CIVIL MINUTES

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Dist Court Minutes

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February 7th, 1876.

The State of Texas } Be it remembered that at a Term of the Hon District
County of Travis } Court of Travis county begun and held at the Courthouse
thereof in the City of Austin, on Monday the 7th day of February, 1876. the same
being the time fixed by law for the meeting of said Court, Present the Hon J P.
Richardson Judge of the 27th Judicial District of the State of Texas presiding,
Geo B Zimpelman Sheriff of Travis County and Frank Brown Clerk of the
District Court of Travis County. Whereupon the following proceedings were had by
said Court, to wit:

And thereupon the Court ordered the Sheriff to call the names of those appearing
upon the Regular Venire for the Grand Jury selected to serve at the present Term
of this Court: and of those so appearing to have been duly selected and
summoned the following named persons were selected to serve as the Grand
Jury of Travis County at the present Term of this Court, to wit.

Geo. W. Malone: J. B. Barron[2]: Theodore Gibbs[3]: C. Weston[4]: A McCashin[5]: R.S. Bacon[6]
W.A. Tawney[7]: Aron Rosenbey[8]: H.M. Metz[9]: Enoch Martin[10]: Jack Tannehill[11]: C. Raven[12]: A. Campbell[13]
D.W. Washy[14]: J. E. Hidger[15]

And thereupon the above named persons were legally tried, empannelled and
sworn as the Grand Jury of Travis County for and during the present term
of the District Court of Travis County, and Geo. W. Malone was appointed foreman
of said Grand Jury. And said Grand Jury being duly charged by the Court as to
the duties devolving upon them, they were ordered to retire upon a discharge
of the same

And thereupon it is ordered that the Criminal Docket be set for hearing
for the 5th Monday of this Term.

4586 Richard Mitchell v. C.T. Rundle et al
4587 M.L. Olenick v. A. Finstenburg
4588 J.M. Murphis v. J.A. Stewart et al
4600 Ira M. Camp v. H.B. Hillyer
4616 A. & G.M. Brass v. John Fisher
4617 Thomas Laine v. Driskill & Ryan
4619 B. Rutrell v. Geo W. Glasscock et al
4620 F.W. Stanton v. A.B. McGill et al
4627 J.L. Warren v. A. Pfluger et al
4665 James Hazlett & Co. v. B.M. Odom
4667 Margaret White v. Fred. White
4672 A.A. Scroggins v. Ida Lake
4674 The Republic Ins. Co v. C.W. Shands et al
4682 J.D. Kerfoot et als. v. C. Pfluger
4684 Jesse Moore & Co v. R.J. Freeman et al
4685 Mary McKay v. Robt. McKay
4686 Snyder & Holmes v. J.D. Logan & Co

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2688. B. J. Collins v. J W. Robertson.
2689. B. J. Collins v. J. W. Robertson et. als.
2690 Idella F. Kirk v. C. C. Kirk
2695. J W. Miller v. John H. Conner.
2697. D. L. Cook v. Jno. A. Webb.
2707. M. Flues & Co. v. John Strueger
2708. Field, Morris Turner & Co. v. A. I. Hailer & Co

And now comes the Clerk of the District Court of Travis County and upon motion it is ordered that the plaintiffs in the last preceding twenty-four causes be required to enter into bond and security for cost in said several causes, and unless said rules are complied with on or before the first day of the next term of this Court, the same will be dismissed, plaintiffs attorneys being notified

And then Court adjourned till to-morrow at 9 o'clock, a.m.

Tuesday, February 8th, 1876.

Court met at 9 o'clock A.M. Pursuant to adjournment. Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

2921. Thomas F McKinney v. A M Cox. Continued
2955. Abby Thompson Adm'r et. als. v. A. K. Barnes et. als Continued

N. Weiland

Declaration of Intention to become a Citizen

The State of Texas } Nicholas Weiland being duly sworn according to law in the
County of Travis } District Court of said county, doth declare that he was born in the year A.D. 1827 in the Kingdom of Germany whence he emigrated in the year 1850 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 State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he is a subject.

N. Weiland

Sworn to and subscribed before me this 8 day of Febmary, 1876. in open Court.

Frank Brown, Clerk.
By J. M. Lee, Deputy.

H. Spillman

Declaration of Intention to become a Citizen.

The State of Texas } Henry Spillman being duly sworn according to law,
County of Travis } in the Dist. Court of said County doth declare that he was born in the year A D 1834 in the Kingdom of Germany whence he emigrated in the year 1860 to the United States of America and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the

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United States and of the State of Texas, and renounced forever all allegiance and fidelity to every foreign Prince, Potentate State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he is a subject.

Henry Spillman

Sworn to and subscribed before me this 8 day of February 1876 in open Court.

Frank Brown Clerk By S M Lee, Deputy.

2958. Abby Thompson Admr et al v. Geo. Saunders. Continued

2960. Abby Thompson Admr et al. v. H. L. Raven. Continued

2973 S. B. Brush v. E. Raven Continued

3117. J. M. Gillett v I R. Worrall Continued to perfect service

3289. Phineas Bullard v. Pullen Hancock & West. Continued

3299. Mary Jane Lee v. R. H. Griffin et. als. Comes the Pleff. by atty when on motion it is ordered that said Plaintiff have leave to amend

3590. John H. Connor et. al. v Ella R. Carter et al. Continued by Consent.

3627. L. P. Cooke et. al. v. Joseph Lee et. al. Come the Defts. by atty when on motion it is ordered that said Defendants have leave to amend

3814. J. A Burditt et als v. M. C. Burditt. et. al. Comes now the Counsel for the Pleff and suggests the death of William Davis. Whereupon it is ordered that A. H Decker & J. H. Davis be made parties hereto.

3815. J. A. Burditt et al. v. John A. Green et al. Comes the Counsel for the Pleff. and suggests the death of William Davis. Whereupon it is ordered that A. H. Decker and J. H. Davis be made parties hereto.

3933. E. A Hicks v. James S. Gillett. Continued to perfect svoice.

4018. Eliza J. Tunney et. al. v A. C. Tunney et. al. Comes W. A. Morris by atty whereon motion it is ordered that said W. A. Morris have leave to intervene in this cause.

4536. B. F. Crowther v J. D. Logan & Co. on motion it is ordered that this cause be dismissed as per agreement on file, and that the Defendants be adjudged to pay all the Cost of this suit, for which execution may issue

1265. M. C Hamilton v. M. J. Fahey et. als. Comes now the Pleff. by atty whereon motion it is ordered that said Pleff. have leave to amend.

3527. H. & T. C. R. R. Co v. B. M. Odom. Comes now the Pleff. by atty when on motion it is ordered that said Plaintiff have leave to amend.

3538. H. & T. C. R. R. Co. v Fred. Carleton. And now comes the pleff. by atty when on motion it is ordered that said Plaintiff have leave to amend.

3132. B. O. Staveley v. Helen M. Staveley. And now on this day came the pleff by his attorney, and announced ready for trial. and the Defendant came not, though legally cited. Whereupon came a Jury of twelve good and lawful men of Travis county consisting of J. C. Stringer and eleven others, who being duly tried, elected and sworn a-

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cording to law, heard the pleadings, evidence & charge of the Court, returned the following verdict, to wit: "We the Jury find the allegations in the Peff's petition in regard to the marriage, and abandonment of the Peff. by the Deft to be true. J. B. Stringer, foreman." Whereupon it is considered & adjudged by the Court that the marriage heretofore celebrated and existing between B. O. Staveley and Helen M. Staveley, be and the same is hereby set aside, vacated and annulled, and the Bonds of matrimony dissolved, and held for naught, and that the Plaintiff recover of the Defendant all his cost. and that the Officers of Court have execution against Plaintiff for the cost incurred by him in the prosecution of this suit

And thereupon Court adjourned till to-morrow at 9 a.m.

Wednesday, February 9th, 1876.

Court met at 9 o'clock A. M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

√ 3546. J. W. Hannig v. H. & T. C. R. R. Co. Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

√ 3627. Louis P. Cooke, et al. v. Joseph Lee et. als. Come the Peffs. by atty. when on motion it is ordered that said Plaintiffs have leave to amend.

√ 3646. H. & T. C. R. R. Co. v. Jonathan Rogers. Comes the Peff. by atty when on motion it is ordered that said plaintiff have leave to amend.

√ 3647. H. & T. C. R. R. Co. v. J. B. Barron. Comes the Peff. by atty when on motion it is ordered that said Plaintiff have leave to amend.

√ 3648. H. & T. C. R. R. Co. v. A. R. Morris. Comes the Peff. by atty. when on motion it is ordered that said Plaintiff have leave to amend.

√ 3720. Geo. W. Paschal v. H. & T. C. R. R. Co. & Austin City. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

√ 4417. J. B. Gildart v. H. & T. C. R. R. Co. v. Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

√ 4498. W. L. Davidson & Son v. E. Brenard et. als. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

√ 4499. Geo. B. Zimpelman et. al. v. W. B. Frazer. Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

√ 4500. Geo. B. Zimpelman et. al. v. John Ross. Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

√ 4501. Geo. B. Zimpelman et. al. v. William Ross. Comes the Defendant by atty. when on motion it is ordered that said Defendant have leave to amend.

√ 4502. Geo. B. Zimpelman et. al. v. E. V. Jones. Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

√ 4503. Geo. B. Zimpelman et. al. v. Sossman et. al. Come the Defendants by atty when on motion it

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is ordered that said Defendants have leave to amend their pleadings herein.

√√4504. Geo. B. Zumpelman v. Thomas Robb, et al. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

√4513. C.M. Booth v. M.D. Miller comes the clerk, when on motion it is ordered that the plaintiff herein be required to enter into Bond and Security for the cost of this suit, plaintiff's attorney being notified

√√4546. C.W. White v. J.B. Barron et.als. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

√4611. X Houston & Texas Central Railway Company v. W.C. Philips. Come the parties by atty when on motion it is ordered that said cause be dismissed as per agreement on file, and that the Deft recover of the Defendant cost the cost hereof to be taxed, for which execution may issue

Declaration of Intention to become a Citizen

√ J. Bosshardt

The State of Texas } John Bosshardt being duly sworn according to law in the Dist-
County of Travis } Court of said County, doth declare that he was born in the year A.D. 1843 in the Republic of Switzerland where he emigrated in the year 1870 to the United States of America and has selected the State of Texas as the place of his intended Settlement; and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the President of Switzerland of whom he is a subject.

John Bosshardt.

Sworn to and subscribed before me this 9 day of Feby 1876, in open Court.

Frank Brown clerk By S. M. Lee, Deputy.

√4709. P.N. Spafford et.als v. J.H. Bell } Comes the clerk, when on motion it is
√4710. Cohen Mack & Co. v. D.C. Sutor } ordered that the plaintiffs in these two causes be required to enter into Bond and Security for the cost thereof. the Counsel for the plaintiffs being notified

And Court adjourned till to-morrow at 9 o'clock, a.m.

February 10th, 1876.

Court met at 9 o'clock a.m. pursuant to adjournment. Present Hon. J.P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court, to wit:

√√3764. X Alfred Grooms v. Louis P. Cooke et.al. Come the parties by atty when on motion it is ordered that this cause be dismissed, and that the Defendants recover of the plaintiff Alfred Grooms all the cost of this suit to be taxed, for which execution may issue.

√3950 Culver & Scott v. Dane et.al. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend their pleadings.

