums of money in said accounts set out, and also for some Cattle also in said account set forth, which accounts are herewith filed and marked Exhibits (A) & (B) And whereas the parties above mentioned have filed an agreement to arbitrate (in writing) signed by the parties respectively as plaintiff & Defendant in the office of the Clerk of the District Court

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" for said County, and the said Clerk having duly " Summoned them to appear at a certain day to " hear and abide the arbitration of said cause " Theon Morrell & James Rogers being selected as " Arbitrators, respectively, and the said Arbitrators " being fully qualified under the law and being " duly sworn, and the parties being duly present " on the day specified in said agreement to " Arbitrate, And the accounts being inspected " and all evidence as to the claims of the two parties " being fully heard and Considered, And it appearing " to us that Robert Bratton is entitled to the " sum of Two hundred and seven dollars and " fifty four cents ($207.54) & to one half of Cattle " that was in the possession of William Bratton, " at the time of his death Branded R.B.

" We therefore do by this our Award, Order " decree & adjudge, that the said Robert Bratton " be paid and allowed out of the Estate of the " said William Bratton deceased The sum of " Two hundred and seven dollars and fifty four " Cents ($207.54) with interest thereon at 8 per- " cent from the day of this award, up to the " day of the payment of the same

" And we further award, adjudge and " decree that the said Robert Bratton, have of " and from the Estate of the said William Bratton " one half of the Cattle that was in the possession " of the said William at the time of his death, Br- " anded R. B. with the natural increase thereof

" And we do further award, adjudge " any decree that the costs of this Arbitration " when assessed by the Clerk be paid by Equally " by the plaintiff and defendants. In Witness " Whereof we have hereunto solemnly set our hands " and affixed our seals (using scrolls for seals) " this 15th day of May A.D. 1854.

" Theon Morrell [seal]

Dest C & W Ext

" James Rogers [seal]

" Arbitrators"

Whereupon it is considered ordered adjudged and decreed by the Court here that the aforesaid award of said Arbitrators be in all things confirmed, and that the same be and is hereby made the Judgment of this Court.

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Whereupon it is considered ordered adjudged and decreed by the Court here that the said plaintiff Robert Bratton do have and recover of and from the said Defendants William Wells and Amanda Bargsley administrators and administratrix as aforesaid of William Bratton deceased the sum of Two hundred and seven Dollars and fifty four Cents The said amount so awarded him as aforesaid with interest thereon at the rate of eight percentum per annum from the date of said award up to the day of the payment of the same. And that the said plaintiff Robert Bratton do further have and recover of and from the Estate of the said William Bratton deceased one half of the Costs, that was in the possession of the said William Bratton deceased at the time of his death Branded "R B" with the natural increase thereof. And it is further ordered adjudged and decreed by the Court here that the aforesaid respective claims of the said Robert Bratton against the Estate of the said William Bratton deceased be certified to the Probate Court of Travis County Texas, as an Established Claim against the succession of the said William Bratton deceased. And it is further ordered adjudged and decreed by the Court in accordance with said award the said plaintiff Robert Bratton pay one half of the costs in this cause expended, and that Execution issue in favor of said Defendants against said plaintiff therefor. And it is also ordered adjudged and decreed by the Court here, that the said plaintiff do have and recover of and from said Defendants the one half of the costs of this proceeding in this Court. and that the one half of the said costs of this proceeding in favor of the said plaintiff against the said Defendants as aforesaid be properly taxed by the Clerk of this Court. and that the same be certified to the Probate Court of Travis County Texas as an Established claim against the succession of the said William Bratton deceased as aforesaid

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196 Giles A Burdin Plaintiff Suit for
vs Damages
William Custard Defendant etc et

And now on this day came the parties to the above entitled cause by attonies and the motion for a new trial in this case filed by Defendant coming on to be heard and the Court after argument had upon said motion by the attonies of the parties, both order adjudge and decree that said motion be and the same is hereby overruled. And thereupon the said Defendant by attorney in open Court gave notice of his intention to appeal said Cause to the Supreme Court of the State of Texas.

The State of Texas Plaintiff Betting
vs at
Charles L Mann Defendant Faro

And now on this day came the pleintiff in the above cause by the District Attorney. and the said Defendant Charles L Mann in his own proper person and also by attorney. and thereupon the Defendants motion for a new trial and in arrest of Surgment heretofore filed in this case coming on to be heard and the Court after hearing the argument of Counsel for and against said motion and the Court considering the same and being well advised in the premises, both order adjudge and decree that said motion be and the same is hereby overruled - and thereupon the said Defendant in open Court gave notice of his intention to appeal said Cause to the Supreme Court of the State of Texas.

Ordered by the Court that Court adjourn until Monday Morning next Nine O. Oclock a M. May the Twenty second A D 1854

Monday Morning Nine O'clock A M May the twenty second A D 1854. Court Convened pursuant to adjournment. Present the Honorable John Hancock Judge of said Court. John Measley Clerk and George W Scott Sheriff of Davis County. Whereupon the following proceedings were had Court. viz -

Spring Term Monday May 22nd 1854

253

James H Smith Plaintiff

vs

Elizabeth B Smith
Alfred Smith
Caroline A Brown &
Sidney P Brown her
husband John D
Smith, Susan A Smith
And Mary E Smith Defendants

And now
on This day come The plaintiff by attorney and
The said Alfred Smith in his own proper
person, and also by attorney, and the said
Elizabeth B Smith by attorney, and The
said Caroline A Brown and Sidney P Brown
her husband by their attornies, and the said
John D Smith, Susan A Smith and Mary
E Smith, having been served with process, and
it appearing to the Court, that they are infants,
under twenty one years of age. It is therefore
ordered by the Court, that Alexander H Ser-
rell be appointed their guardian ad litem to
file their answer, and defend said Cause, and
the said defendants respectively having filed
their answers; whereby it appears as well from
the Bill and amended Bill of the Plaintiff
that James Smith died about January in
the year 1845. in said County, and that
Elizabeth B Smith and Alfred Smith became
his administrators and acted as such for some-
time. Now without affecting the questions as
to whether or not the said James Smith died
Intestate, or whether or not his property real
and personal was community property or his
separate property; and without conceding any
thing as to the legality or illegality of the respective
acts of the administrators; and without con-
ceding any thing as to the legality or illegality
of any attempted partition of said Estate, and
without conceding anything as to the legality
and validity of the adverse claim of Alfred
Smith to any part of the property. And without
conceding the right to call said administrators
or either of them to account as prayed for, or
any question of law presented in their sever-
al defences. It is agreed among the parties
as follows. That John B Costa be appointed

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Audited, with full power to examine witnesses and parties under oath; and it shall be his duty to take evidence, and report the same in writing to This Court, upon the various issues made by the parties; and from said evidence, written and oral he shall report

1 When and where said James Smith died.

2. At what property real and personal and mixed, including debts and choses in action was he said Smith seized at the time of his death

3 What if any did he dispose of by any and what will, and what are the evidences of that will, and what was the relative value of said property. The balance of his Estate.

4. What property in his lifetime had he said James Smith parted with, to any and which of his Children, and of what value was it, and what facts are proven in relation to it?

5 What property passed in to the hands of the Administrators, and what did they do with it?

6. What debts did he owe, and by whom, and out of what have they been paid? and what necessary charges and expenses of administration did the said Elizabeth and Alfred Smith, pay? and what amount of money and property yet remain in their respective hands, and subject to their control?

7. What property and money or effects have the said parties to the record respectively received, and where is it now?

8 What value of hire, rents, use, and occupation have each of said parties respectively received, had and enjoyed stating particularly an account against each party?

9 What expenses of rearing, clothing and Educating the infant Children have been paid, and by whom stating a Separate account as to each child?

10 And that the said Auditor report whether any and what part of the property of said James Smith was Community.

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property, and what his separate property, returning the evidence as to said fact, The parties reserving the legal questions to the hearing

11. That he report what were the rights of the Widow, to how much and what property, with a like reservation as to the law.

It being agreed that all legal questions as to title be reserved until the hearing. But the Auditor may take proofs as a Commissioner upon all such questions, the legal right of objection to be reserved, It is also agreed that upon twenty days notice to the parties or their attorneys, and Guardian ad litem, the Auditor may proceed with his examination, with and without the presence of the parties or attorneys.

It is agreed that the Auditor make his report sixty days before the next term of this Court, and either party may file his written exceptions to said report on or before the third day of the term of the Court.

It is further agreed that if any cause of recusation against the Judge of this Court, then in that event the parties to this suit, will agree to a Special Judge to try the same

399

Anson Jones, Plaintiff — Suit on Mandamus

James B Shaw & James A Raymond, Defendants

And now on this day came the parties to the above cause by attorneys and thereupon the Defendants demurres to the plaintiffs petition in this cause coming on to be heard, and after argument had for and against said demurrer. and the Court considering the same, and the questions of law thereon arising. The Court doth order adjudge and decree that said demurrer be sustained, and that the Mandamus as prayed for in the said Plaintiffs petition be

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and the same is hereby refused, and that the said plaintiffs Bill be dismissed. It is therefore considered ordered adjudged and decreed by the Court that the said plaintiff Anson Jones take nothing by his suit in this behalf and that the said Defendants James D Shaw and James H Raymond go hence without day and have and recover of and from the said plaintiff Anson Jones all of their costs in this behalf expended and that Execution issue therefor, and thereupon the said plaintiff by attorney in open Court gives notice of his intention to appeal said Cause to the Supreme Court of the State of Texas.

25th

James L Stephenson et ux Plaintiffs
vs
Samuel Croft Jr. & et al Defendants
Partition

And now on this day came the parties to the above cause by attorneys, and on motion and by consent of parties it is ordered by the Court, that the above cause be continued until the next term of this Court.

342

Annette E Osborne Plaintiff
vs
Nicholas Broadway
Thomas H Jones &
George W Scott Sheriff Defendant
Injunction to restrain Sale of Property in Austin

And now on this day came the parties to the above entitled cause by their attornies, and the plaintiffs motion heretofore filed in this case to reinstate said cause on the docket coming on to be heard, and after argument had and heard upon the said motion the Court doth order adjudge and decree that said motion be and the same is hereby overruled, And thereupon the said plaintiff in open Court gives notice of an Appeal to the Supreme Court of the State of Texas of said cause, according to the Statute of the State of Texas in such cases made and provided.