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No 3299. Mary Jane Lee v. R. H. Griffin, et. als. Come now the parties by their attorneys and announce themselves ready for trial. And the demurrer of the Deft Hancock being heard, is overruled, to which the Defendant excepts. And thereupon came a jury, to wit: J.B. Rogers and eleven others, good and lawful men of Travis county, duly tried and sworn, who having heard the pleadings, evidence, argument of Counsel and charge of the Court, retired to consider of their verdict and returned into Court the following verdict, to wit: "We the Jury find for the Plaintiff and assess the damages against Deft Griffin and Duble in the sum of $750.00 Defendant Hancock not guilty of trespass Jos B. Rogers, Foreman."

It is therefore considered, ordered, and adjudged by the Court that the Plff Mary J. Lee, do have and recover of the Defendants R.H. Griffin and H N Duble the land described in plaintiffs petition, as follows, to wit: Survey No 2 of three hundred and twenty acres of land made for Thomas Kinney, being the quantity of land to which he is entitled by virtue of Land Warrant No 836 issued at Houston December the 8th 1837 to Thomas Gray and by him transfered to Thomas Kinney situated in Travis County on the West Bank of the Colorado River about 5 miles N. W. from the City of Austin (above) Beginning on the North Corner of Survey No 1 of twelve and one-half labors of land made for Lewis P. Cook for the S.E. corner of Survey No 2 from which an Elm 12 inches in diameter bears S. 6 distant marked H. above elder 8 inches in diameter bears S. 85° W. 6 vs distant marked H thence up the River with its meanders as below N. 30° W. 631 vs. to a stone corner intersecting the N.E. corner of Survey No. 3. of one-third league of land made for Burk Trammell. Thence S. 30 W. with the E. boundary line of Survey No. 3, 3206 vs. intersecting the N. corner of Survey No. 70 of one labor of land. thence S. 60° E with the N. boundary line of said labor 546 vs intersecting the West boundary line of Survey No I at a stone corner. thence N 30 E. with the West boundary of Survey No I 3206 vs to the place of beginning" together with the sum of Seven Hundred and Fifty Dollars Damages, and all cost incurred on their behalf. It is further ordered that a Writ of Possession do issue against said Defendants for said land, and that execution issue for the ~~Same~~ $750.00. It is further considered that Plff. take nothing by her suit against the defendant John Hancock, and that he recover of her and her securities on her cost bond, J.B. Wheeler, E.T. Mount & J. Montgomery such costs as are incurred by him in said cause, for which execution may issue

And Court adjourned till to-morrow at 9 o'clock a.m.

Friday, Feby 11th 1876

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

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4018 Eliza J Tenney et als v. A. C. Tenney et als. And now comes W. A. Morris, Intervenor, by atty. when on motion it is ordered that said Intervenor be allowed to amend

4356. J. S. Stewart v. L K. Miller Continued by consent

4357. J. S. Stewart v. L K. Miller Continued by consent.

4395 Jesse J. Northcutt et als v. C R. Johns et als. Continued by consent.

4420. Hayden & Allen v. Geo. F. Gage Come the pffs. by atty when on motion it is ordered, that because the Defendant has been legally cited, and has failed to answer within the time prescribed by law, the said plaintiffs do have and recover of the Defendant according to the prayer of his petition, and that a writ of Inquiry be awarded.

4604. Houston & Texas Central Railway Company v. Chas Krohn. And now comes the pff. by atty when the plff claims a judgment by default. And because the Defendant has been legally cited, and has failed to answer within the time prescribed by law, it is ordered that the plaintiff recover of the Defendant according to the prayer of his petition and that a writ of Inquiry be awarded

4605. Houston & Texas Central Railway Company v. G. W. Davis. And now comes the plaintiff by atty and claims a judgment by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law, it is ordered that the plaintiff recover of the Defendant according to the prayer of his petition, and that a writ of Inquiry be awarded.

4609. Houston & Texas Central Railway Company v. T. J. Pitt. And now comes the plaintiff by atty and claims a judgment by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law, it is ordered that the plaintiff recover of the Defendant according to the prayer of his petition, and that a writ of inquiry be awarded.

4612. Houston & Texas Central Railway Company v. J. W. Hannig. And now comes the plaintiff by atty and claims a judgment by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law It is ordered that the plaintiff recover of the Defendant according to the prayer of his petition and that a writ of inquiry be awarded

4613. Houston & Texas Central Railway Company v. W Brueggerhoff. And now comes the plaintiff by atty and claims a judgment by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law, It is ordered that the plaintiff recover of the Defendant according to the prayer of his petition & that a writ of inquiry be awarded.

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21621. A.H. Parker v. Thomas H. Parker. Continued for service.

24687. C.F. Miller v. M. J. Randle. Continued for service.

21602. Sampson & Henricks v. J.B. Sanders. And now come the plaintiffs by atty and claim a judgment by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that Geo. W. Sampson and Ben. F. Henricks, under their firm name of Sampson & Henricks do have and recover of said J.B. Sanders the sum of One hundred Seventy-two + 95/100 Dollars, debt and interest due upon the instrument sued on to this date, together with twelve per centum per annum interest thereon from this date till paid and all the cost of this suit, for which execution may issue.

21603. Sampson & Henricks v. Haldeman & Shaw. And now come the Pffs by atty and claim a judgment by default. And because the Defendants has been legally cited and have failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that Geo. W. Sampson and Ben. F. Henricks, under their firm name of Sampson & Henricks do have and recover of Henry Haldeman and J. C. Shaw the sum of four hundred, eleven Gold Dollars, debt and interest due upon the instrument sued on to this date, together with interest thereon from this date until paid at the rate of 2 per cent. per month, and all the cost of this suit, for all which execution may issue.

24633. Galen Crow v. C. J. Barnet, et als. And now comes the Pff by atty and claims a judgment final by default. And because the Defendants have been legally cited and have failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that Galen Crow do have and recover of Charles J. Barnet, Charles J. Barnet, Jun. and Benj. Williams the sum of Two hundred fifty-three + 82/100 Gold Dollars, debt and interest due upon the instrument sued on to this date, together with interest thereon from this date until paid at the rate of fifteen per centum per annum and all the cost of this suit, for which execution may issue.

E.S. Rector / Ordered that F.W. Chandler, J.T. Oatman and W.A. Blackburn be appointed a Committee to examine E.S. Rector in open Court touching his application to be admitted to practice as an Attorney and Counsellor at Law.

21693. G.W. Erwin v. James M. Williams. And now comes the plaintiff and claims a judgment final by default. And it appearing that the Defendant has failed to answer within the time prescribed by law and wholly made default. It is ordered and adjudged that the plaintiff G.W.

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Erwin do have and recover of the Defendant James M. Williams the sum of two hundred forty-four 1/100 Dollars, the amount due upon the sworn account sued on in this case, together with all cost of this suit, for all which execution may issue. And it appearing that the following property has been seized and levied upon by writ of attachment, to secure the amount sued on to wit: Part of Lots Number three and four in Block No. one hundred and eighteen in the City of Austin, Travis County, Texas, it is ordered by the Court that the plff's lien thereon be foreclosed, and that the clerk do issue an order of Sale directed to the Sheriff of Travis County requiring him to sell said property and the proceeds thereof he shall apply to the satisfaction of this judgment.

No 4662. Estate of Ed. Tips Dec'd v. J. M. Young et. al. And now come the plaintiffs by
X atty and claim a judgment final by default. And because the Defendants have been legally cited and have failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that Walter Tips and Olga Tips, Executors of Ed. Tips, deceased, do have and recover of J. M. Young and L. R. Young the sum of Eight hundred and Ninety-four coin Dollars debt and interest thereon to the instrument sued on to this date, together with interest thereon from this date until paid at the rate of 18 per centum per annum and all the cost of this suit, for which execution may issue.

No 4678 F. W. Chandler v. Thomas G. Martin, et. als. And now comes the Plff. by atty
X and on motion the suit is dismissed as to the Defendant Martin, and Judgment final by default is asked for as to the other defendants herein. And it appearing that the Defendants Ferg. Kyle and W. W. Lock have been legally cited and have failed to answer within the time prescribed by law, and the cause of action being liquidated, It is ordered & adjudged that F. W. Chandler do have and recover of said Ferg. Kyle and W. W. Lock the sum of Three hundred eighty-two & 29/100 Gold Dollars, debt and interest thereon to the instrument sued on to this date, together with interest thereon from this date until paid, at the rate of 12 per cent per annum and all the cost of this suit, for all which execution may issue.

No 4623. Oppenheimer & Ginsburg v. J. Greenberg. And now come the Plffs. by atty and
X claim a judgment by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that L. Oppenheimer and W. Ginsburg, under their firm name of Oppenheimer & Ginsburg, do have and recover of J. Greenberg the sum of five hundred fifty-five & 55/100 Dollars, debt and interest thereupon the instrument sued on to this date, together with all cost of this suit & that execution issue

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No 4594 Jehial Read & Co v. J. Greenberg. And now come the Plffs. by atty & claim a
X. judgment final by defanet. And because the Defendant has been legally cited
and has failed to answer within the time prescribed by law & the cause
of action being liquidated, it is ordered and adjudged that Jehial Read, and
Nathaniel Norton under their firm name of Jehial Read & Co. do have and
recover of J. Greenberg the sum of Six hundred, Seventy Six 52/100 Dollars debt
and interest due upon the instrument sued on to this date, together with
all cost of suit, for which execution may issue

No 4628 Thomas H. Jones v Hugh Anderson. And now comes the Peff by atty and
claims a judgment final by defanet. And because the Defendant has
been legally cited and has failed to answer within the time prescribed
by law and the cause of action being liquidated, it is ordered & adjudged
that Thomas H Jones Sr. do have and recover of Hugh Anderson the sum
of two hundred, forty-two & 16/100 Specie Dollars and the further sum of twenty-
& 9/100 Cy Dollars, so due, and all the cost of this suit. And that said
sum of $242 16/100 draw interest from date until paid at the rate of ten per
centum per annum, and that said sum of $20 9/100 cy draw interest at the
rate of 8 per cent. And it appearing that plaintiff has a lien upon the
following described property to secure the judgment rendered herein, to wit:
A certain tract of land in Bell county, Texas being Survey No. Seven of Forty-one
acres out of the Felipe Madrigal and G. F. Langford Leagues in said County, as
will more definitely appear by reference to the plan of said subdivision of said
Leagues, by E.S.C. Robertson and Thomas H. Jones - it is ordered that said lien be
foreclosed, and that the Clerk do issue an order of Sale requiring the
Sheriff of Bell County to levy upon, advertise, and sell, as under execution,
the above described Real Estate, and the proceeds thereof he shall apply
to the satisfaction of the principal, interest to accrue, and the cost of this
Judgment.

Received Feb 28th 1876 of Hugh Anderson in full
The amount of this Judgment and cost of suit
Tom W. Jones Jr
Atty for T. H. Jones

No 4660. B. A. Rogers v. F. Voigt. And now comes the Peff by atty and claims a judg-
X ment final by defanet. And because the Defendant has been legally cited
and has failed to answer within the time prescribed by law, and the cause
of action being liquidated, it is ordered and adjudged that B. A. Rogers do
have and recover of F. Voigt the sum of Six hundred, fifty-Seven & 85/100
Dollars, debt and interest due upon the instruments sued on to this date,
together with interest thereon from this date until paid, and all the cost of
this suit, for which execution may issue

No 4625. B. A. Rogers v. F. Voigt. Comes the Peff by atty - and it appearing that the
Defendant Voigt has been legally cited and has failed to answer within the
time prescribed by law. It is ordered that the plaintiff recover of the Defendant
Judgment by defanet according to the prayer of his petition.