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69

A Grimes Plaintiff
vs
Josiah Dick Defendant

And now on this day came the parties to the above cause by attorneys, and the presiding Judge of this Court having excused himself and stated that he had been of Counsel for the Complainant as to the matters involved in said Cause, and thereupon the plaintiff in accordance with the Statute in such cases made and provided, filed his motion for a change of Venue, and because it appears to the Court here that the presiding Judge is disqualified by law from trying the case, and the parties having failed to appoint by consent a proper person to try said Cause, And upon further motion of plaintiff's attorney, It is ordered by the Court here that the Venue in said Cause be changed from the said County of Travis to the District Court of the County of Williamson, it being the County the County seat of which is nearest to the county seat of the County of Travis. It is further ordered that the Clerk of this Court make out and certify a Transcript of all the orders and entries in this Cause (including this order) and transmit the same together with the original papers forthwith to the Clerk of the District Court of said County of Williamson.

Sarah E Wilbarger &
William C Dalrymple
Administrators of the
Estate of Matthias
Wilbarger deceased Plaintiffs Debt Con-
tract

63.

vs

William Chandler and
Benjamin C Devore Defendants Venue
changed

And now on this day came the parties to the above entitled cause by Attornies the presiding Judge of this Court having excused himself and stated that he had been of Counsel for the Complainants as to the matters involved in said Cause, and thereupon the plaintiffs in accordance with the Statute in such cases made and provided filed their motion

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for a change of Venue. and because it appears to the Court here that the presiding Judge is disqualified by law from trying the case, and the parties having failed to appoint by consent a proper person to try said cause, and upon further motion of plaintiffs attorney, It is ordered by the Court here that the Venue in said cause be changed from the said County of Travis to the District Court of the County of Williamson it being the County - the County Seat of which is nearest to the County seat of the County of Travis. It is further ordered that the Clerk of this Court make out and certify according to law, a Transcript of all the orders, and entries in this cause (including this order and a certified bill of the costs in this case accrued in this Court) and transmit the same forthwith to the Clerk of the District Court of said County of Williamson.

133 Nelson Morey vs Eugenius D Jennings & Sherman Case — Plaintiff, Defendants — Debt on Note

Answer on this day came the parties to the above cause by attorneys and the motion of the Defendants for a new trial in this case heretofore filed, coming on to be heard, and the Court after having heard the said motion read and argument of Counsel thereon had by both parties, and the Court considering the same and the questions of law thereon arising, and being well advised in the premises, doth order adjudge and decree, and it is hereby ordered adjudged and decreed that the said Defendants motion for a new trial in this case be and the same is hereby overruled, and thereupon the said Defendants in open Court gave notice of their intention to appeal said cause to the Supreme Court of the State of Texas—

4111 Robert Bratton vs William Wicks. et als — Plaintiff, Defendants — Arbitration

In this case this day came the

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The parties to the above cause by attorneys, and thereupon the motion of defendants heretofore filed in this cause to set aside the award therein, coming on to be heard, and the Court after hearing said motion, and argument thereon. doth order and decree that said motion to set aside said award be and the same is hereby overruled by the Court-

38

The State of Texas Plaintiff Betting
vs
Charles L Mann Defendant $10,000

And now on this day came into open Court the said defendant Charles L Mann who had heretofore prayed an appeal to the Supreme Court of the State of Texas, from the Judgment rendered in this cause, on a former day of the present term of this Court, And thereupon the said defendant Charles L Mann brought with him into Court Charles S West and Samuel G Norvell, and thereupon the said defendant Charles L Mann as principal, and the said Charles S West and the said Samuel G Norvell, as his securities in open Court acknowledged themselves jointly and severally to owe and be indebted unto the State of Texas in the penal sum of One hundred Dollars, to be levied each severally of their respective goods and Chattels, Lands and tenements, But to be void upon condition that the said defendant Charles L Mann, make his personal appearance at and before the District for Travis County at the next term thereof, on the first day of said term at the Court house thereof in the City of Austin, then and there to remain from day to day, and from term to term of said Court thereafter, then and there to answer to and abide whatever Judgment or decree the said Supreme Court may render in the matter of said appeal as aforesaid-

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Thos Dancer Plaintiff Suit on Sequestration

vs

David Thomas
Joseph Bradford
James L Chapman
Newton B Webb Defendants Judgment and decree

And now on this day came the parties to the above entitled cause into Court by their attornies, and the motion filed in said cause, by said plaintiff to reform the Judgment in said cause heretofore rendered at the present term of this Court, coming on to be heard, and having been considered by the Court. is sustained and thereupon it is ordered adjudged and decreed by the Court that said Judgment be set aside and vacated, and that the following Judgment be rendered in lieu thereof to wit;

"Now on this day came the parties to the above entitled cause in to Court by Attornies, and the said cause being called, the said parties announced themselves ready to proceed to the trial of said cause, and moved the Court for a Jury whereupon came a Jury to wit; John Brandon, Thomas W Beaty, James Mayo, William Wicks, Lee Wiley Lovelace, Joseph L Lane, Giles A Burdine William O'Connell, Leander Brown, Gallaspen Bostick Alexander Evans, and Robert Clements twelve good and lawful men of the county of Davis, who being duly elected empannelled and sworn to try said cause, and after having heard all the evidence adduced by the parties to said cause, as well the argument of Counsel thereon, retired under the charge of the Court to consider of their Verdict, whereupon said Jury returned into Court the following Verdict to wit; "We The Jury find for the plaintiff and assess the damage at Two Hundred Dollars. Alexander Evans Foreman" Whereupon it is considered ordered, adjudged, and decreed by the Court, that the said plaintiff Jonas Dancer do have and recover of and from the said defendants David Thomas, Joseph Bradford James L Chapman and Newton B Webb, and each of them the said sum of Two Hundred Dollars the damages assessed by the Jury as aforesaid with interest thereon at the rate of eight per centum per annum from the rendition of this Judgment-

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until Satisfied, together with all of the costs in this suit laid out and expended and that Execution issue therefor &c

And it appearing to the Court here, from the pleadings and papers in said Cause, that said suit was brought by said plaintiff against said Defendants for the recovery of a lot or parcel of Corn, alledged by said plaintiff in his petition to be in the possession of said Defendants, and it further appearing to the satisfaction of the Court here, that after the filing of said petition, to wit: On the Seventeenth day of August A.D. 1852. a lawful writ of Sequestration was issued by the Clerk of this Court, after affidavit made and bond given by said plaintiff, as the law directs, and levied by the Sheriff of said County of Travis, upon said lot of Corn, and it further appearing that said Defendant David Thomas did retain possession of said Corn, and did execute and deliver to said Sheriff his bond with A A Hopkins, and S N Matthews as his securities on the same for the sum of One hundred and sixty dollars and fifty cents, payable to said plaintiff Jonas Dancer, and Conditioned to be void if said Defendant David Thomas, should not destroy, or make an improper use of said Corn, and should have the same forthcoming to abide the decision of this Court, in said Cause, or that he would pay the Value thereof, in case the said suit should be decided against him, And it further appearing to the satisfaction of the Court here that said Bonds have been duly approved by said Sheriff, and that said last named bond and said writ have been duly returned into Court, And it further appearing to the Court here, that the amount of said Verdict is the Value of said Corn assessed by the Jury as aforesaid Therefore it is ordered adjudged and decreed by the Court that the said plaintiff Jonas Dancer do have and recover of and from said Defendant David Thomas and his said securities A A Hopkins, and S.N. Matthews, and each of them said Sum of One hundred and Sixty dollars and fifty cents, the amount of said last mentioned Bond which said amount of One hundred and sixty dol-

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Dollars and fifty cents. may be discharged by said David Thomas and his said securities delivering said corn into the possession of said plaintiff Jonas Dancer without delay. And it is further considered, ordered, adjudged and decreed by the Court here, that the said plaintiff Jonas Dancer do have and recover of and from the said Defendant David Thomas and his said securities A. H. Hopkins and D. N. Matthews, and each of them all the costs of this suit, and that Execution issue for said costs, and said One hundred and Sixty dollars and fifty cents.

Ordered by the Court that Court adjourn until Tuesday Morning nine o'clock A M May the twenty third A.D. 1854

Tuesday Morning nine o'clock A M May the twenty third A.D. 1854 Court convenes pursuant to adjournment. Present the Honorable John Hancock Judge of said Court John M. Eastley Clerk and George W. Scott Sheriff of Travis County. Whereupon the following proceedings were had viz:

John Horan Plaintiff Certiorari
vs from Justices
John Wahrenberger Defendant Court Fair Co

This day came the parties by their attornies, and thereupon this cause came on to be heard upon the petition for Certiorari and the transcript from the record of Justice Allens Court, and the same being inspected the Court proceeded to try the cause de novo and the evidence being submitted to the Court, and argument of Counsel heard. It is ordered by the Court that Judgment be rendered for the plaintiff John Horan. It is therefore considered ordered adjudged and decreed by the Court that the said plaintiff John Horan do have and recover of and from the said defendant John Wahrenberger, and S. M. Swenson and John Brenner his securities for certiorari the sum of Seventy seven dollars and forty one cents for his principal debt and

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Rec'd of Horan Dec. 27, 1856 Twenty six 13/100 dollars in full of this judgment & costs to date of $26.13

John Horan

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interest up to this date with interest thereon at the rate of eight per centum per annum from the date of this Judgment until satisfied together with all of his costs in said cause expended and that Execution issue therefor

Whereupon said Judgment the plaintiff gives notice of an appeal to the Supreme Court of the State of Texas.

386.

William Wallace, John C Wallace and Mary E Wallace, Minor Heirs of William S Wallace deceased by William O'Connell their Guardian

vs

Josiah Disk Administrator of the Estate of James Bird deceased

Specific Performance of Contract

And now on this day come the said plaintiffs by their Guardian and attorney, and the said defendant in his own proper person, and a Jury having been waived by the parties, the case was submitted to the Court and it appearing to the Court that all the material allegations and statements in the said plaintiffs petition are true, and it also appearing to the Court that the plaintiffs have in all respects complied with the agreement, and equitable intentions of the contracting parties in said contract mentioned, and obtained for the said deceased intestate the Patents for the land mentioned in said Contract, which land is fully described in three several Patents so obtained as aforesaid, as follows to wit;

"A Tract of land of Sixleagues and forty acres in Bexar District, on the South bank of the San Saba, river about 19 miles above its junction with the Colorado river known as Survey No. 58. in Section No. 8. Beginning at the N W corner of Survey No. 57. a stake on the bank of said river, from which a Pecan bears S 86° W 4 varas, another bears N 86° E 2 varas

Thence South with the W line of said Survey at Forty three hundred and four varas a stake from which a Mesquite bears 88° W. 30 varas

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Thence West at nine hundred and fifty varas a Stone mound on the E. boundary of Survey No 60.