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No 2117. J. B Wheeler v. Jenville Cecil et. als. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

No 3527 Houston & Texas Central Railway Company v. B. M. Odom. And now on this day
Exec. dock No 5 page 59. came the parties to this cause by their attys and announced themselves ready
X for trial. And Defendants demurrer being submitted the same is overruled, to which ruling the Defendant excepts. And the demurrer of the plaintiffs being submitted the same is sustained, to which ruling the Defendant excepts. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of John R Owings and eleven others who being tried, elected and sworn according to law, heard the pleadings, the evidence, argument of counsel and the charge of the Court, retired for deliberation And thereupon said Jury returned into Court the following verdict, to wit: We the Jury find a verdict for Plaintiff in the sum of $500 and interest at 8 pr ct per annum from Jan. 1st 1872 up to date. John R. Owings foreman. Whereupon it is ordered and adjudged that the Houston and Texas Central Railway Company do have and recover of said B. M. odom the sum of Six hundred and Sixty four & 44/100 dollars with interest thereon from the 1st date of January 1872 until paid at the rate of 8 per cent. per annum and all the cost of this suit, for which execution may issue.

No 3870. Browning & Fields v. George Ryles. And now come the Pffs by atty & ask
X that the writ of Inquiry be awarded be here executed. When came a Jury of twelve good and lawful men of Travis County consisting of Jos. B. Rogers and eleven others who being tried and sworn according to law, heard the pleadings, evidence and the charge of the Court, returned the following verdict, to wit: "We the Jury in this case find for Pffs. in the sum of One hundred & forty-Seven & 9/100 Coin dollars Feb 11/76 Jos. B Rogers foreman." Whereupon it is ordered and adjudged that W. H. Browning and Jno. D. Fields, under their firm name of Browning & Fields do have and recover of George Ryles the sum of One hundred forty-Seven & 9/100 Coin dollars, so found to be due, and all the cost of this suit, for which execution may issue.

No 3965. Thomas T. Bacthop v. Mary E. Bacthop. And now comes the plaintiff by atty
X and announced ready for trial, and the Defendant came not, but made default, though duly cited. Whereupon came a Jury of twelve good and lawful men of Travis County consisting of J.R. Owens and eleven others who being tried, elected sworn according to law, heard the pleadings, evidence and the charge of the Court, returned the following verdict, to wit: "We the Jury find the allegations in the Pff's Petition to be true. J.R. Owens, foreman." Whereupon it is ordered & adjudged that the Bonds of Matrimony heretofore celebrated and existing between said Thomas T. Bacthop and Mary E. Bacthop be vacated.

February 11th, 1876.

set aside and held for naught, and the marriage dissolved, and that the Plff. have and recover his cost of the Defendant & that execution may issue in favor of the officers of Court for the cost incurred by Respplaintiff against the said plaintiff and his securities, M. L. Langford and M. D. L. McFarland.

3546. J. W. Hannig v. Houston & Texas Central R. W. Co. Continued

3622 Ellen C. Hepton et. al. v. Mary M. Bowers et. als. Continued

3627. Louis P. Cooke et. al. v. Joseph Lee et. al. Continued by Consent.

3638. J. L. Baker v. James E. Mercy. Continued

3642. G. M. Bayley & Pond v. L. N. Speer. Continued

3696. John Ireland v. C. S. West et. al. Continued

3702. W. M. Wacton v. L. E. Edwards et. al. Continued

3720. Geo. W. Paschal v. Central Railway Continued

3919. C. R. Johns v. Susan L. Ward. Comes the Counsel for the Defendant and suggests the death of the Defendant

3927 M. Wear v. Geo. B. Zimpelman. Continued by Plaintiff

3935. Loomis & Christian vs Bettie A. Ford. It is ordered that this cause be dismissed and that the cost hereof be adjudged against the plaintiffs, for which execution may issue.

3936 Bonnie Murphy & Co. v. A. B. Mitchell Deft & Ed. Creary Garnishee. A Rule for security for cost having been entered in this cause at a former Term of this Court and the same not having been complied with it is ordered that this cause be dismissed for want of compliance therewith, and that the cost hereof be adjudged against the plaintiff, for which execution may issue.

3950. Culver & Scott v. R. N. Lane et. al. Continued by the Defendants.

3962. W. B. Smith et. al. v. B. Puckett. Continued

4007 M. D. Miller v. Russell & Hall a. Continued for Service.

4069. F. W. Chandler v. Life Ass. of America. Continued by the Defendant.

4099. Rhoda Robinson v. H & T C R R Co. Dismissed

4100 John Willie v. H & T C R R Co. Continued

4118 E. J. Tinney, et al. v. A. C. Tinney et al. And now on this day coming on to be heard the report of Geo. B. Zimpelman, Sheriff of Travis County, of the Sale of lots Nos. 10-11 and 12 in Block 99 in the City of Austin in Travis County; and it appearing to the Court that said Zimpelman on the first Tuesday in February 1876, did sell said lots at public sale as under execution in accordance with law, and the order of this Court, made and entered herein at the last term of this Court, at which Sale one Edward Christian became the purchaser of all of said lots and improvements, at the price and sum of Five Thousand dollars in cash; And it appearing to the Court that said Sale was fairly made, and that the price bid for said property, was the fair market value of the same; and no objection having been made to said report It is ordered by the Court, that said Sale be in all things approved, ratified and confirmed And it is further ordered by the Court, that said Zimpelman, Make, execute and deliver, as such

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Sheriff, a deed of Conveyance to said lots to said Christian, and that he receive the purchase money, and hold the same, subject to the further order of this Court; And it is further ordered by the Court, that on the payment of said purchase money by said Christian, and the execution and delivery to him of the conveyance aforesaid, then that all title of Plaintiffs and defendants in this suit be divested out of them and vested fully in said Christian. It is further ordered that this cause stand on the docket for further action by the Court

4309 John. H. Robinson. vs. John. W. Young — On

4663 A. Bahn v. R. J. Swancoat. And now comes the plaintiff by atty & claims a judgment final by defaut. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that said A. Bahn do have and recover of R. J. Swancoat the sum of two hundred eighteen and 50/100 Dollars, debt and interest due upon the instrument sued on to this date, and all the cost of this suit, for which execution may issue

4683 R. Bertram v. Bethel Coopcoood. Comes the plaintiff by atty & claims a judgment final by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered & adjudged that R. Bertram do have and recover of Bethel Coopwood the sum of three hundred and Ninety Dollars debt and interest due upon the instrument sued on to this date, together with all cost of this suit, for which execution may issue.

4691 McDannell & Co. v. R. J. Freeman. And now come the pffs. by atty and claim a judgment final by default. And because the Defendant has been legally cited and has failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered & adjudged that Page McDannell and Martin McCarty, under their firm name of McDannell & Co. do have and recover of R. J. Freeman the sum of three hundred Seventy four & 50/100 Dollars, debt and interest due upon the instrument sued on to this date, together with interest thereon from this date until paid at the rate of two per cent. per month, and all the cost of this suit, for all which execution may issue. And it appearing that the pff. has an attachment lien upon the following described property, in this case, to wit: 1 barrel of whisky, marked "R. J. Freeman, Highland Bourbon Distillery, 41 gallons." it is ordered that said lien be foreclosed, and that an order of Sale do issue requiring the Sheriff to advertise and sell as under execution, said Barrel of whisky, and the proceeds thereof he shall apply to the satisfaction of the Judgment rendered in this case, principal, interest to grow due, and the cost of suit: & that execution issue for any remainder

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And thereupon Court adjourned till to-morrow at 9 o'clock, A. M.

Saturday, Feburary 12th, 1876.

Court met at 9 o'clock a m pursuant to adjournment: Present Hon. J. P. Richardson, Judge & presiding. Whereupon the following proceedings were had, to wit:

#1696. J.R. Johnson v. James Finlay & Henry Eddie. And now comes the Pff & claims a judgment final by default. And because the Defendants have been legally cited and have failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered & adjudged that said J.R. Johnson do have and recover of James Finlay and Henry Eddie the sum of One hundred, thirty-six & 10/100 coin dollars, debt & interest due upon the instrument sued on to this date, with interest thereon from this date until paid at the rate of 2½ per cent. per month, and the further sum of thirteen & 60/100 Dollars coin, and all cost of this suit. for which execution may issue.

#1707. W. M. Fliess & Co. v. John Stringer. And now comes the Pffs by atty & claim a judgment final by default. And because the Defendant has accepted service of Pff's petition and has failed to answer within the time prescribed by law and the cause of action being liquidated, it is ordered and adjudged that the plaintiffs do have and recover of the said John Stringer the sum of three hundred and Seventy-three dollars, debt & interest due upon the instrument sued on to this date, together with all cost of suit for which execution may issue.

#1711. John C. Randolph & Part. upon hearing the petition of John C. Randolph a minor over the age of Seventeen years, supported by affidavit, it is ordered and adjudged that the Disabilities of said John C. Randolph as a minor, be removed: and that he be held for all legal purposes of full age, and capable of transacting business and of being held responsible as such, the same as if he were twenty-one years of age, except the right to vote.

#1670. Rad Key & Cavett v. R.R. Robertson et als. Come the plaintiffs by their attys when on motion it is ordered that said Plaintiffs have leave to amend.

#1657. The State of Texas v. Wm Voss. On motion it is ordered that the forfeiture entered in this cause be set aside, and that the Defendant be adjudged to pay the cost of this proceeding, for which execution may issue.

#1656 State of Texas v. A. J. Sloyd. Continued for service

#1619. State of Texas v. Robert Williams Continued for service.

#1647. State of Texas v. J. J. Walker. On motion it is ordered that the forfeiture entered in this cause be set aside & that the cost be adjudged against the Defendant, for which execution may issue

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1648 The State of Texas v. W. B Wacker. on motion it is ordered that the forfeiture in this cause be set aside, and that the cost be adjudged against the defendant, for which execution may issue.

1645. The State of Texas v. Nat. Moore et. al. Continued for service

1642. The State of Texas v. Frank Leaton et. als on motion this ordered that the forfeiture in this cause be set aside and that the cost of this proceeding be adjudged against said Frank Leaton and R. Platt, for which execution may issue.

1639. The State of Texas v. John Isbell et. als Continued for service.

1638. The State of Texas v. John Isbell et. als Continued for service

1593. James B. Morris et als v Fred. Carleton et. als. Come the parties by atty when on motion it is ordered that C. T. Moore, Esq. be appointed Special guardian to represent the interests of the minor Defendants herein, and that he give Bond as such special guardian in the sum of $1500.

1483. The State of Texas v. C. Covey et. als. Set aside and dismissed

1492. The State of Texas v. Bat. Saur et. al. On motion it is ordered that the forfeiture in this case be set aside, and that the cost be adjudged against the Defendant S. D. Meeks, for which execution may issue.

1493. The State of Texas v. C. L. Ferguson et. als. On motion it is ordered that the forfeiture entered herein be set aside and that the cost be adjudged against the Defendant C. L. Ferguson and his securities Will Heinrichs and J. J. Good. for which execution may issue.

1014. A. T. Kamp. v. S. Mufpeff et. al. On motion of pleff. it is ordered that he be allowed to withdraw his papers filed by him in this case.

1103. Geo. B. Zimpelman v. J. M. Harrell. And now on this day came the parties by their atty when the Defendant submitted his demurrer to the petition, which after argument of Counsel is overruled, except as to the plea to the jurisdiction, to which ruling the Defendant excepts.

1103 Geo. B. Zimpelman v. Jacob M. Harrell. Comes the pleff. by atty when on motion it is ordered that said Plaintiff have leave to amend.

1637. The State of Texas v. John Isbell et. als. It appearing that at the last Term of this Court Judgment nisi was entered against John Isbell as principal, and D. A. Porter and S. T. Porter as securities for the sum of five hundred dollars on a forfeited Recognizance, and that the security S. T. Porter has been duly served with process to appear and show cause why said Judgment should not be made final, which they have wholly failed to do. it is ordered and adjudged that said Judgment nisi be made final, and that the State of Texas do have and recover of said John Isbell as principal and S. T. Porter as security, the said sum of Five Hundred Dollars and the cost of this proceeding for which execution may issue. And that the cause be continued for service as to the other Defendant.

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No 4624. The State of Texas v. Gibert Stewart et als. It appearing that at the last
X term of this Court judgment nisi was entered against Gibert Stewart as
principal, and Jno T. Plumley and S. A. Stewart as securities for the sum
of one hundred dollars on a forfeited appearance bond, and that the security
Plumley hath been legally cited to appear to shew cause why said judgment
nisi should not be made final, and said Defendants having made de-
aunt, it is ordered and adjudged that said judgment be made final
and that the State of Texas do have and recover of Gibert Stewart, as
principal and J.T. Plumley security the said sum of one hundred
dollars and all the cost of this proceeding & that execution issue. And
cause dismissed as to other Defendants.

No 4626 The State of Texas v. Gibert Stewart et al. It appearing that at the last
X term of this Court judgment nisi was entered against Gibert Stewart
as principal and Jno T. Plumley and S. A. Stewart as securities for the
sum of two hundred dollars on a forfeited appearance recognizance, and
that the security Plumley hath been legally cited to appear and shew cause
why said judgment should not be made final, and said Defendants having
made defaunt, it is ordered and adjudged that said judgment be made
final and that the State of Texas do have and recover of Gibert
Stewart as principal and J.T. Plumley as security said sum of two
hundred dollars and all the cost of this proceeding & that execution issue
And cause dismissed as to the other surety.

No 4660. The State of Texas v. Mr. Panchefkin. It appearing that at the last term of
X this Court the Defendant was fined as a Defaulting witness in the Cause
4356 of The State of Texas v. J. W. McKnight et als in the sum of Twenty
Dollars and that said Defendant has been cited to appear & shew
cause why said fine should not be enforced which he has wholly failed
to do within the time prescribed by law — this ordered and adjudged that
said Judgment nisi be made final and that the State of Texas do have
and recover of said Panchefkin said sum of twenty dollars and the cost
of this proceeding & that he be committed to the County Jail until the
same is paid in full.

No 4651 The State of Texas v. Rebecca Evans. It appearing that at the last term of this
X Court the Defendant was fined as a Defaulting witness in the Cause # 356
of the State of Texas v. J. McKnight et als. in the sum of twenty dollars and
that said Defendant has been cited to appear and shew cause why said fine
should not be enforced which she has wholly failed to do within the time
prescribed by law It is ordered & adjudged that said Judgment nisi be made
final, and that the State of Texas do have and recover of said Rebecca
Evans said sum of twenty dollars and the cost of this proceeding and

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that she be committed to the County jail until the same are paid in full.

#2652 X The State of Texas v. James Evans. It appearing that at the last term of this Court the Defendant was fined as a Defaulting witness in the sum of twenty dollars in the cause No. 4306 of the State of Texas v. J. McKnight et.als, and that said Defendant has been cited to appear & shew Cause why said judgment should not be made final which he has wholly failed to do, within the time prescribed by law, It is ordered and adjudged that said judgment nisi be made final, and that the State of Texas do have and recover of James Evans said sum of twenty dollars and the cost of this proceding and that a Commitment issue placing the Defendant in the County jail until the same are paid in full.

#4658 X The State of Texas v. John McClane. It appearing that at the last term of this Court the Defendant was fined in the sum of One hundred dollars for failing to execute process as Sheriff of Nueces County in the cause 3581 of the State of Texas v James P Stevenson, and having been cited to appear and shew cause why said fine should not be enforced and made final, which he has failed to do, the answer filed being insufficient It is ordered and adjudged that said judgment nisi be made final and that the State of Texas do have and recover of said John McClane the said sum of one hundred dollars and all the cost of this proceeding and that a Commitment do issue reqiring the Sheriff or any Constable of any County where the Defendant may reside, to place him in the County Jail until the said fine and cost are paid in full.

#4309 X John. H. Robinson Jr. vs. John. W. Young. On this day came on to be heard the above Styled and Numbered cause, and the same having been called in open Court, the plaintiff John. H. Robinson Jr. came by his attorneys and claimed a judgment final by default; and it appearing to the Satisfaction of the Court, that the defendant, John. W. Young was duly and legally cited on March 20th 1875 to appear and answer plaintiffs original petition filed in this cause on Jany 23d 1875, and that the said John. W. Young, was on January 14th 1876, duly and legally cited to appear and answer plaintiff's amended petition filed in this cause on January 12th 1876, and it appearing to the Court that the said defendant, John. W. Young has neither appeared, answered or demurred to said original and amended petitions, but has wholly made default, and it further appearing to the Court that the claims sued on in this cause are liquidated demands and evidenced by instruments in writing and the clerk having now here assessed said claims principal and interest, to amount this day to the Sum of Nine thousand four hundred and twenty four 32/100 Dollars in gold, and that Eighteen per Cent per annum is the rate of interest said Sum of Nine Thousand Four Hundred and twenty four 32/100 Dollars in gold bears; it is therefore ordered, adjudged and decreed by the Court, that the said plaintiff, John. H. Robinson Jr, do have and recover of and from the defendant, John W. Young, the full Sum of Nine thousand four hundred and twenty four 32/100 Dollars in gold, with interest from this date at the rate of eighteen per Cent per annum, till paid and all Costs of this proceeding, for all which execution

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may issue; and it further appearing to the Satisfaction of the Court, that said Sum of Nine thousand four hundred and twenty four 32/100 Dollars in gold was and is now a Vendors lien upon the following described tract of land with all the improvements thereon, situated in the County of Travis and State of Texas, viz: Two hundred and eighty acres of land more or less, three and one half miles North East of the City of Austin in said Travis County - Beginning at the N.E. corner of the James. P. Wallace league the same being the N.E. corner of the Ainsworth tract of land owned on said Sept 1st 1872 by Dr Joseph Wright, thence N. 60° W (246½) two hundred forty six and one half poles to Dr Wrights N.W. corner in Centre of Austin and Comeron road, thence N. E (229 7/10) two hundred and twenty nine 7/10 poles to Milton Wrights (J.M.C.) S.W. Corner - Thence S. 60° E (172 7/10) One hundred and Seventy two 7/10 poles to Milton Wrights. S.E corner, thence S. 30° W (214 9/10) two hundred and fourteen and 9/10 poles to beginning Corner, Containing (280) two hundred and eighty acres of land, more or less: it being a part of the tract of land bought of N.S. Rector and S.W. Wright and wife by J.H. Coleman out of grant to Thomas. J. Chambers, and land patented to Robert. L. Redding assignee of James. P. Wallace, and this two hundred and eighty acres of land, is the same land conveyed by J.H. Coleman and Mary. S. Coleman, his wife on September 1st 1872, to the defendant John W. Young - It is therefore ordered adjudged and decreed by the Court, that the plaintiff's (John H. Robinson jr) vendors lien upon the above described two hundred and eighty acres of land, with all the improvements thereon Situated, is hereby foreclosed, and the Sheriff of Travis County is hereby authorized and required to Sell the said two hundred and eighty acres of land as under execution and apply the proceeds of said Sale to the Satisfaction of Said judgment of Nine thousand and four hundred and twenty four 32/100 dollars in gold, and all costs and that the Clerk of this court Shall issue an order of Sale to said Sheriff of Travis County Texas requiring him to Sell aforesaid two hundred and eighty acres of land and apply the proceeds of said Sale as aforesaid

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

Monday, February 14th, 1876.

Court met at 9 o'clock A.M. pursuant to adjournment. Present Hon. J.P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had, to wit:

E.S. Rector. And now coming on to be heard the Report of the Commissioners appointed to examine E. S. Rector in open Court touching his application to practice law, and the same being favorable and the Court being satisfied as to the qualifications of said applicant, it is ordered and adjudged that said E.S. Rector be admitted to practice as an Attorney and Counsellor at Law in the several District and Inferior Courts of the State of Texas and that License issue.

No 4679 M. Paggi vs Thomas. L. Pumey & G. B. Zimpelman. And now on this day this cause being regularly called for trial and it appearing to the Court that defendants have been duly cited to appear and answer plaintiffs petition and said defendants having failed to make answer within the time required by law and it appearing to the Court that plaintiffs demand sued on is liquidated being a promissory note executed by defendant Thomas. L. Pumey to the plaintiff described in plaintiff's petition and the clerk having assessed the damages of the plaintiff: It is

therefore ordered by the Court that the plaintiff M. Paggi do have and recover of and from the defendant Thomas L. Tunney the sum of Seven hundred and seven dollars and seventy five cents in Coin ($707 75/100) as his principal debt and interest to date with interest thereon at the rate of fifteen per cent per annum from date hereof together with all costs of this suit: and it appearing to the Court further that on the 30th day of November 1874 the said Defendant Tunney executed and delivered to said plaintiff a certain deed of trust on his the said Tunneys one ninth interest in and to Lots Nos 10. 11. and 12 in Block No 99 in the City of Austin in Travis County Texas to secure the payment of the note sued on, by the terms of which deed of trust said Tunney conveyed said interest in said Lots to E. M. Pease in trust with power in said Pease to sell said interest in said Lots in default of the payment of said note at maturity and to apply the proceeds of such sale to the payment of said note and that a lien was thus created on said interest in said Lots in favor of said plaintiff to secure the payment of said note; and it further appearing to the Court that at the time of the giving of said deed of trust that a suit was pending in this Court for the partition of said Lots between the said Tunney and his mother and his brothers and sisters said suit being Numbered on the docket of this Court 4018 and entitled Eliza J. Tunney et al vs A. C. Tunney et al and which suit is still pending in this Court; and it also appearing to the Court that at the last term of this Court, an order was made in said partition suit No 4018. authorizing and requiring defendant G. B. Zimpelman as Sheriff of Travis County to sell as under execution said Lots Nos 10. 11 and 12 in Block No 99 for the purpose of partition of the same among the parties to said suit including the said Thomas L. Tunney and it also appearing to the Court that said Zimpelman did on the first Tuesday in February 1876 sell said lots under said order and in accordance therewith for the sum of Five thousand dollars in Cash to one Edward Christian which sale has been by this Court confirmed and said Zimpelman directed to make title to the purchaser on the payment of the purchasemony; and it further appearing to the Court that said plaintiff has a lien on the interest of said Thomas L. Tunney in the proceeds of the sale of said Lots as the representative of the said defendant Tunney's interest in the said Lots so sold: It is therefore further ordered and decreed by the Court that said lien on said interest of the said Thomas L. Tunney in the proceeds of the sale of said Lots made by said Zimpelman as aforesaid be and the same is hereby foreclosed and the said Zimpelman is hereby directed to apply said Thomas L. Tunney's interest in the proceeds of said Sale of said Lots as shall be decreed to him in said partition suit No 4018 of E. J. Tunney et al vs A. C. Tunney et al to the payment of this judgment and the costs of this suit and any balance which may remain in the hands of said Zimpelman of said proceeds after the payment of this judgment and

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costs shall be paid over to said Thomas L. Tunney; and should the said interest of said Thomas L. Tunney in the proceeds of said sale be not sufficient to satisfy this judgment and costs then execution shall issue against said Tunney for any such balance as shall remain unpaid - And it is further ordered that this cause be consolidated in the said suit No 4018 of E. J. Tunney et al vs A. L. Tunney et al to the end that the plaintiff M. Paggi may in said suit take such action as may be necessary to protect his rights under this decree to the interest of said Thomas. L. Tunney in the proceeds of the sale of the lots herein before mentioned.