Thence North, with said Survey at thirty four hundred and thirty four varas a stake on the bank of said river, from which a Willow bears N 54° W. 6. varas an Elm bears S 87° E 4 varas. Thence down the river with its meanders to the beginning. Bearings marked X

One other tract of Eighthundred and forty acres in Travis County, known as Survey No 112. in section No 9. in Pleasant Valley on the waters of Muketwater Creek, a northern branch of the Colorado river, about 11 miles above the mouth of said Creek. Beginning at a stake the N W Corner of Survey No 103. of 1280 acres, from which a live oak bears North 150 varas, another bears N 10° E 100. varas

Thence West nine hundred and fifty varas to a stake, the N E. corner of No 111. from which a live-oak bears S 83° W 30 varas, another bears S 81° W 30. varas

Thence South thirty eight hundred and two varas to a stake and stone mound, the S. E. Corner of No 111. from which a mesquite bears West 100 varas. Thence East nine hundred and fifty varas to a stone mound for the S E Corner. Thence North thirty eight hundred and two varas to the beginning. Bearings marked "X"

And also one other tract of Three hundred and twenty acres of Land, in Travis County, known as Survey No 122 on the waters of Muketwater Creek a northern branch of the Colorado River about 15 miles above the mouth of said Creek.

Beginning at a stake, the S. E. Corner of Survey No 123. from which a Mesquite bears N. 82° E 40. varas, another bears N 32° W 32 varas, Thence East nine hundred and fifty varas to a stake the S W corner of Survey No 121. of 320 acres from which a Mesquite bears S 80° W 30 varas, another bears N 5° W 15 varas., Thence North nineteen hundred and one varas to a stone mound, the N W corner of said No 121, Thence West nine hundred and fifty varas to a stone mound, the N E. Corner of said Survey No. 123. Thence South nineteen hundred and one varas to the place of Beginning. Bearings Marked "X"

And it further appearing to the Court here, that the said deceased, before his death, nor the said defendant as said Administrator have not specifically complied with the said contract, But have failed to convey the land that said Plaintiffs

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are entitled to by the terms of the same, and all the premises being seen and fully understood

It is therefore considered, ordered, adjudged and decreed by the Court here, that the said plaintiffs stand seized and possessed in fee Simple of the number of Eight hundred acres of land mentioned in the said Patents, and herein before described, and that the said defendant as such administrator, and the Estate of his intestate, be and is hereby divested of all Estate, title, interest and claim in and to said Eight hundred acres of said described land, and the same be and is hereby vested in the said plaintiffs And that George Hancock Ashford B McGill and Bradeis B Duffau- be and they are hereby appointed Commissioners to lay off for said plaintiffs the said Eight hundred acres of land, out of the said tracts herein before described, according to quantity and quality, and power is hereby given to said Commissioners to Call a Surveyor to assist them in laying off said land, make out field notes, and plat of the same, and that said Com- missioners make report of their acts in the prem- ises, duly sworn to by them, to this Court, at the next Term thereof for Confirmation-

396

Joseph H Robertson Plaintiffs
vs Injunction
William R Smith et ales Defendants

And now on this day Came the attorney of the Heirs of John G Chalmers deceased and filed their answer in the above cause

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339

Thomas H. Jones Plaintiff

Emily Rowe late Emily Davis and her husband
Joseph Rowe, and her infant children.
Ann Eliza Davis
Thomas Jearn Davis
Isabella Davis
Isaac Davis
Robert Davis 2d
Frion Davis Defendants

And now on this day come the plaintiff by Solicitor and the said Emily and Joseply Rowe by their Solicitor, and the said Eliza, Thomas Jearn, Isabella, Isaac Robert and Frion Davis by their Guardian ad litem John B. Costa, and it appearing from the petition, answers, title papers and evidence that the object of the suit is to settle among the parties and to partition, the following described tract of land in said County, viz: Beginning at the North East corner of a (tract) League of land sold to Bartlett Sims by Samuel M. Williams, thence South forty five degrees West with the said Sims North West boundary line to the North West corner of said Sims' Tract, thence North thirty degrees East to the Colorado River, thence down the Colorado River with the meanders thereof to the place of beginning, calling for according to the deed, thirteen hundred and twenty five (1325) acres, being part of a grant made to Santiago Del Valle which land was bargained and sold to Thomas F. McKinney during the lifetime of Robert Davis to the said Robert Davis and one Isaac Vanzandt as equal tenants in Common, and that said Vanzandt conveyed and assigned his interest in said land to the plaintiff Thomas H. Jones who went into possession during the lifetime of said Davis of the lower half of said land and that he has made valuable improvements thereon, and it further appearing that the said Emily Rowe with her children has gone into the possession of the upper half of said land and has made valuable improvements thereon, and it further appearing that in the month of July A.D. 1847

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the said Robert departed this life leaving his said widow now Emily Rowe and said children Eliza, Thomas Jearn Issabella, Isaac Robert and Frion Davis and that said property was community property and therefore said Emily Davis now Emily Rowe become entitled to one undivided fourth thereof, and said children as heirs of said Robert Davis become legally entitled to one undivided fourth thereof; and it also appearing by the confession of said Elizabeth Rowe, that she, while she was the widow of Robert Davis sold to the said Thomas H. Jones forty one (41) acres off of her interest in said land for which said Jones in good faith paid her.

It also appearing from the deed of Thomas J. McKinney on the 28th day of February 1848 the said Thomas J. McKinney conveyed the legal estate in said land to the said Thomas H. Jones, which deed said Jones acknowledged to have received as well for himself as in trust for the heirs of said Robert Davis: And it further appearing to the Court here that the said Thomas H. Jones with a view to carry out said trust on the 10th day of May A.D. 1848, by his deed of that date "to the heirs of Robert Davis" conveyed or attempted to convey to said heirs a part of said land according to the following calls viz: Beginning at a tree supposed to be a hackberry marked X situated on the West bank of the Colorado river about 135 varas above the present dwelling house of said Thomas H. Jones thence running South 759 varas to a Stake 10 varas from the Southern boundary line of 62 acres survey lately sold and deeded by said Thomas H. Jones to William B. Burdett thence South 45 degrees West 10 varas from and parrallel with said Burdett's Northern boundary of said 62 acres Survey 672 varas to a Stake, thence South 52½ degrees West 39½ varas to a black Jack tree marked + thence South 37½ degrees West 5.570 varas to a mesquite Stake & mound which is the West corner of a League of land purchased by Bartlett Sims from Santiago

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del Valle, thence North 30 degrees East 6070 varas to the Colorado river, thence down said river with its meanders to the place of beginning containing 532 acres or thereabouts, which deed because it failed to mention the names of the heirs and mistook the legal rights of Emily Rowe, and because said Emily Rowe is dissatisfied with the said division line, and therefore the parties had agreed to disregard the same. It is therefore ordered adjudged and decreed that said deed be cancelled. And this Court having on a previous day of this term upon examination of the facts decreed that a partition of said land ought to be made, and that the plaintiff is legally entitled to one half of said land, and that said Emily Rowe is entitled to, as her community interest, one fourth of said land, and the said infant heirs of Robert Davis are legally entitled to one fourth of said land, and that partition of said land ought to be made. And the parties having agreed upon Alfred Smith, Aaron Burleson, James P. McKinney & Reuben Hornsby as Commissioners of partition, and they being nominated to the Court, it was ordered that said persons so named or any three of them, be appointed Commissioners to view said land and make partition thereof among the respective parties according to their respective interest that is to assign and partition to the said Thomas H. Jones one half of said land according to quantity and quantity so as to include the improvements of the said Thomas H. Jones, and to assign and partition to the said Emily Rowe one fourth of said land according to quantity and quality & to include her improvements, and to assign and partition to Ann Eliza Davis, Thomas Jarn Davis, Isabella Davis, Isaac Davis, Robert Davis and Iron Davis as tenants in common the remaining fourth thereof, and also out of the part set off to Emily Rowe carve out and lay off forty one acres to the said Thomas H. Jones so that her contract with him might be specifically performed: and all of said commissioners were afterwards on the sixth day of May aforesaid duly sworn and

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Commissioned to enter upon their duties with power to employ a Scientific Surveyor, to aid in running the lines and measuring said land: And the said Commissioners afterwards reported to the Court the name of Robert Cruizbaur who by the consent of the parties was sworn well and truly to perform his duties as such Surveyor. And by consent of the parties, three of said Commissioners proceeded to make said partition. and after having made the same reported to this Court in the words and figures following, to wit:

Travis District Court. May Term 1854.

Thomas H. Jones
vs
Emily Rowe
Joseph Rowe and
Ann Eliza Davis
Thomas Starr Davis
Isabella Davis
Isaac Davis
Robert Davis t
Mary Davis infant heirs
of Robert Davis deceased
} Partition

To the Honorable Judge of the District Court of said County.

The undersigned Commissioners appointed by the order of your Honorable Court beg leave to represent that by the consent of the parties, the Commissioners J. C. Jennehill and Reuben Hornsby did not act in making the partition. The undersigned on the 9th Inst proceeded to inspect and view the premises in the petition described, and finding the land to be in their opinion of three different qualities and only susceptible of fair division by determining the quantity of land of each quality, they caused Robert Cruizbaur the Scientific Surveyor agreed upon between the parties and sworn by your Honorable Court to survey said land and make a plat and field notes of the same, which he reported to the undersigned in the words and figures following

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Survey and Division of a tract of land for Thomas H. Jones, the heirs of Robert Davis and Emily Rowe, formerly Emily Davis.

Said tract is situated in Travis County on the West bank of Colorado river about 4½ miles below Austin City.

After being duly sworn under the instructions of the Commissioners appointed to divide said land - I proceeded to run all necessary preliminary lines to ascertain the proportion and different quality of the land, and thereupon made the following division as directed by said Commissioners. The whole tract consists of:

Low bottom land subject to overflow	350.8/10	acres
Tillable bottom land not subject to overflow	307.6	"
Timber and prairie land	906.0	"
	1564.40	acres

Amount allotted to Thomas Jones:

½ of the low bottom land	175.4	acres
½ of the high bottom land with 7½ acres in addition on account of difference in value.	161.3	"
½ of the timber and prairie land, less 7½ acres on account of difference in value	445.5	"
Total	782.2	a

Amount allotted to the heirs of Robert Davis:

½ of the low bottom land	175.4	acres
½ of the high bottom land less 7½ acres	146.3	"
½ of the timber and prairie land with 7½ acres in addition on account of difference in value	460.5	"
Total	782.2	acres.