No 4682. John D. Kerfoot et al vs Christina Pfuger ss. February A. D. 1876. This day came the plaintiff by his Attorney and the said Defendant having failed to appear and answer in this behalf but wholly made default, wherefore the said John D. Kerfoot, Thomas Hunton and Ellen E. Hunton his wife, Laura W. Kerfoot, Ida E. Kerfoot, Henry D. Kerfoot & F. Howard Kerfoot ought to recover against the said Christina Pfluger their damages by occasion of the premises and it appearing to the Court that the cause of action is liquidated and proven by an instrument of writing & it appearing further to the Court that said instrument of writing was given to secure the payment of the purchase money in gold or silver coin for the following described tract of land to wit: Three hundred and sixteen and two elevenths acres of the tract of land lying on Wilbarger Creek in Travis County known as Survey No 18 in the name of John Leissee being an undivided interest of that number of acres owned by the plaintiffs in in the upper part of the said Survey No 18 in the name of John Leissee occupied by the said Christian Pfluger & beginning 761 4/10 varas from the East line of said survey and lying above and adjoining the three hundred acres of said survey claimed by Wm Bohls & Conrad Pfluger & constituting all of said survey except that part on the lower or East side of the same, claimed by said Conrad Pfluger & Wm Bohls & lying east of a line 761 4/10 varas from the East line of the Survey. It is therefore ordered that the clerk do assess the damages sustained by said plaintiffs and the said clerk now here here having assessed the damages aforesaid at the sum of Eleven hundred and fifty six dollars and sixty one cents ($1156 61/100) it is therefore considered by the Court that the said plaintiffs do have and recover of the said defendant the sum of eleven hundred and fifty six dollars and sixty one cents to be paid in gold or silver, together with interest thereon from this date till paid at ten per cent per annum together with all their costs in this behalf expended - And it is ordered adjudged and decreed by the Court that the vendors lien upon the above described tract of land be and the same is hereby forclosed; and that the clerk of this Court do issue an order of sale, directed to the Sheriff of Travis County Commanding him the said Sheriff to seize and sell the said undivided interest

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of 316 2/11 acres of the above described tract of land as under execution; and that he apply the proceeds thereof to the payment & satisfaction of the said sum of $ 1156 61 together with all interest that may be due thereon and the costs of this suit and if the said land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said Sheriff is hereby directed to pay over the excess to the defendant but if the said land shall not sell for enough to pay off and satisfy this judgment then the clerk of this Court is directed to issue execution for the balance remaining unpaid.

Declaration of Intention to become a citizen

P. Kelley

The State of Texas } Patrick Kelley being duly sworn according to law in
County of Travis } the District Court of said County, doth declare that he was born in the year A. D. 1850 in the Kingdom of Gt Brittain whence he emigrated in the year 1869 to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the said State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Queen of Gt Brittain of whom he is a subject

Patt Kelly

Sworn to and subscribed before me, this 14 day of Feby 1876. Frank Brown, clerk By S.M. Lee Dep.

Declaration of Intention to become a citizen

G. Sakewitz

The State of Texas } Gustav Sakewitz being duly sworn according to law in
County of Travis } the Dist Court of said County, doth declare that he was born in the year A. D 1852. in the Kingdom of Germany whence he emigrated in the year 1869. to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he is a subject.

Gustav Sakewitz

Sworn to and Subscribed before me this 14 day of Feby 1876. Frank Brown. clerk by S.M. Lee Deputy

Declaration of Intention to become a Citizen

F. Goricke

The State of Texas } F. Goricke being duly sworn according to law, in the County
County of Travis } Court of said County, doth declare that he was born in the year A. D. 1849 in the Kingdom of Germany whence he emigrated, in the year 1871 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 State of Texas and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty

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whatsoever and particularly to the Emperor of Germany of whom he is a subject
P. Goricke

Sworn to and Subscribed before me this 14 day of Feby 1876. Frank Brown Clk. By S M. Lee Depy

Declaration of Intention to become a Citizen

G. M. Brass

The State of Texas } G. M. Brass being duly sworn according to law in the Dist
County of Travis } Court of said County doth declare that he was born in the year A. D. 1840 in the kingdom of Prussia whence he emigrated, in the year 1862 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 State of Texas and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty, whatsoever and particularly to the King of Prussia of whom he is a subject.

Sworn to and Subscribed before. G. M. Brass
me this 14 day of February 1876 in open Court. Frank Brown Clk by S M. Lee Depy

Declaration of Intention to become a Citizen

Ludwig Nystrom

The State of Texas } Ludwig Nystrom being duly sworn according to law
County of Travis } in the Dist Court of said County, doth declare that he was born in the year A. D. 1847 in the Kingdom of Sweden whence he emigrated, in the year 1872 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 State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince Potentate, State or Sovereignty whatsoever, and particularly to the King of Sweden of whom he is a subject.

Ludwig Nystrom

Sworn to and Subscribed before me this 14 day of February 1876 in Open Court
Frank Brown clerk By S. M. Lee Deputy.

Declaration of Intention to become a Citizen

Otto Reinkin

The State of Texas } Otto Reinkin being duly sworn according to law in the
County of Travis } Dist Court of said County doth declare that he was born in the year A. D. 1838 in the kingdom of Prussia whence he emigrated in the year 1874 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 State of Texas and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the King of Prussia of whom he is a subject.

Otto Reinkin

Sworn to and Subscribed before me this 14 day of February 1876 in Open Court
Frank Brown Clerk by S. M. Lee Deputy.

Declaration of Intention to become a Citizen

A. D. Browing

The State of Texas, County of Travis. A. D. Browing being duly sworn according

February 14th 1876

to law in the District-Court of said County, doth declare that he was born in the year A. D. 1847 in the kingdom of England whence he emigrated, in the year 1870 to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas and renounces forever all allegiance and fidelity to every Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Queen of Great Britain of whom he is a subject

A. S. Browning

Sworn to and subscribed before me this 14th day of Feby 1876. in open Court Frank Brown. Clerk.

Declaration of Intention to become a Citizen

G. Thiele ✓

The State of Texas } G. Thiele being duly sworn according to law in the County of Travis } District-Court of said County, doth declare that he was born in the year A. D. 1838 in the Kingdom of Germany whence he emigrated in the year 1862 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 renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he is a subject

G. Thiele

Sworn to and Subscribed before me this 14th day of Feby 1876 in open court. F. Brown. Clerk

No 4103. Geo. D. Pumpelman v. Jacob M. Harrell. And now on this day came the parties to this cause by their attys and announced themselves ready for trial. And Defendants second demurrer being submitted the same is overruled, to which ruling Defendant excepts. And then came a jury of twelve good and lawful men of Travis County Consisting of J. C. Miller and eleven others who being tried, elected and sworn according to law heard the pleadings the evidence, argument of Counsel and the charge of the Court retired for deliberation. Whereupon said jury returned into Court the following verdict, to wit: "No. 4103 We the jury in the above entitled case find for the Plaintiff $360 00/100 Gold J. C. Miller foreman." Whereupon it is ordered and adjudged that the said Geo. D. Pumpelman do have and recover of Jacob M. Harrell the sum of Three Hundred Sixty 00/100 Gold Dollars and all the Cost of this suit, for which execution may issue

Susan Andrews et al v. J. W. Allen et als It appearing that the plaintiffs in this suit were required by a Rule duly entered to enter into Bond and Security for the Cost of this suit which they have failed to do, It is ordered that this Cause be dismissed for want of compliance therewith

No 4102 (Exec. docket No 4 552) X

Geo. D. Pumpelman v. Jacob M. Harrell Judgment in favor of Plaintiff for $360.00 Gold Dollars. Rendered at 1874 Feb 14th

February 14th 1876

and that the Defendants recover of the Plaintiffs herein all the cost of this suit for which execution may issue.

No 1120 X — Geo W. McNally v. Swens Jameson Comes the Counsel for the Peff & Suggests the death of said Plaintiff and upon motion the surviving wife of said McNally is made a party plff herein. When came a jury of twelve good and lawful men of Travis County consisting of J. Barchent & eleven others who being tried elected & sworn according to law heard the evidence & the charge of the Court and returned the following verdict to wit. "We the jury find for the Defendant. Joseph Barchent, foreman." Whereupon it is ordered that the Plaintiff take nothing in this behalf, that the cause be dismissed, that the Defendant go hence and recover of the Plaintiff all the cost of this suit for which execution may issue

No 1142. Ann Eliza Davidson v. Raymond & Hollis Dismissed

No 1159. H. J. Saunders v. C. C. Dewey et al On motion it is ordered that this X cause be dismissed and that the Defendants recover of the plaintiff all the costs of this suit.

No 1167. Wm Bruggerhoff v. N. Hayson. Continued

No 1172. T. B. Wheeler v. Tenville Cecil et als Continued on affidavit of Pff.

No 1179. H. Riechmann v. W. J. Madison. This cause being called for trial & the X Pff not appearing in person or by atty to prosecute the same it is ordered that this cause be dismissed for want of prosecution and that the Defendant recover of the Plaintiff all the costs of this suit for which execution may issue.

No 1181 X — Ulrich & Diard v. Ben. Wounet. A Rule for security for cost in this cause having been entered at former term of this Court & the same not being complied with it is ordered that the cause be dismissed for want of compliance therewith and that the pffs. be adjudged to pay the cost of this suit for which execution may issue

No 1195 — Raymond & Hollis v. H. C. Fowler. Dismissed

No 1269. — Sampson & Henricks v. S. C. Moore et al Come the pffs. by atty. when on motion it is ordered that said Pffs. have leave to amend

No 1334. — M. Gardner v. Thomas Anderson et al Comes the peff. by atty & on motion it is ordered that said Peff have leave to amend

Declaration of Intention to become a Citizen

Aug. H. Kenctoch — The State of Texas } August Kenctoch being duly sworn according to law in the District County of Travis } Court of said County, doth declare that he was born in the year A.D. 1841 in the Kingdom of Prussia, whence he emigrated in the year 1873, 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 State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate

February 12th 1876

State or Sovereignty whatsoever, and particularly to the King of Prussia of whom he is a subject. Aug Kenctoch — Sworn to and Subscribed before me this 11th day of Feby 1876, in open Court. Frank Brown, Clerk — By S. M. Lee Deputy

Wm Schwartz

Declaration of Intention to become a Citizen

The State of Texas } William Schwartz being duly Sworn according to law in the District Court of County of Travis } said County doth declare that he was born in the year A.D. 1848, in the Kingdom of Prussia, whence he emigrated in the year 1872, 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 renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King of Prussia, of whom he is a subject

William Schwartz

Sworn to and Subscribed before me this 11th day of February 1876.