Division between Mrs Emily Rowe formerly Emily Davis and the children of Robert Davis.

Mrs. Rowe's Share:

86½ acres of tillable bottom land including her field, valued at ten dollars	$865.00.
33 8/10 of sandy prairie and timber land including houses &c valued at five dollars	169.00
175.4. acres of low bottom at five dollars	877.00
Mrs Rowe sold to Thos. H. Jones forty one acres of tillable high bottom land valued at 10$	410.00
Entire value	2321.00

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The Children's Share:

18¾ acres of tillable high bottom at $10.00 $187.50
426 7/10 acres of timber and back prairie land at five dollars per acre $2133.50
Entire value $2321.00

Of which the following are the field notes:

Variation of the needle 9° 20' East

Field notes of 336 7/10 acres of low and high bottom land allotted to Thomas H. Jones:

Beginning in the N.W. line of the Sims League as run by H. L. Upshur. 77 chains (four pole chains) and 24 links from its N.or upper corner on the river a mesquite Stake from which a pecan 12 ins. in dia. bears S. 39° 45' W. 1.72½ chains, and a hackberry 12 ins. in dia. bears N. 6° 45' 1.39 chains, both mkd X;

Thence S. 43° 50' W. with said line of the Sims League 6.60-ch. a small elm line tree. 20.89 ch's. a stake placed for the N.E.cor. of the high tillable bottom, 51.64 ch's to Jone's field, 94.35 ch to posts of a former fence, 115.12 ch's to a corner (not established). Thence N 0° 40' W. 31.30 ch's to a cedar Stake, from which the fork of a double pecan bears N 65° 15' E. and the E edge of Jone's house bears N. 16° 15' E. and the W. edge of Mr Arthur's house bears S. 46° 15' E. Thence due North 78 links another Stake, 23.46 ch's to a point near the head of the lower ferry cut above Jone's house, and in a line N. 70° 50 E. from the head of the upper ferry cut, continue North to a hackberry 11 ins. dia. on a point of the bluff mkd X, - continue North to the waters edge. Thence down the river with the waters edge to a point N. 46° 10' W. from the beginning.

Thence S. 46° 10' E. with the line mkd with four chops 4.05 chs. to a cd. Stake on the brow of a high bank from which a hackberry 10 ins. in dia. bears S. 4° 45' E. 13 links and a hackberry 12 ins in dia. bears S. 66° 20' W. 23 links - both mkd. X; thence continue the same course 27.95 chs from said Stake to the beginning.

Field notes of 495½ acres of timber and prairie land allotted to Thomas H. Jones.

Beginning at a Stake on the N. bank of a ditch in Wm Burdett's field, in the N.W. line of the Sims League as run by H. L. Upshur, and 199. chains and 60 links from its North or upper

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corner on the river, from which a pecan 9 ins in dia. mkd X bears S. 66° 30' E.- 4. 30 chains, and the E. edge of Jone's house bears N. 10° 30 E. Thence with the N.W. line of said League S. 43° 30 W. 20.02 chs. a black jack (red oak) line tree - about 55.00 chs. out of timber, about 115 chs. foot of rising ground, 232.12 chs. road 246.00 chs. passed a Stone corner off to the west. - 266.29 chs the W. corner of the Sims League as established by H. L. Upshur, a Stake and Stone mound, from which Cox's house bears N. 53½° W. a forked elm in Cruzbau's field bears due West. the chimney of Mc Kinney's house bears S. 5° W. and a mesquite about 200 yds. off bears S. 68½ W., and a hackberry (the Northernmost of a bunch of trees) about 120 yds off bears S. 20° 45 E.- Thence S. 36° 48' E. 221.00. chs. to a Stake and large Stone on the South edge of the timber (to that Stake the line was not run) from which a post oak 16 ins in dia. bears. - N. 66° 20' E. 1.14 chs. and a post oak 11 ins. in dia. bears N. 25° 40' W.- 80 links continue same course and measuring from that Stake 47.35 chs to the S. corner of a tract of land allotted to Mrs Rowe, a Stake, from which a black jack 7 ins dia. bears N. 57° 30' E. 2 links, and a black jack 15 ins dia. bears S. 19° E 47½ links - both mkd X; continue same course and measurment 54.05 chs to a Stake in a thicket, from which the E. prong of a double pecan mkd X bears N. 44° 45' W. 1.35 chs and a black jack (oak) 7 ins. dia. mkd X bears S. 76° 30 E. 97½ links. Thence S. 43° 50 E. 3.55 chs to a cedar Stake from which a black jack bears S. 40½° E. 107 chs. and a black jack bears N. 86° W. 4.28 chs both mkd X. Thence S. 5° 10' E. 8.01 chs a Stake from which a pecan 12 ins dia bears S. 44° 30' E. 57 links a cedar 6 ins dia. bears N. 71° 15. E 35 links and a pecan two feet in dia brs S. 5° W. 43 links, all mkd X. Thence S. 4° 50' W 1.46 chs. to a Stake in a thicket from which a pecan 11 ins dia. brs. N. 73° E. 23 links, and a cedar 9 ins dia, brs S. 64° E. 34½ links mkd X.

Thence S. 46° 10' E. 1.25 chs. pass a corner in the same thicket, the West corner of 41 acres sold by Mrs Rowe to Jh. H. Jones. 23.44 chs to the beginning.

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Fie Notes of 41 acres of tillable high bottom, sold by Mrs Emily Rowe to Thomas H. Jones.

Beginning at a stake on the N. bank of a ditch in Mr Burditts field in the N.W. line of the Sims league as run by H. L. Upshur, and 199. 66 chains from its N. or upper corner on the river from which stake a pecan 9 ins dia: mkd X bears S. 66° 30' E. 4. 30 chs, and the E. edge of Jones's house bears N. 10° 50' E. Thence N. 46° 16' W. 22. 19 chs to a stake in a thicket, from which a pecan 14 ins. dia. bears S. 59° 45' W. 36 links, and a black jk 14 ins dia brs S. 30° 45' W. 26 links. Thence N. 43° 50' E. 29. 55 chs. to a cedar stake from which the fork of a double pecan bears N 65° 15' E. and the E. edge of Jones's house bears N. 16° 15' E. and the W. edge of Mc Arthurs house, brs S. 46° 15' E.

Thence S. 0° 40' E. 31. 30 chs to said line of the Sims league (no corner established). Thence with said line S 43° 50 W. 7. 24 chs to the beginning

√ Field notes of 120 35/100 acres of land allotted to Mrs Emily Rowe, including all her improvements.

Beginning at the waters edge N. 30° E. from a stake on the brow of the high bank for the upper corner of this survey. Thence S. 30° W. to said corner, in a thicket, a stake from which a corner on this line bears S. 30° W. 13. 73. chains.

Thence S. 30° W. out of the thicket, and through a sandy prairie 13. 73 chains, a stake near the edge of the timber from which a pecan 9 ins in dia brs. N. 75° 15' W. 98 links, a pecan 7 ins in dia bears S. 77° 30. W. 1 13½ chains, and a hackberry line tree bears S. 30° W. 7. 22 chains

Thence S. 57° 48' E. through a sandy prairie and through a little thicket 31. 70 chs to the E. corner of the 426 7/10 acre tract allotted to the children, a stake from which a black jk 7 ins dia. bears N. 57° 30' E. 2 links, a black jk 5 ins in dia bears S. 19° E. 47½ links. Thence N. 36° 48' E. 6. 70 chains to a corner in a thicket, a stake from which the E prong of a double pecan mkd X I brs. N. 44° 45' W. 1. 35 chs and a black oak 7 ins dia mkd X bears S. 76° 30' E. 97½ links.

Thence N. 43° 50' W. 1. 08 chs. to a stake in a road from which the E. fork of a double pecan brs N. 47° 10' W. and the W. fork N. 49° 50' W. both

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27½ links distant & mkd X. Thence N. 71° E. 26. 84 chs to a stake from which the S. edge of the N. fork of a forked pecan about 2 feet above the fork bears N. 71° E. and the E. edge of Jones's house bears N. 17° E. and a stake near Jones's fence bears N. 71° E. 58¾ links. Thence North to a hackberry 11 ins. in dia. mkd X standing on the West bank of a ferry cut on the high bank of the river - and passing the same to the waters edge. Thence up the river with the waters edge to the beginning.

Field notes of 175 4/10 acres of low bottom land allotted to Mrs Emily Rowe.

Beginning on the river bank on the N. or upper corner of the Sims League as established by H. L. Upshur a hackberry bears N. 74° 30' W. 25½ links another bears N. 62½° W. 20½ links and another bears S. 54½° E. 39 links all mkd by Upshur X.

Thence S. 43° 50' W with said league as run by Upshur 32. 18 chs an elm line tree 39. 55 chains to a high bank 74.09 chs a road 77. 24 chains, a stake from which a pecan 12 ins in dia. bears S 39° 45' W. 1. 72½ chs. a hackberry 12 ins in dia bears N. 6° 45 E. 1. 39 chains. Thence N. 46° 10 W. 27. 95 chs to brow of main bank, a cedar stake from which a hackberry 10 ins. dia. bears S. 4° 45 E. 13 links, and a hackberry 12 ins dia bears S. 66° 20' W. 23 links.

Thence continue the same course and same measurement - 32.00 chs to the waters edge. Thence down the river with the waters edge to the beginning.

Field notes of 18¾ acres of tillable high bottom allotted to the children.

Beginning at a stake in a thicket, the West corner of 41 acres sold by Mrs Emily Rowe to Tho H. Jones, from which stake a pecan 14 ins in dia. brs S. 39° 45' W. 36 links a black oak 14 ins dia brs S. 30° 45 W. 26 links. Thence N. 46° 10' W. 1. 25 chs to a stake in the same thicket from which a pecan 11 ins. dia. brs. N. 73° E. 23 links. and a cedar 9 ins. dia. bears S 64° E. 34½ links mkd X.