Frank Brown Clerk - By S. M. Lee - Deputy

Chas Winkler

Declaration of Intention to become a Citizen

The State of Texas } Charles Winkler being duly Sworn according to law, in the District Court of said County of Travis } County, doth declare that he was born in the year A.D. 1837, in the Kingdom of Germany, whence he emigrated in the year 1866, to the United States of America, and has selected the State of Texas as the place of his intended Settlement; and he further declares that it is bona fide his intention to become a citizen of the United States, and of the said State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany, of whom he is a subject

Charles Winkler

Sworn to and Subscribed before me this 12th day of Feby 1876

Frank Brown - Clerk By S. M. Lee - Deputy -

✓ 4670

Received Feby. 26th 1876 from R. R. Robertson the sum of $147.68 in full payment of this judgment in favor of Plaintiffs.

Radbey & Cavett

Per Alcorta Archer Atty. & Rec.

Radbey & Cavett .vs. R. R. Robertson and Bettie F. Robertson — This day came on to be heard the above Styled Cause, and plaintiffs appeared by their attorneys, but the defendant failed to appear and answer herein, but wholly made default, And it appearing to the Court that plaintiffs cause of action is a liquidated demand. It is therefore considered, ordered, adjudged and decreed by the Court, that the plaintiff Ben Radbey and W. B. Cavett, do have and recover of and from the defendants Robert R. Robertson and his wife Bettie F. Robertson, the sum of One hundred and forty Seven & 68/100 dollars ($ 147-68) (that being the full amount of principal and interest due at this date) with interest thereon from this date until paid, at the rate of eight per cent per annum together with all costs in this cause expended. It further appearing to the Court that said plaintiffs have a Mechanics lien against the defendants for the amount of this judgment, upon lots 9-10-11 and 12 in Block 3 in Division "Y" in the city of Austin Travis County State of Texas, on what is known as the Raymond Plateau, together with the dwelling house and other improvements thereon situated, for work done and materials furnished in the erection of said improvements by them; It is therefore ordered, adjudged and decreed by the Court, that the said plaintiffs Mechanics lien upon the above described lots

February 16th 1876

and improvements thereon, be and the same is hereby foreclosed, and that the Clerk of this Court, do issue an order of Sale directed to the Sheriff, or any Constable of Travis County Texas, Commanding him, the said Officer, to Seize and Sell the above described Lots and improvements or So much thereof as may be necessary to Satisfy this Judgment as under execution, and that he apply the proceeds thereof to the payment and Satisfaction of the said Sum of

dollars, together with all interest that may be due thereon, and the Cost of this Suit; and if the said property Shall Sell for more than Sufficient to pay off and Satisfy said Sums of money, then the said Officer is hereby directed to pay over the excess to the defendants, but if it Shall not Sell for enough to pay off and Satisfy this judgment, then the Clerk of this Court is directed to issue execution for the balance remaining unpaid.

1684 Jesse Moore & Co. vs. Richard J. Freeman, and L. H. Freeman - In the above Styled Cause this day Came the plaintiff Jesse Moore and George Moore, under the firm name of Jesse Moore & Co, by their Atty, and the defendants Richard J. Freeman and his wife L. H. Freeman, failed to appear and answer in this behalf, but wholly made default; And it appearing to the Court that the Cause of action herein is liquidated and proved by an instrument in writing. It is therefore Considered, ordered, adjudged and decreed by the Court, that the plaintiffs Jesse Moore and George Moore do have and recover of and from the defendants Richard J. Freeman and L. H. Freeman the Sum of One hundred and fifty three & 48/100 dollars ($153.48) (that being the amount of principal and interest due at this date) with interest thereon from this date until paid at the rate of eight per Cent per annum, together with all Costs in this behalf expended. It is further ordered by the Court that execution issue against both of Said defendants, for the said Sum of $153.48 and all Costs of Suit; and that the same be levied upon the property of both or either of Said defendants; it appearing to the Court that the debt in this cause was contracted by the defendant L. H. Freeman through and by her agent and husband R. J. Freeman for necessaries for said L. H. Freeman.

And Court adjourned till tomorrow morning at 9 o'clock A.M.

Wednesday, February 16th, 1876.

Court met at 9 o'clock A.M. Pursuant to adjournment. Present Hon. J. P. Richardson Judge 26th Judicial District presiding. Whereupon the following proceedings were had to wit:

1505. Jael N. Combs et. al. v. P. W. Rowlin et. al. Continued by consent.

1197. McDaniel & Co. v. J. P. Miller. And now on this day came the parties by their attys. and the demurrer of the Defendant and his plea of misnomer were overruled. to which ruling the Defendant excepts. And thereupon came a Jury to wit: Joseph Barnhart and eleven others duly empannelled, Tried and Sworn, who after hearing the pleadings, evidence and charge of the Court, returned into Court their verdict as follows: "We the Jury find the Defd. Miller did by his agent agree to pay in Travis Co. the goods purchased of the Plaintiff. We the Jury also find for the Plaintiff the Sum of $233 75 and total principal. Joseph Barnhart, Foreman."

(Exec. dock. No 5. page 17)

It is therefore Considered and adjudged that the Plaintiffs do have and recover of the Defendant two hundred and thirty three 75/100

February 18th 1876

Dollars and all costs of suit. And it further appearing to the Court that there has been seized under attachment herein as the property of said defendant the following property to wit: 2 Black Walnut Side Boards and 1 oak Side Board, the Court doth further order the sale of said attached property to satisfy this Judgment, and it is ordered that an order of sale do issue herein for the sale of said property, and that proceeds of such sale be applied to this Judgment, and that for any remainder due on said Judgment and costs that execution do issue

And

Henry Theophie Stack having appeared in open Court and taken the oath of allegiance as a Citizen of the United States and having brought with him into open Court two respectable witnesses who certify under oath to his being a man of good moral character and attached to the principles of the Constitution and Government of the United States, and said applicant having Complied with the several provisions of the law in such cases made and provided, It is ordered that said Henry Theophie Stack be and he is admitted a Citizen of the United States, and that a Certificate issue accordingly

Henry Theophie Stack

And Court adjourned till to-morrow at 9 o'clock A. M.

Thursday February 17th, 1876

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

No 4014

Wm. Walton & N. G. Shelley v. Ed. Creary & Ed. Randle Defts & City of Austin Garnishee. And now on this day came on to be heard the matter of the garnishment of the City of Austin Garnishee in the above styled cause, being duly called for trial, the said Garnishee came not nor any answer made to the writ of garnishment herein issued, but wholly made default. Whereupon it appearing to the Court that heretofore to wit: on the 29th day of June 1875 the Pffs Wm. Walton & N. G. Shelley recovered Judgment in the District Court of Travis County State of Texas against the said Ed. Creary & said Ed. Randle for the sum of Eleven Hundred and Thirty Five Dollars in Gold and costs and that said Judgment is still unsatisfied. And it further appearing the said City of Austin had been duly cited and served with a writ of garnishment served on the proper officer of said City, requiring said City to appear and Answer as Garnishee herein according to law, therefore it is adjudged and decreed that the said Wm. M. Walton and N. G. Shelley have & recover of and from said City of Austin the said Sum of Eleven Hundred and Thirty Five Gold Dollars and all costs herein, for which execution may issue

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

Friday, February 18th 1876

Court met at 9 o'clock A. M. pursuant to adjournment. Present Hon. J. P. Richardson, Judge 29th Judicial District presiding. Whereupon the

February 18th, 1876

Following proceedings were had by said Court, as follows, to wit:

11 4041 Frank Leason v. Hunt & Honey Defts. & Carleton & Robertson et als Garnishees
X And now on this day came the parties to this cause by their attorneys when on motion it is ordered and adjudged that this cause be dismissed and that the plaintiff F. E. Leason and his securities on the Cost Bond, M. D. Miller and J. P. Whiting be adjudged to pay all the cost of this suit, for which execution may issue

11 4600. Ira M Camp v. A. B. Hillyer Dismissed

11 4578 Geo W. Brackenridge v. Geo F. Gage, et. als And now at this day came the
X parties to this cause by attorneys, and the Defendants confess Judgment in open Court for the amount of debt and interest claimed in the petition, & costs. And said Defendants saying nothing in bar or preclusion of plaintiffs demand and the cause of action being liquidated and proved by an instrument in writing It is ordered and adjudged by the Court that the plaintiff Geo W. Brackenridge do have and recover of the said Geo F. Gage, T. B. Wheeler and J. H. Coleman the sum of Nine hundred, Ninety-Seven & 30/100 Dollars debt and interest due upon the note sued on to this date, including attorneys fees, together with interest on the sum of $797 30/100 thereon from this date until paid at the rate of Twenty per centum per annum, and all costs of this suit, for which execution may issue.

And now on this came into open Court the Grand Jury of Travis County empannelled at this term and through their foreman G. W. Malone presented to the Court the following Indictments to wit.

√ 4487 An Indictment against Ambrose Steele for Bet Monte
√ 4488 An Indictment against Henry Elliott for Bet Monte
√ 4489 An Indictment against John Carter for Bet Monte
√ 4490 An Indictment against John Clark for Bet Monte
√ 4491 An Indictment against Tovey Murphy for Ex Monte
√ 4492 An Indictment against Peter Brattore for Bet Monte
√ 4493 An Indictment against Jim Moore for Bet Monte
√ 4494 An Indictment against Gus Evans for Bet Monte
√ 4495 An Indictment against Sylvester for Bet Monte
√ 4496 An Indictment against Monroe Organ for Bet Monte
√ 4497 An Indictment against Green Littleton for Bet Monte
√ 4498 An Indictment against (Fred) for Bet Monte
√ 4499 An Indictment against Perry Repton for Bet Monte
√ 4500 An Indictment against John Storey for Bet Monte
√ 4501 An Indictment against Nat Grimmbles for Bet Monte
√ 4502 An Indictment against Aleck Dickerson for Bet Monte
√ 4503 An Indictment against Joe Burget for Bet Monte
√ 4504 An Indictment against Aleck Mack for Bet Monte

February 19th, 1876

4505 An Indictment against T. Butemias, for Theft of a Stallion
4506 An Indictment against Butler (Col) for Bet Monte
4507 An Indictment against Mack Horst for Bet Monte
4508 An Indictment against Paul Lewis for Bet Monte
4509 An Indictment against Paul Lewis for Bet. Monte
4510 An Indictment against Jerry Johnson for Bet. Monte
4511 An Indictment against Bill Pond for Ex Monte
4512 An Indictment against Leach for Assault to Murder
4513 An Indictment against Martin Harris for Asst to Murder
4514 An Indictment against Martin Harris for Carrying Pistol
4515 An Indictment against Charles Henderson & James Woods for Theft of Cattle
4516 An Indictment against Henry Cook for Theft from a house
4517 An Indictment against Coker for aggravated Assault
4518 An Indictment against Jerry Peoples for Theft of Wire
4519 An Indictment against Vanzandt for Carrying a Pistol
4520 An Indictment against C. Cooney for Keeping disorderly house
4521 An Indictment against William Poe for Carrying a Pistol
4522 An Indictment against Ben Thompson for Assl to Kill &c
4523 An Indictment against M. J. Mattison for Forgery
4524 An Indictment against Antonio Rodriguez & Ben Perry for Theft from a house

And said Jury suggesting to the Court that there is further business pending before them they were ordered to retire upon a discharge of the same.

And thereupon Court adjourned till to morrow at 9 o'clock a.m.

Saturday, February 19th 1876

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

4120 Caroline McNally v. Owens Johnson. and now come the parties by their attys when the plaintiff submitted his motion for a new trial, which being heard and considered the same is overruled

4076 The State of Texas v. Charley Ferguson. Come the parties by atty and announce ready for trial and waiving a Jury submit the case to the Court. And the Defendant pleads guilty to a simple assault. Whereupon it is ordered that the State of Texas do have and recover of Charley Ferguson the sum of One Dollar as a fine and the cost of this prosecution and that Deft. be committed to jail until the same are paid in full.