Thence N. 4° 50' E. 1. 43 chs. to a stake from which a pecan 12 ins dia. bears S 44½° E. 57 links, a ced. 6 ins dia. bears N. 71¼° E. 35 links, a pecan 2 ft in dia brs. S. 57° W. 43 links. Thence N. 5. 10 W. 8. 01. chs. a stake from which a black jack

Spring Term Tuesday May 23d 1854

bears S 40½° E. 1.07½ chains, a black jack bears. N. 86° W. - 4.28 chs. Thence N. 43° 50 W. 3.55 chs a Stake and corner without mound at 4.63 chs. a Stake in a road from which a double pecan, the E fork thereof bears N. 47° 10' W. and the W. fork thereof bears N. 49° 50' W. both 27½ links off. Thence N. 71° 8. 26.84 chains to a Stake from which the S. edge of the N fork of a forked pecan about 2 ft above the fork, bears N. 71° E. and the E. edge of Jone's house bears N. 17° and a Stake near Jones fence bears N. 71° E. 58¾ links. Thence South 78 links a Stake from which the fork of a double pecan bears N. 65° 15' E. and the E edge of Jone's house bears N. 16° 15' E. and the W. edge of McArthurs house bears S. 46° 15' E. Thence S. 43° 50' W. 29. 55 chs to the beginning.

Field notes of 426 7/10 acres of timber and prairie land allotted to the children.

Beginning at the S. corner of the 120 25/100 Acre tract allotted to Mrs. Emily Rowe, a Stake from which a black jack 7 ins dia bears N. 57° 30' E. 2 links. and a black jack 15 ins in dia. brs. S 19° E. 47½ links. - both mks X I. Thence S. 36° 48' W. 47.35 chs a Stake and large stone on the S. edge of the timber, from which a postoak 16 ins. dia. brs. N. 66° 20' E. 1.. 14 chs. and a postoak 11 ins in dia. brs N. 25° 40' W. 80 links (from here on this course was not run out) 268. 35 chs. the West corner of the Swis Leage as established by H. L. Upshur, a Stake and Stone mound from which Cox's house bears N. 53½° W. a forked elm tree in Cruzbaur's field bears West. the chimney of McKinney's house bears S. 5° W. a mesquite about 200 yds off bears S. 68½ W. and a hackberry (the northernmost of a bunch of trees. about 120 yds off bears S. 20° 45' E. Thence N. 30° E. at 33.65 chs. a Stake and Stone mound bear S. 78° W. 1.01. chs. 40. 50 chs. road, 69. 80 chs Spring branch running to the right 76.11. chs a Stake and Stone mound bear - N. 40½° W. 1.59 chs 97.75 chs a road 104.00 chs brow of Colorado Valley 148.00 chains foot of descending ground. 159.00 Chains N. side of Bastrop and Bastrop road 213.50 chs entered timber. 223.90 chs. black jack line Stump about 12 ft high 252.75 chs to road from W. D. Millers place 260.68 chs to a hackberry line trees

Spring Term Tuesday May 23rd 1854

267. 90 chs. to the West corner of a tract of 120 35/100 acres of land allotted to Mrs Emily Rowe including her improvements, a stake from which a pecan 9 ins in dia. bears N. 75° 15' W. 98 links and a pecan 7 ins in dia. bears S. 77 30. W. 1. 13½ chs and a hack berry line tree bears S. 30° W. 7.22 chains. Thence S. 57° 48' E through Sandy prairie and through a small thicket 31. 70. chains to the beginning.

The line running S. 36° 48 W. in this survey is marked with four chaps.

These surveys have been made at a variation of 9° 20' - which is the true variation of the compass I used, according to recent observations.

All bearing trees are marked X unless to be otherwise mentioned.

The measurement in these field notes is given in four pole chains and decimals (links).

Caleb C. Kirk and Thomas Holloway were the chain carriers duly sworn in.

Surveys made between May the 11th and May the 21st 1854.

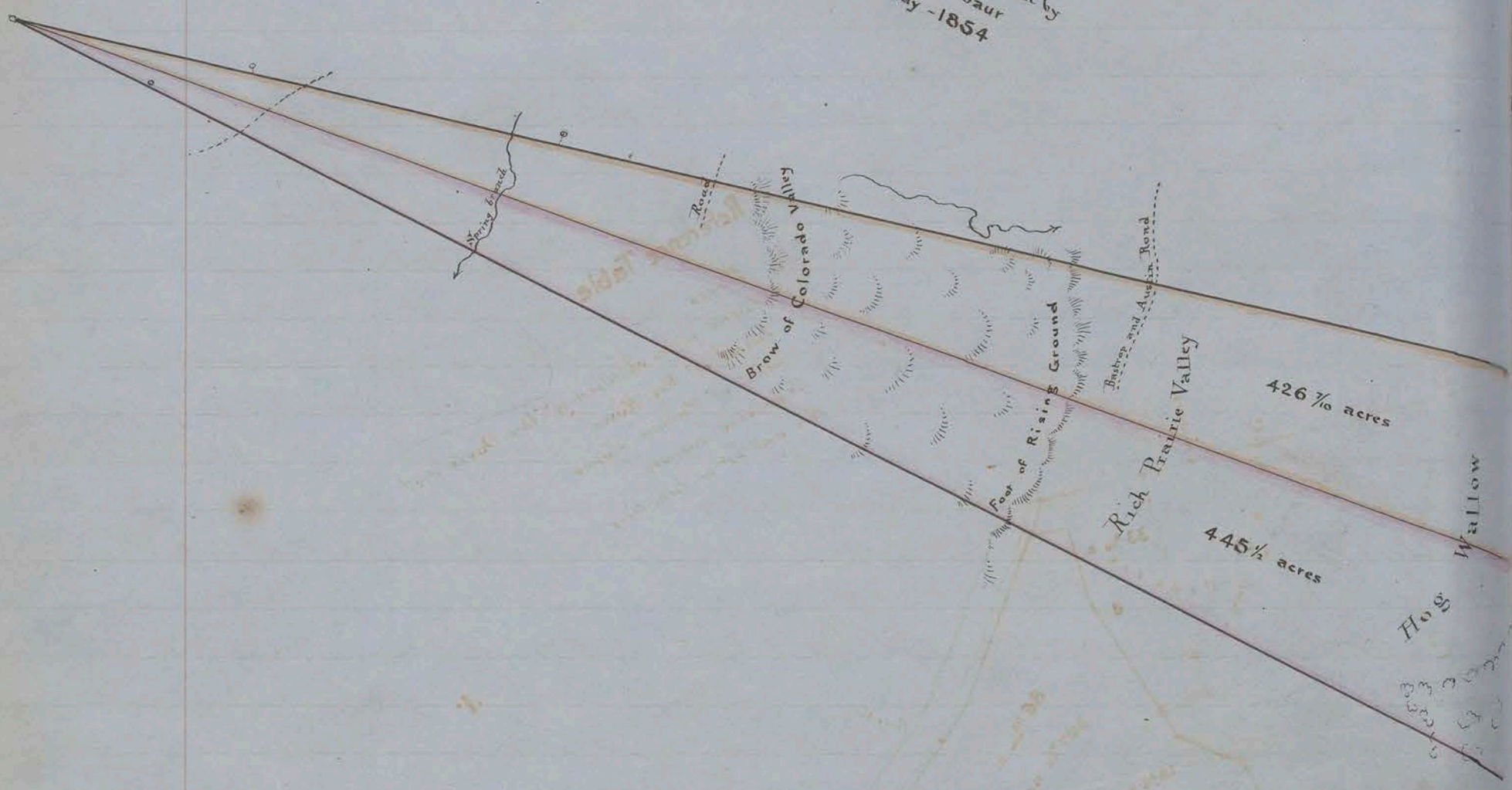
Austin City May the 22nd 1854.

Robert Cruzbaur

I. V.
R. E
G. W. T.

Spring Term Tuesday May 23d 1854

Sketch
of the
Division of a tract of Land
belonging to
the
Heirs of R. Davis
and to
Thomas H. Jones
as surveyed and drawn by
R. Creuzbaur
May - 1854



Spring Term Tuesday May 23rd 1854

Reference Table

Fences
Land of the children of Doc. Davis dec.d
Land of Mrs. Rowe
Land of Thomas Jones
Established corners
Fore and aft or Line trees

Wm. J. Shurr
to
B. Nigh

Hackberry

Land of W. D. Mather

Road

33 9/10 a.

Post Oak Timber

Part of the heirs of Doc. Davis

86 55/100 a.

307 6/10 acres of fillable Bottom land not subject to Overflow

Ferry Cut

Ferry Cut

18 3/4 a.

41 acres

Black Jack

Part of Wm. Burditt & Thos. Jones

Old Fence Posts

161 3/10 acres

Willow

Willow

Colorado River

350 9/10 acres of Bottom Land subject to Overflow

Beach

Road

175 4/10 acres

Little Elm

Field

Field

Elm

N

S

Spring Term Tuesday May 23rd 1854

Charges for Surveying and dividing the foregoing Lands.

Surveying or actually measuring 16½ Miles including 18 corners established by bearings at three dollars per mile	$49.50
Calculating or ascertaining the contents of 12 Surveys averaging 11½ corners at $1.50.	18.00
Making data report and seven set of field notes	8.00
Compiling & drawing a map of the work done	5.00
	$80.50

Austin City May 22nd 1854.
Robert Cruzbaur

And the undersigned report that in the making of said estimates field notes plat and division valuation and remarks by the Surveyor and in assigning the respective parts to each party the said Robert Cruzbaur acted under the instructions and directions of the undersigned. The undersigned therefore adopt the report of the said Surveyor and make the partition in accordance with said Survey and plot, and they assign to said Thomas H. Jones, the part and parcel of land therein indicated, and they assign to the said Emily Rowe the part and parcel therein indicated, and they assign and partition to the said infant heirs of Robert Davis deceased the part and parcel therein indicated.

And they also assign to the said Thomas H. Jones the forty one acres conveyed by the Surveyor out of the part assigned to the said Emily Rowe and which is designated in said plot.

The undersigned would further report that in making said valuations and divisions, they have made the division according to quantity and quality as nearly equal as possible, that the same has been done in full view of the premises, and after the parties were notified of the time and place of meeting, and they were attended part of the time by the plaintiff and also by the defendants Emily and Joseph Rowe.

The undersigned report that the said Robert Cruzbaur was engaged nine days and had four chain men Seven days, and the lines run

were between sixteen and seventeen miles. all of which is respectfully submitted 22nd May 1854.
Given under our hands and seals and certified to be correct.

Alfred Smith Lea
Jas. P. McKinney Lea
Aaron Burleson Lea

And afterwards, towit: on the 23d. day of May A.D. 1854. three of said commissioners as aforesaid having returned into Court said report. on the same day the defendants excepted, and argument and evidence being heard upon said exception said exception was by the Court overruled, and said report was in every respect adopted by the Court. It is therefore ordered adjudged and decreed by the Court that the defendants bring the said deed of conveyance from the said Thomas H. Jones into Court in order that the same may be cancelled, and it be the duty of the Clerk to cancell the same. It is further ordered adjudged and decreed by the Court here that the land by metes and bounds assigned by said Commissioners to Thomas H. Jones as one half in value of said land according to quantity and quality by the survey so caused by said Commissioners be and the same is hereby confirmed by the Court and all the right title and interest of said defendants be divested out of them and vested in said Thomas H. Jones his heirs and assigns forever in fee simple. It is further ordered adjudged and decreed that the land set apart and assigned to the said Emily Rowe according to the metes and bounds thereof be confirmed to the said Emily Rowe, and that the title of the said Thomas H. Jones and of the said infant heirs thereto be divested out of them and vested in the said Emily Rowe her heirs and assigns forever. It is further ordered adjudged and decreed that the land so set apart and assigned to the said Ann Eliza Davis, Isabella Davis, Thomas Jeann Davis, Robert Davis, Isaac Davis and Jesse Davis the infant heirs of Robert Davis deceased, be decreed to them, and that all the right, title, interest and claim of the said

Spring Term Tuesday May 23d 1854

Thomas H. Jones and Emily Rowe be divested out of and vested in the said Isabella Ann Eliza, Thomas Jean, Robert Isaac and Frion their heirs and assigns forever in fee simple.

It is further ordered adjudged and decreed that the said Jones retain the legal title to the forty one acres carved by the Commissioners out of the quantity assigned by said partition to Emily Rowe, and that all her interest therein legal and equitable by the said metes and bounds be vested in the said Thomas H. Jones his heirs and assigns forever in fee simple, and each and all of said division lines between the parties are respectively confirmed.

It is further ordered adjudged and decreed that the said Thomas H Jones pay one half the Costs, and the said Emily Rowe pay one fourth the Costs, and the said infant heirs of Robert Danes pay one fourth of the costs, and the Clerk in taxing the Costs will allow Eighty 50/100 dollars to Robert Cruzbaur and Twenty five dollars to John B. Costa the Guardian ad litem. He will also certify a copy of this decree to the Clerk of the County Court of said County to be recorded, and that he put the copy and recording fee in his bill of costs. It is further ordered adjudged and decreed that the parties respectively be forever quieted in their possession of the parcels assigned to them, and the parties respectively perpetually enjoined from asserting any claim thereto or from disturbing each others possession or title.

Spring Term Tuesday May 23rd 1854

Ex Parte — License to
George A Gray — Practice Law

And now at this day comes George A Gray and petitions in open Court that he be examined Touching his qualifications to Practice Law in the District Courts of this State. and the said George A Gray being duly and fully examined in the presence of the Court and all the requisites of the law in this behalf being complied with, and it appearing to the Court that the said George A Gray is duly and fully qualified to practice Law in the District Courts of this State. It is therefore ordered by the Court here, that the said George A Gray be allowed to practise as an attorney and Counselor at Law in the District Courts of this State And it is further Ordered that the Clerk of this Court do furnish the said George A Gray with a duly Certified copy of this decree, upon his paying the proper and legal fees. Thereon.

William Leftwick — Plaintiff — Debt
vs — on
William R Jones — Defendant — Note

And now on this day came the parties to the above entitled cause by their attornies, and waiving a Jury submitted the matters in controversy to the Court, upon the petition exhibits, and proofs in the case, and the Court upon examination of the said Petition Exhibits and proofs in the case finds in favor of the said Plaintiff the sum of Four hundred and fifteen dollars and fifty eight cents for his principal debt and interest on the note sued on in this case up to this date. It is therefore considered ordered, adjudged and decreed by the Court here that the said Plaintiff William Leftwick do have and recover of and from the said Defendant William R Jones the sum of Four hundred and fifteen dollars and fifty eight cents for his principal debt and interest on the note sued on in this case, with interest thereon at the rate of ten per centum per annum from the date of this Judgment until paid, together with all of his costs in this behalf laid out and expended and that Execution issue therefor &c &c

Recd in a Judgment of Wm Leftwick vs Wm R Jones
the sum of $415.92/100 in full satisfaction of the same
This 23rd June A.D. 1854 Atty for Leftwick

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Spring Term Tuesday May 23rd 1854

A A Holbrook Plaintiff } debt
vs } on
Alford B Marshall Defendant } Note

And now on this day came the parties to the above entitled cause by their attornies, and waiving a Jury submitted the matters in controversy to the Court upon the Petition exhibits and proofs in the case and the Court upon examination of the Petition exhibits, and proofs in the case finds in favor of the said plaintiff the sum of One hundred and eighteen Dollars and twenty five cents for his principal debt and interest on the note sued on in this case. It is therefore Considered ordered, adjudged and decreed by the Court here that the said plaintiff A A Holbrook do have and recover of and from the said defendant Alford B Marshall the said sum of One hundred and eighteen Dollars and twenty five cents for his principal debt and interest on the note sued on in this case, up to the date of this Judgment, together with interest thereon at the rate of eight per centum per annum from the date of this Judgment until paid together with all of the costs in this behalf laid out and expended and that Execution issue therefor &c. &c. And on motion and by consent of parties, the issuance of Execution in said case is hereby stayed for the term and space of four months from this date,

Ordered by the Court That Court adjourn until Wednesday morning nine o'clock am. May the 24th A D 1854

Wednesday Morning nine o'clock A M May the 24th A D 1854 Court convened pursuant to adjournment. Present the Honorable Johnston Brock Judge of said Court. John Measley Clerk thereof and George W Coats Sheriff of Davis County whereupon the following proceedings were had to wit:

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Spring Term Wednesday May 24th 1854

Jas Robertson
Wm R Smith and others } Injunction

And now on this day came the parties by their attornies and the infant heirs of John G Chalmers by their Guardian Thomas Green and all the defendants in the cause having waived process and voluntarily filed their answers and also filed their motion for the dissolution of said injunction, because as they say there is no Equity in said Bill, and because all the material allegations are denied by said answers, and the presiding Judge of this Court having excused himself and stated that he had been of Counsel for the Complainant as to the matters inovved in said cause and thereupon the defendants in accordance with the Statute in such cases made and provided filed their motion for a Change of Venue, and because it appears to the Court here that the presiding Judge is disqualified by law from trying the case, and the parties having failed to appoint by consent a proper person to try said case upon motion of defendants by attorney that the Venue in said cause be Changed from the said County of Travis to the District Court of the County of Williamson, it being the County, the County seat of which is nearest to the County seat of the County of Travis
It is further ordered that the Clerk of this Court make out and certify a Transcript of all the Orders and entries in this cause (including this order) and transmit the same together with the original papers forthwith to the Clerk of the District Court of said County of Williamson,

W R Smith
George W Scott & others } And now on this day Come the pelff by atty and also George W Scott, and John W Banks defendants by their attornies the plaintiffs having elected to discontinue with regard to Thomas D Chapman and Burke D Thompson the others

Spring Term Wednesday May 24th 1854

defendants, they not being served with process and the said Scott and Banks by atty filed their answer to the said Rule to show Cause &c and the presiding Judge of this Court having excused himself and stated that he had been of Counsel for the matter in controversy, and therefore the pltff in accordance with the Statute in such cases made and provided filed their motion for a Change of Venue. And Because it appears to the Court here, that the presiding Judge is disqualified by law from trying the Case, and the parties having failed to appoint by consent a proper Person to try said Case, upon motion of pltff by atty that the Venue in said case be Changed from the County of Travis to the District Court of the County of Williamson it being the County the County seat of which is nearest to the County seat of the County of Travis. It is further ordered that the Clerk of this court make out and certify a Transcript of all the orders and entries in this cause (including this order) and transmit the same together with the original papers forthwith to the Clerk of the District Court of said County of Williamson-

Ordered by the Court that Court adjourn until Thursday Morning Nine O'clock A M May the Twenty fifth A D 1854

Thursday Morning Nine O'clock A M May the Twenty fifth A D 1854 Court convened pursuant to adjournment Present the Honorable John Hancock Judge of said Court. John M Gaston Clerk and George W Scott Sheriff of Travis County Whereupon the following proceedings were had to wit;

Ordered by the Court that Court adjourn until Saturday Morning next Nine O'clock A M. May the Twenty seventh A D 1854

Spring Term Saturday May 27th 1854

Saturday Morning Nine Oclock A M May the Twenty seventh A D 1854. Court convened Pursuant to adjournment. Present the Honorable John Hancock Judge of said Court. John M Castley Clerk, and Geo W Scott. Sheriff of Travis County, whereupon the following proceedings were had viz:

X

V

Declaration of Intention to become a Citizen

The State of Texas
County of Travis } Personally appeared Christian Philipp Rommel who declares upon oath, that he is the Natural born subject of the Elector of Hassia that he was born in Allendorf on the Werra, that he is thirty three years of age, that he emigrated to the United States of America, and arrived at the port of Indianola in the State of Texas, on or about the first day of November A D 1852, that it is bonafide his intention to become a Citizen of the United States of America, and to renounce and abjure forever all allegiance and fidelity to any foreign Prince, potentate State or Sovereignty whatsoever, and particularly any and all allegiance to the King of Hanover, of whom he was late a subject, and that it is bonafide his intention to become a Citizen of the United States of America, and that he will support the Constitution of the same.