3961 The State of Texas v. Frank Cotton. Come the parties by atty and announce ready for trial and waiving a Jury submit the case to the Court. And the Defendant pleads guilty. Whereupon it is ordered that the State of Texas do have and recover of Frank Cotton the sum of Ten Dollars as a fine and the cost of this prosecution. And that a Commitment issue to collect the same.

February 21st 1876

And Thereupon Court adjourned till Monday at 9 o'clock A.M

Monday Feby 21st, 1876

Court met at 9 o'clock A M. Pursuant to adjournment. Present Hon. J. D. Richardson Judge 27th Judicial District presiding. Whereupon the foloping proceedings were had by said Court, to wit:

No 4219 E & Compton v. S Cayce et. als. Continued

No 4258 Wren & Huling v. Mo. E. Campbell. This Cause being regularly called for trial, and it appearing that a motion for security for cost had heretofore been at a former term and the same not being complied with, It is ordered that the cause be dismissed for want of compliance with the rule for cost and that the Defendant recover of the plaintiffs all the cost of this suit, for which execution may issue

No 4265. M. C. Hamilton v M. J. Pahey et. als. Comes the Plff by Daly then on motion it is ordered that said Plaintiff have leave to amend

No 4278. H. Sontag v. Wm Bessern. Continued for service.

No 4292. Wheeler & Wilson Manufacturing Company v. Henry Manor. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County consisting of John H Wood and eleven others who being duly elected and sworn according to law heard the pleadings evidence and the charge of the Court and retired for deliberation. And thereupon said Jury returned into Court the following verdict, to wit: "We the Jury find for the Plaintiff and that he recover the sum of $656.94 Dollars in Coin. And we further find that the same constitutes a lien on the land described in the petition. John H. Wood, Foreman." Whereupon it is ordered & adjudged that the Plaintiff do have and recover of said Henry Manor the sum of Six hundred Fifty-Six & 94/100 Dollars in Coin, with interest thereon from this date until paid at the rate of ten per centum per annum and all cost of this suit, for which execution may issue

Exec. No 4 page 532

X

And it appearing that the Plaintiff has a lien upon the following described property to secure the judgment rendered herein, to wit: "In Travis County, Texas, 66½ acres of land, part of a 218 acre tract out of the South East corner of the J. C. Brooks Survey, Beginning at the S. E. Corner of said Brooks Survey. thence N. 60° W. 375 varas to a stone mound from which a Live Oak bears S. 15° W. 29 varas; thence N. 29½° E. with Georgetown road 875 varas to a Live Oak stump for corner from which a Live Oak bears N. 46° E. 10 varas; thence S. 60° E. 491 varas to corner on East Brooks line thence S. 30° W. with said line to the beginning, containing 66½ acres of land, bearing marked X It is ordered that said lien be foreclosed, and that an order of sale do issue requiring the Sheriff of Travis County to

February 21st, 1876.

levy upon and sell, as under execution, the above described Real Estate, and the proceeds thereof he shall apply to the satisfaction of the Judgment rendered herein, principal, interest and cost, and the surplus, if any, he shall pay over to the defendants. But if said land shall not bring an amount sufficient to satisfy this Judgment, then execution shall issue for the remainder.

4326. John H. Conner v. The Houston and Texas Central Railway Company. On motion it is ordered that the heirs of Mrs. Salina Conner, deceased, have leave to file a petition of intervention in this cause.

4305. Wm Simpson v. Jo Adler. On motion it is ordered that this cause be dismissed and that the cost of this suit be adjudged against the plaintiff and appellant Wm Simpson and his securities Wm M Wilson and S. Friedberger for which execution may issue

4348 John O. Ford v. H. & T. C. Railway Comes the Defendant by attorney and on motion it is ordered that said Defendant have leave to amend.

4353. M V Miller v. M R Mitchell et. al. Comes the pefft by attorney and on motion it is ordered that said Plaintiff have leave to amend.

4126. G. W. Irvin v. Hodie Sworth & Dodge. Continued by consent.

4479. J. E. Reglor et. al. v. S. J. Spinks. Continued by agreement.

4700 D. Glander v. S. H. Darden. Comes the Plaintiff by attorney and on motion it is ordered that said Plaintiff have leave to amend.

4706 Ruthrauff Sinclair Hes. v. H. & T. C. R. R. Co. Dismissed at Pffs cost.

And now on this day came into open court the Grand Jury of Travis County empannelled at this term and through their foreman G. W. Malone presented to the Court the following Indictments to wit;

4525 An Indictment against Sam Williams for Carrying a Pistol

4526 An Indictment against William Hannah for Carrying a Pistol

4527 An Indictment against Ben Thompson for Carrying a Pistol

4528 An Indictment against William Ryan for Theft from a house

4529 An Indictment against John C. Burleson for Carrying a Pistol

4530 An Indictment against John C. Burleson for Carrying a Pistol

4531 An Indictment against Lem Russell for Theft of a Hog

4532 An Indictment against George Platt & George Bell for Theft of a cow

4533 An Indictment against M. Wilson for Pursuing Occupation without license

4534 An Indictment against Frank Hardeman for Assault to Kill &c

4535 An Indictment against Frank Hardeman for Carrying a Pistol

4536 An Indictment against Frank Hardeman for Theft of a Cow

4537 An Indictment against Tom Plummer for Carrying a Pistol

4538 An Indictment against Mack Horst for Carrying a Pistol

4539 An Indictment against Charles E. Barnard for Swindling

February 22d 1876

√4540 An Indictment against Booker Griffith for Theft of a cow
√4541 An Indictment against Theodore Krueger for Murder
√4542 An Indictment against Pablo Moreno for Theft of a gelding &c
√4543 An Indictment against E. Hicks for Theft of money
√4544 An Indictment against Henry Jenkins for Theft from a house
√4545 An Indictment against John Golden & Webb Townsley Assault to kill &c
√4546 An Indictment against Bales Theft of a wagon
√4547 An Indictment against Sam Thomas Theft from a house

And said Jury suggesting to the Court that there is further business pending before them they were ordered to retire upon a discharge of the same.

And Court adjourned till to-morrow at 9 o'clock A.M.

Tuesday February 22d 1876

Court met at 9 o'clock A M pursuant to adjournment. Present Hon. J. P. Richardson Judge 53d Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

√4178. Christian Fisher vs W. W. Archer. Continued

√4297. H H Wemse vs Phil Abrahams & Bro. And now on this day came the parties to this Cause by their Attys and announced themselves ready for trial whereupon came a Jury of twelve good and lawful men of Travis County Consisting of F. W. Glenn Foreman and eleven others who being tried, elected and sworn according to law heard the pleadings the evidence, argument of counsel and the charge of the Court, and retired for deliberation. Whereupon said Jury returned into Court the following verdict, to wit: "We the Jury find for the Plff in the Sum of Three Hundred, Ninety-two & 13/100 Dollars. F. W. Glenn, Foreman." $350 Principal 31.70 Int. 19.3 ex. $3.50 Notary fee = $392 13/100 Tot al. Whereupon it is ordered and adjudged that H H Wemse, for the use of the North St. Louis Savings Association, do have and recover of and from Phil Abrahams and E Abrahams, under their firm name of Phil Abrahams & Bro. the Sum of Three hundred, ninety-two & 13/100 Dollars, so found to be due, and all the cost of this suit, for which execution may issue

√4348 John O. Ford v. Houston and Texas Central Railway Company. Comes now the Plaintiff by Atty whereon motion it is ordered that said Plaintiff have leave to amend.

√4348. John O. Ford v. Houston and Texas Central Railway Company. Comes now the Defendant by Atty whereon on motion it is ordered that said Defendant have leave to amend.

√4359. Anna P. Swing v. W. C. Swing et. als And now come the Defendants by Atty when on motion it is ordered that said Defendants have leave to amend their pleadings.

February 22d 1876

No 4384 Mildred E. Davis v. Glenn O. Davis Comes the Reff by atty & then on motion it is ordered that said Plaintiff have leave to amend.

No 4419 E. & S. Cohen v. Houston & Texas Central Railway Company. Comes the Defendant by atty & then on motion it is ordered that said Defendant have leave to amend.

No 4428 Geo M. Patten v. L. R. Carpenter. Comes the Defendant by atty & then on motion it is ordered that said Defendant have leave to amend.

No 4429 J. Dukey v. C. J. Dukey. And now comes the Defendant by atty & then on motion it is ordered that said Defendant have leave to amend.

No 4449 J. Dukey v. C. J. Dukey. And now comes the Reff by atty & then on motion it is ordered that said Plaintiff have leave to amend.

No 4472 James H. Raymond v. Geo W Glascock et. als Come the Defendants by atty & thereon motion it is ordered that said Defendants have leave to amend.

No 4473 M. C. Hamilton v. Geo W Glascock et. als. Come the Defendants by atty & thereon motion it is ordered that said Defendants have leave to amend.

No 4499 Geo. B. Zimpelman et. al. W. B. Frazer. Comes the Reff by atty & then on motion it is ordered that said Plaintiff have leave to amend.

No 4500 Geo B Zimpelman et. al v. John Ross. Comes the Reff by atty & thereon motion it is ordered that said Plaintiff have leave to amend.

No 4501 Geo. B. Zimpelman et. al. v. William Ross. Comes the Reff by atty & thereon motion it is ordered that said Reff have leave to amend.

No 4502 Geo B Zimpelman et. al v. C. V. Jones. Comes the Reff by atty & thereon motion it is ordered that said Plaintiff have leave to amend.

No 4503 Geo. B. Zimpelman et. al. v. Mary Sofeman et. al. Comes the Reff by atty & thereon motion it is ordered that said Plaintiff have leave to amend.

No 4504 Geo. B. Zimpelman v. Thomas Robb et. al. Comes the Reff by atty & thereon motion it is ordered that said Plaintiff have leave to amend.

No 4578 Thos J. Rigler v. Joseph Nalle. Comes the Reff by atty & then on motion it is ordered that said Reff have leave to amend.

No 4537 J. Rigsby & Co v. W. C. Cain. Continued for term.

No 4576 Rutledge v. Diederich Comes the Reff by atty & thereon motion it is ordered that said Plaintiff have leave to amend.

No 4577 L E Edwards et al v. Frances Burleye. And now comes the Defendant by atty & thereon motion it is ordered that said Defendant have leave to amend.

No 4616 Amelia Brass et. al. v. John Fisher. Comes the Defendant by atty & thereon motion it is ordered that said Defendant have leave to amend.

And now on this day came into Open Court the Grand Jury of Travis County empannelled at this term and through their foreman G. W. Malone presented

February 22nd 1876.

to the Court the following Indictments to wit:
4548 An Indictment against Dr Paduano for Pursuing Occupation without License
4549 An Indictment against Charles Cocio & Charles Corley for Perjury
4550 An Indictment against Charles Matthews for Swindling
And said Jury suggesting to the Court that there is further business pending before them they were ordered to retire upon a discharge of the same.