Christian Philipp Rommel

Sworn & Subscribed in Open Court. May 15th 1854

J M Castley Clk
District Court of
Travis County Texas

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Ordered by the Court that Court do now adjourn until Monday Morning next Nine oclock A M May the 29th A D 1854

Monday Morning nine oclock A M. May the 29th A D 1854 Court convened pursuant to adjournment present the same as on Saturday last whereupon the following proceedings were had viz:

Spring Term Monday May 29th 1854

The State of Texas } In the District Court
County of Travis } Spring Term 1854

I John M Costley Clerk of the district court for the County and State aforesaid do hereby make the following report of the civil causes disposed of at the above stated term of said Court, upon which a Jury fee is receivable to wit;

X 1911	Thos Duncan	vs	David Thomas Sats	3	00
225	John Bratton	"	James D Easton	3	00
331	Alexander Rea	"	Samuel Whiting	3	00
332	James Cunningham	"	Sherman Case	3	00
335	James C Shepherdson etal	"	Dennis Trammell Sats	3	00
348	W C Hamilton	"	Owen Shaw et als	3	00
352	A G Weir	"	George W Scott	3	00
354	Nathaniel Townsend	"	George W Scott	3	00
355	Deats & Blue	"	John Brandon	3	00
358	Thomas W Ward	"	Dickson Thompson	3	00
370	N H Burditt	"	D S Roy	3	00
374	Simpson & Giles	"	S K Sinkards Jr	3	00
381	Francis Dieterich	"	Hall & O Quien	3	00
387	Allen Burditt	"	Isaac Pearson	3	00
390	Nile Upton	"	John H McCall	3	00
391	Dennis Reed	"	John Branson	3	00
392	W N Fowler	"	C A Harrison	3	00
394	Joseph Toney	"	R T Allen	3	00
32	Edward Smith admr.	"	Isaac Wamnett	3	00
133	Nelson Mosely	"	Jennings & Case	3	00
196	Giles A Burditt	"	William Custard	3	00
284	P A Morgan	"	Richard J Lloyd	3	00
298	Francis Green	"	John S Ford	3	00
312	Nelson Burch	"	John Gray	3	00
339	Thomas A Jones	"	Emily Robards Sats	3	00
346	John Brandon	"	Michael De Chaumes	3	00
353	R D McAnelly	"	Sherman Case	3	00
360	William G Brooks	"	S G Clanton et als	3	00
369	N H Burditt	"	Sherman Case	3	00
372	J A Gillespie admr	"	W B Carpenter et als	3	00
373	A C Horton	"	Cassidy & Finnin	3	00
378	J M H Hall	"	Thomas Cassidy	3	00
379	Hall & O Quien	"	Thomas Cassidy	3	00
380	Francis Dieterich	"	Thomas Cassidy	3	00
385	E B Smith	"	J A Matthews	3	00
388	Simpson & Hennicks	"	Thomas Cassidy	3	00
400	Robert Brazier	"	William Wicks et ux	3	00
401	William Lefwick	"	Wm K Jones	3	00
402	A B Hallock	"	A D Marshall	3	00

Spring Term Monday May 29th 1854

The State of Texas } District Court
County of Davis } Spring Term 1854

John Measley Clerk of the District Court for the County and State afore said, do hereby certify and make the following report of the Criminal Causes disposed of at the above stated Term, upon which fines were imposed and Jury fees recoverable, as well the Criminal Causes heretofore disposed of, appealed to the Supreme Court, Judgments affirmed, and mandates returned as payed over to me by the Sheriff of Davis County to wit!

No.	Names of Parties		Fine	Jury fee
164	The State of Texas	vs. Wm B Lilly	10 00	5 00
178	" " "	" Rawley Authy	10 00	5 00
179	" " "	" W B Allen	10 00	5 00
191	" " "	" " "	10 00	5 00
196	" " "	" William Stone	10 00	5 00
234	" " "	" Jacob Bookman	10 00	5 00
282	" " "	" Robert Clements	10 00	5 00
351	" " "	" Newton Jackson	10 00	5 00
353	" " "	" " "	10 00	5 00
379	" " "	" E R Peck	10 00	5 00
386	" " "	" " "	10 00	5 00
381	" " "	" William Wyatt	10 00	5 00
382	" " "	" Jesse Burdett	10 00	5 00
383	" " "	" J M H Hall	10 00	5 00
388	" " "	" M B Rapes	10 00	5 00
420	" " "	" Charles Bryant	10 00	5 00
421	" " "	" William Morris	10 00	5 00
423	" " "	" " "	10 00	5 00
424	" " "	" Thomas Glasscock	10 00	5 00
430	" " "	" John Horan	10 00	5 00
432	" " "	" George Robinson	10 00	5 00
440	" " "	" " "	10 00	5 00
"	"		$220.00	$110.00

Criminal Causes from Supreme Court and Judgments affirmed Therein and Mandates returned viz-

No.	Names of Parties		Fine	Jury fee
"	"			
"	"			
"	"			
"	"	The State of Texas vs. James Cole	10 00	5 00
"	"	" " " " James Burdett	10 00	5 00
"	"	" " " " A N Hopkins	25. 5 00	
"	"	" " " " A. Zilles	10 00	5 00
"	"	" " " " Abram Allen	1 00	5 00
"	"	" " " "	10 00	5 00
"	"		$47. 25	$30.00

Spring Term Monday May 29th 1854
The State of Texas } District Court
County of Travis } Spring Term 1854

John McCasley Clerk of the District Court for the County and State aforesaid, do hereby make the following report of the Grand Jurors, who served at the above stated Term, the number of days said Jurors served and the amounts respectively due each of them Viz-

	Names of Jurors	No days	amt. pr day	$	Cts
1	George S Sleets	" 6.	1 50	9	00
2	James Chamberlain	" "	" "	9	00
3	Hugh McCluse	" "	" "	9	00
4	Thomas E Rowe	" "	" "	9	00
5	Francis Kelly	" "	" "	9	00
6	John Cain	" "	" "	9	00
7	John A Conner	" "	" "	9	00
8	Louis Apst	" "	" "	9	00
9	George H Baker	" "	" "	9	00
10	Parker Wilson	" "	" "	9	00
11	Elijah Reed	" "	" "	9	00
12	Adrieny D Payne	" "	" "	9	00
13	James Hall	" "	" "	9	00
14	D B Upleson	" "	" "	9	00
15	Matthew Brown	" "	" "	9	00
16	Isaac Jones	" "	" "	9	00
17	Richard E Lloyd	" "	" "	9	00
18	Minus C Burgin	" "	" "	9	00
19	Sylvester Pickard	" "	" "	9	00
20	James D Pixley and	" "	" "	9	00
21	William M Wilson	" "	" "	9	00
		126		$ 189	

Examined and approved
29th May A.D. 1854
John Haynes
Judge

Test
J W McCasley Clk
District Court of
Travis County
Texas

Spring Term Monday May 29th 1854
The State of Iowa } District Court
County of Davis } Spring Term A.D. 1854

George W Scott Sheriff of Davis County do hereby certify that the following is a correct list and Statement of the Petit Juros summoned at the present Term of this Court, the number of days each Juror served and the amount each is entitled to. respectively Viz

	Names		
1	John Brandon	8	12 00
2	James Mayne	4	6 00
3	Thomas H Beaty	3	4 50
4	William Yeks	3	4 50
5	De Witt Lovejoy	8	12 00
6	Joseph Land	8	12 00
7	Giles A Burdit	6	9 00
8	William O'Connell	8	12 00
9	Bostick	7	10 50
10	Absalom Eanes	8	12 00
11	Robert Clement	5	7 50
12	Newton Jackson	4	6 00
13	James B Bailey	3	4 50
14	S M Cain	6	9 00
15	Josephus Cowan	1	1 50
16	John A B Carr	7	10 50
17	Bryant C Stavely	7	10 50
18	Edward Linnin	3	4 50
19	Joshua Patterson	4	6 00
20	Henry D Edwards	3	4 50
21	James Baillee	11	16 50
22	James G Matthews	5	7 50
23	Mc A Houston	5	7 50
24	Henry Johnson	5	7 50
25	H Hendricks	5	7 50
26	John Wahenberger	5	7 50
27	William Patterson	5	7 50
28	John D Rainey	5	7 50
29	William Barker	6	9 00
30	Augustus Dore	3	4 50
31	Lyleien Buckett	5	7 50
32	Sherman Case	3	4 50
33	R M Johnson	3	4 50
34	Jonathan Vanbeeve	6	9 00
35	Samuel Bayler	6	9 00

Spring Term Monday May 29th 1854

36	R Wadde	4	6	00
37	Robert Smith	6	9	00
38	Joseph Erwin	5	7	50
39	Sylvia Dunn	6	9	00
40	Dennis Walsh	6	9	00
41	Neal McDonnell	6	9	00
42	D G Ray	6	9	00
43	John Thomond	6	9	00
44	Robert Caldwell	6	9	00
45	Robert Barton	2	3	00
46	William Custard	9	10	50
47	Kyle McFall	2	3	00
48	John M Gibaut	6	9	00
49	Isaac Hammett	6	9	00
50	D Burk	3	4	50
51	Benjamin Chate	2	3	00
52	Nelle Medlin	6	9	00
53	James Powell	6	9	00
54	P H Munroe	6	9	00
55	E S Giles	5	7	50
56	James A Matthews	1	1	50
57	Jorge W Glascock	4	6	00
58	Jabesh Dawson	4	6	00
59	D L Morrow	4	6	00
60	Washington Hammett	3	4	50
61	Sandy Brown	1	1	50
62	James Canefield	6	9	00
63	William M Wilson	10	15	00
64	Daniel I Adams Bailiff	18	27	00
65	John Hampton "	6	9	00
		345	$506.	50

Sheriff Davis
County By
A Bostick
Depty Shff

Examined and approved 29th May A D 1854

John Mangum
Judge

Spring Term Monday May 29th 1854

266 Edward A Pearson Plaintiff Suit for
Administrator &c etals Land and
vs Damages
Giles H Burditt etal Defendants

And now on this day came the intervenor in the above cause J C McGregal and on his motion it is ordered by the Court that the said Intervenor have leave to file an amended Petition on his behalf in the above Cause, which said amended Petition was filed accordingly

96 The State of Texas Plaintiff Betting
vs At
James M H Hall Defendant Odds

And now on this day came the plaintiff in the above cause by the District attorney, and the said defendant James M H Hall in his own proper person and also by attorney, and thereupon the motion of the said Defendant for a new trial in said cause. heretofore filed, coming on to be heard, and the Court after argument heard on said motion, and the Court considering the same. Doth order adjudge and decree that said motion be overruled and thereupon the said defendant in open Court gave notice of his intention to appeal said cause to the Supreme Court of the State of Texas-

97 John Brandon Plaintiff Debt
vs on
Michael Delehaunes Defendant Account

And now on this day came the parties to the above entitled by attornies, and thereupon the defendants motion for a new trial in said cause. coming on to be heard, and the Court after having heard said motion read. as well the argument of Counsel thereon, and the court considering the same, doth order, adjudge, and decree that said motion be overruled. And thereupon the said defendant in open Court gave notice of his intention to appeal said cause to the Supreme Court of the State of Texas according to the Statute of the State in such cases made and provided

Spring Term Monday May 29th 1854

The State of Texas Plaintiff } Setting
vs. } of
James M. H. Hall Defendant } Road

And now on this day came into open Court the said defendant James M. H. Hall who has heretofore prayed an appeal to the Supreme Court of the State of Texas from the Judgment rendered in this cause on former day of this Term of this Court. And thereupon the said defendant James M. H. Hall brought with him into open Court James R. Jackson and Edward Dinnin, and thereupon the said defendant James M. H. Hall as principal and the said James R. Jackson and the said Edward Dinnin as his securities acknowledged themselves jointly and severally to owe and be indebted unto the State of Texas in the penal sum of One hundred Dollars to be levied each severally of their respective goods and Chattels Lands and tenements. But to be void upon Condition that the said defendant James M. H. Hall do make his personal appearance at and before the District Court for Travis County at the next term thereof on the first day of said Term at the Court house thereof in the City of Austin, then and there to attend from day to day of said Court, and from Term to Term thereafter, then and there to answer to and abide whatever Judgment or decree the said Supreme Court may render in the matter of said appeal as aforesaid.

Order authorizing Clerk to charge for Interlocutory orders and decrees &c

The State of Texas }
County of Travis } 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 cause disposed of at this term of this Court that he be, and is hereby authorized to charge therefor fifteen cents for each and every hundred words so recorded, to be taxed and collected as other costs of suit. It is also further ordered adjudged and decreed by the Court that the said Clerk be, and he is hereby allowed fifteen cents for each and every hundred words included in each and every interlocutory order and decree entered in this Court at this term the same to be taxed and collected as other costs of suit.

342

Spring Term, Monday May 29th 1854

Annette E Osborne vs Thomas H Jones, Nicholas H Broadway & George W Scott Sheriff of Travis County — Plaintiff, Defendants — Injunction to restrain Sale of property in Austin

And now on this day came the defendants in the above cause by attornies and moved the Court to reform and amend the Judgment rendered in this Case, at the present term of this Court, to wit, on the Twentieth day of May A.D. 1854, and the Court considering said motion, sustains the same. And doth Order adjudge, and decree, that the said Judgment in said cause rendered on the twentieth day of May A.D. 1854 be and the same is hereby set aside, and that the following Judgment be and is hereby rendered in lieu thereof, to wit:

"And now on this day came the plaintiff in proper person and also by attorney, and the said Defendants by their attornies, and thereupon the plaintiff moved to strike out the Answer filed by the Defendant Scott, and for Judgment by default against all the parties defendant, which motion being considered by the Court, It is ordered adjudged and decreed that the same be overruled, so far as a Judgment upon the merits of said suit are concerned. And thereupon the said plaintiff moved the Court to Tax the costs in this cause having accrued in behalf of the said Defendants Broadway and Jones, against them respectively, which being heard the same is ordered, adjudged, and decreed. And thereupon the plaintiff moved the Court upon affidavit filed, for a Continuance of this cause, until the next term of this court, which said motion being heard, and considered by the Court, It is ordered that the same be overruled.

And thereupon the said plaintiff in her own proper person and also by attorney comes into Court and says that they will not prosecute said suit further. It is therefore ordered adjudged and decreed by the Court that the said suit be and the same is hereby dismissed for for want of prosecution. And that the said plaintiff Annette E Osborne take nothing by her

suit in this behalf. And that the Injunction granted in this Cause be dissolved, and said Cause be dismissed. And that the said Nicholas Broadway defendant as aforesaid do have and recover of and from the said plaintiff Annette E Osborne and her securities on her injunction Bond in this case to wit; Jacob Long and A B McGill the amount of his Judgment enjoined of "One hundred and fifty seven dollars together with interest thereon from the 29th day of March A D 1853 at the rate of eight per centum per annum from then until paid, together with Forty four dollars the costs in said Cause expended, and also enjoined in this proceeding.

And that the said Nicholas Broadway and George W Scott Sheriff of Davis County do have and recover of and from the said plaintiff Annette E Osborne and her securities in her said Injunction Bond to wit; Jacob Long and A B McGill the sum of Twenty one dollars and fifty cents being the amount of their Execution issued the first day of December A D 1853, enjoined in this proceeding

And that the said Thomas A Jones and George W Scott Sheriff of Davis County do have and recover of and from the said plaintiff Annette E Osborne and her said securities in her said Injunction Bond, to wit Jacob Long and A B McGill the sum of Twenty four dollars the amount of their Execution enjoined in this proceeding. And it is further ordered adjudged and decreed by the Court here that the said defendants respectively do have and recover of the said plaintiff Annette E Osborne and her said Securities on her Injunction Bond to wit; Jacob Long and A B McGill all of their costs in this behalf laid out and expended not otherwise decreed for which Execution may issue &c

The foregoing minutes recorded at the present Spring Term of this Court this day examined and the same is hereby

Spring Term Monday May 29th 1854
Approved. It is therefore ordered that this
Court do now adjourn until the next Regular
Term thereof
May the 29th A.D. 1854.
John Hancock, Judge

The State of Texas } District Court
County of Travis } Spring Term 1854

John M Bastley Clerk
of the District Court in and for the County and
State aforesaid. do hereby make the following report.
That at the above stated Term of said Court.
there was received by me the sum of Two hundred
and fifty seven Dollars, as Jury fees in Civil and
Criminal Causes disposed of at said term, and the
said sum of Money, authorized by law to be by me
distributed among and between the Jurors who
served at said Term as pro rata pay for said
services, and that after deducting 5 per cent from
said Amount of Two hundred and fifty seven Dollars
allowed to me by law. the Amount and sum of
Two hundred and fifty 50/100 Dollars remained to be dis-
tributed as aforesaid and that in accordance with
the list of Jurors returned at said term, there are
Eighty six Jurors who served in the aggregate Four
hundred and seventy one days. at the rate of
One dollar and fifty cents per day. making in the
aggregate the sum of Sixhundred and ninety five
dollars and fifty cents, and that the pro rata
pay of said Jurors amounts to the sum of 53
cents per day, and that Certificates have been duly
issued to said Jurors, severally, for the aggregate
amount due them, and that the said pro rata
due each Juror, severally has been allowed, paid,
and the same deducted, severally from the
aggregate amount, due each Juror, and the amount
remaining unpaid, stipulated therein, as will appear
by reference had thereto.

J. M. Bastley
Clerk
District Court of
Travis County
Texas

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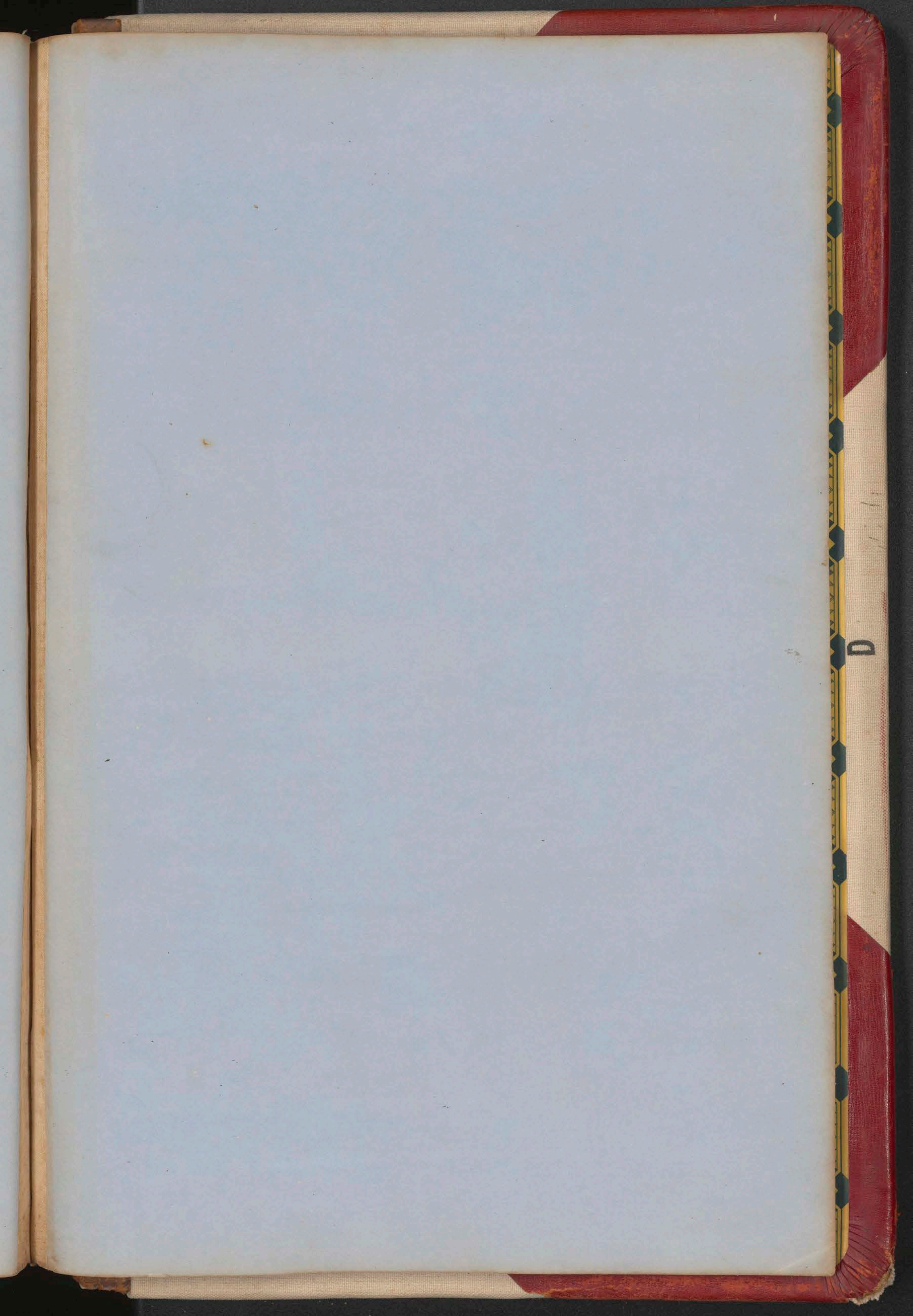


PRINTING
BANK
AUSTIN
STECK
TEXAS
COUNTY
OFFICE SUPPLIES

CIVIL

MINUTES

D

TCRM BOUND VOLUMES