4353 Micheal D. Mitchell Miller
X W. R. Mitchell and
J. B. Mitchell

Feby. 21st 1876

This cause coming onto be heard, the parties appeared by their Attorneys, and announced themselves ready for trial, whereupon came a Jury of twelve good and lawful men John H. Wood and elevens others, who after hearing the evidence brought in the following verdict to wit:
" Micheal D. Mitchell vs W. R. Mitchell and J. B. Mitchell- We the Jury find
" for the Plaintiff in the above styled cause for the amount of the note sued on, with
" ten per cent. interest thereon, per month from Maturity of the note and ten per cent
" Attorneys fees; less the credit endorsed on the back of the note and the credits set up
" in plaintiffs pleadings and we allow the plaintiffs the credits he claims in his
" pleadings for collecting the claims therein set up. John H. Wood. Foreman

It is therefore considered, ordered adjudged and decreed by the Court that the plaintiff Micheal D. Mitchell Miller do have and recover of and from the defendents W. R. Mitchell and J. B. Mitchell the sum of fourteen hundred and twenty one and 50/100 (D. 14.21 50/100) Dollars that being the full amount of principal and interest due on the note sued on at this date after allowing all credits to which it is entitled and that plaintiff do have and recover from said defendants the further sum of One hundred and forty two and 15/100 (D 142.15) that being the ten per cent Attorneys fees allowed in said note sued on. It appearing to the Court that the note sued on gives the plaintiff interest at the rate of ten per cent per month, it is therefore ordered and decreed that the said Fourteen hundred and Twenty one and 50/100 Dollars at the rate of ten per cent. per month draw interest from defendants until the same is paid, and that the said plaintiff do have and recover from said defendants all his cost in this cause expended and that execution do issue against the said defendants in favor of said plaintiff for the said principal, interest, Attorneys fees and all costs of suit. It appearing to the Court that the Defendants deposited same accounts, drafts and notes with the plaintiff as collateral security to secure the payment of the note sued on in this cause and that a portion of said collateral amounting to some D 200 00 or D 300 00 are still unpaid and in the hands of said plaintiff and that the plaintiff has a lien thereon for the payment of said note. It is therefore considered ordered and decreed by the Court that said lien be established and foreclosed and that said Micheal D. Mitchell Miller after posting three notices in the City of Austin Texas for ten days giving the time and place of sale, shall proceed to sell to the highest bidder for cash all of said notes

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drafts and accounts that shall remain in his hands uncollected at the time of said sale, said sale to be public or private as may seem best in the judgment of said Miller for the interest of said Defendants, and the proceeds of said sale shall be appropriated to the payment of this judgment. It further appearing to the Court that plaintiff sued out an attachment in this cause on the 19th day of March 1875 and that the same was levied by the Sheriff George B Zimpelman, of Travis County Tex as upon all the goods and merchandise &c then in the possession of the Defendants subject to sale made on the day previous by virtue of an execution from the District Court of Galveston County Texas in certain cause wherein Hill Arrings & Co. were Plaintiffs and the Defendants herein were defendants, and it appearing to the Court that said goods, wares and merchandise were sold by order of the District Court of the United States for the Western District of Texas, for some three Thousand Dollars, with an order that the said Sheriff hold said money subject to the further order of said Court in reference to the cause now pending in said Court and growing out of said levy of said execution. And it appearing to this Court that the lien created by the levy of said execution is the only one that has priority over the lien created by the levy of the attachment in this cause, It is therefore considered, ordered, and decreed by the Court that the said George B. Zimpelman Sheriff of Travis County Texas shall pay over to the Plaintiff in this cause all the balance of said money that remains in his hands after satisfying the amount claimed by the Plaintiffs in said Galveston execution, and the costs and expenses therein, levied as aforesaid, and that if said levy should be decided to be erroneous, and that no lien was acquired thereby then said Sheriff shall pay to Plaintiffs in this cause a sufficient amount of the said funds in his hands to satisfy this Judgment, provided that plaintiff may issue execution upon the rising of this Court, if he so desires, without waiting on said fund, for the collection of this Judgment.

No 4348 X

John O. Ford v. Houston & Texas Central Railway Company. And now on this day came the parties to this cause by their Attorneys and announced themselves ready for trial. And the plea to the Jurisdiction being submitted to the Court, the same is overruled, to which ruling the Defendant excepts. And thereupon came a Jury of twelve good and lawful men of Travis County consisting of M. C. Nichols Jr and eleven others who being tried elected and sworn according to law heard the pleadings, evidence, argument of counsel and the charge of the Court, retired for deliberation. And thereupon said Jury returned into Court the following

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verdict, to wit: "$750.00 We the Jury find for the Plaintiff in the sum of Seven hundred and Fifty Dollars. M. C. Stuckols Jr. Foreman. Whereupon it is ordered and adjudged that said John O. Ford do have and recover of and from the Houston and Texas Central Railway Company the said sum of ~~Seven~~ Seven hundred and Fifty Dollars and all the cost of this suit, for which execution may issue.

And Court adjourned till to-morrow at 9 o'clock A.M.

Wednesday Febmary 23d 1876

Court met at 9 o'clock A M pursuant to adjournment Present Hon. J. P. Richardson Judge 27th Judicial District presiding. Whereupon the following proceedings were had by said Court to wit:

2258. Wren & Huling v. Jno. E. Campbell. and now come the parties by atty when on motion it is ordered that this cause be reinstated upon the docket.

2258. Wren & Huling v. Jno. E. Campbell Continued

4352. W. C. Philips et al. v. James Finlay. Come the parties by atty when on motion it is ordered that this cause be dismissed and that the cost be adjudged against the Plaintiff and his securities Jas. H. Raymond and Geo Hancock for which execution may issue.

4360. Mary H. Price v. Thomas E. Stanley et als. And now come the parties by atty when on motion it is ordered that this cause be dismissed and that the cost of this suit be adjudged against the Plaintiff and the securities in the cost Bond, to wit: James E. Pickett & A. M. Jackson for which execution may issue

4387. B. Schumann v. C. P. Phillips. Continued by consent.

4410. F. Hutter v. E. Creary. Comes the Plff. by atty when on motion it is ordered that said Plaintiff have leave to amend.

4431. J. A. Goodhue v. J. S. Stewart et al. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

4506. J. N. Cowles et al. v. J. H. Dickins. Continued by agreement.

4513. C. M. Booth v. M. D. Miller. Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

4539. James E. Pinedo v. A. B. Palm et al. Comes the Defendant Palm by atty when on motion it is ordered that said Defendant Palm have leave to amend.

4666. Thomas Coleman v. H. H. Browning et als. Comes the Plaintiff by atty whereon motion it is ordered that said Plaintiff have leave to amend.

4668. Tooner Sykes & Phillips v. C. M. Booth. Come the Plffs by atty when on motion it is ordered that said Plffs have leave to amend.

4018. Eliza J. Tunney et al. v. A. & Tunney et al. Come the pleffs by atty when on motion it is ordered that said Plaintiff have leave to amend.

Albert Friske

The State of Texas } Albert Friske being duly sworn according to law is
County of Travis } the District Court of said County doth declare that he

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was born in the year A.D. 1854 in the Kingdom of Prussia whence he emigrated in the year 1872 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 State of Texas, and renounces forever all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the King of Prussia of whom he is a subject.

Albert Fritsche

Sworn to and subscribed before me this 23d. day of February, 1876.

Frank Brown, clerk.

And now on this day came into Open Court the Grand Jury of Travis County empannelled at this term and through their foreman G. W. Malone presented to the court the following Indictments to wit

✓ 4551	An Indictment	against	Bean Hallman	for Malicious Mischief
✓ 4552	An Indictment	against	Henry Smith	for Carrying a Pistol
✓ 4553	An Indictment	against	John C. Burleson	for False Imprisonment
✓ 4554	An Indictment	against	James McGowan	for Assault to kill & Murder
✓ 4555	An Indictment	against	Billy Thompson	for Carrying a Pistol
✓ 4556	An Indictment	against	A. Rainey	for Theft of an ox
✓ 4557	An Indictment	against	Martin Harris	for Assault to kill & Murder
✓ 4558	An Indictment	against	Charles Pickett	for Theft of a cow
✓ 4559	An Indictment	against	Sam Williams	for Theft from a house
✓ 4560	An Indictment	against	Moses Organ	for Theft from a house
✓ 4561	An Indictment	against	Pie Peter	for Theft of a gelding
✓ 4562	An Indictment	against	Hal Binford	for Carrying a Pistol
✓ 4563	An Indictment	against	Mrs E.A. Bryant	for Keeping Hotel without license
✓ 4564	An Indictment	against	Mrs E.R. Blake	for Keeping Hotel without license
✓ 4565	An Indictment	against	Peter Helton	for Keeping Hotel without license
✓ 4566	An Indictment	against	Tom Plummer	for Disturbing religious worship
✓ 4567	An Indictment	against	Tom Plummer	for Carrying a Pistol
✓ 4568	An Indictment	against	Bill Smith	for Aggravated Assault
✓ 4569	An Indictment	against	Bill Smith	for Burglary
✓ 4570	An Indictment	against	D. B. Withers	for Carrying a Pistol
✓ 4571	An Indictment	against	D. B. Withers	for Pursuing Occupation without license &c.
✓ 4572	An Indictment	against	D. B. Withers	for Pursuing Occupation without license &c.
✓ 4573	An Indictment	against	Ben Lewis	for Theft of a Hat
✓ 4574	An Indictment	against	Ben Lewis	for Theft from a house
✓ 4575	An Indictment	against	Newell Burdit	for Aggravated Assault
✓ 4576	An Indictment	against	Newell Burdit	for Carrying a Pistol

And said Jury suggesting to the Court that there is further business pending before them they were ordered to retire upon a discharge of the same.

February 24th. 1876.

Thursday Feby 24th 1876

Court met at 9 o'clock A.M. Pursuant to adjournment. Present Hon. J. P. Richardson Judge 53th Judicial District presiding. Whereupon the following Proceedings were had by said Court, to wit

No 4468

J M Litten et als. vs The City of Austin

In Dist Court
February Term 1876

And now on this day coming on to be heard the motion of M. Goldstein to set aside and annul the judgment rendered in this cause on the 22nd day of July A.D. 1875, and to enter judgment instead thereof in accordance with the agreement of the parties ~~rendered~~ interested in the subject matter of said suit, and with the action of the City Council of the City of Austin, which agreement and Resolutions are as follows, to wit:

The State of Texas }
Travis County } This instrument witnesseth that whereas there has been some doubt and uncertainty as to the proper location of the Southeast & Northeast corners of Block No. 110, in the City of Austin, and the owners of the six lots, fronting on the Avenue, being desirous to have said corners fixed and established, so that the improvements which are intended to be placed on said lots or a part thereof within a short time may be properly located and so that there may be no trouble in the future, and at the same time secure to said Block 110 and the owners of the lots therein their full measure and quantity of land, It is agreed between all the parties owning said lots; as follows, to wit; 1st The Northeast corner of said Block 110 shall be fixed and established at a point Seventy nine feet & two inches distant from the South wall of Krohn's brick building, and on the West line of Congress Avenue, The Southeast corner of lot No. 6 in said Block No. 110 shall be at a point forty six feet South and on the west line of Congress Avenue from said point first above mentioned.

2nd The Southeast corner of said Block No. 110, and the Southeast corner of lot No. 1 shall be and is hereby fixed and established at a point on the west line of Congress Avenue two hundred and Seventy six feet from

the Northeast corner of said Block No. 110 as hereon above fixed and established, each of said lots Nos. 1-2-3-4-5 & 6 having their full front of forty six feet on Congress Avenue.

3rd It is agreed that the judgment and decree rendered and entered in the Dist. Court of Travis County on the 22nd day of July inst. in the case of J. M. Litten et al. vs. The City of Austin No. 4468. shall be set aside and the City Authorities of said City being properly made parties to said suit, at the October Term 1876 a decree shall be entered in said Court in conformity to this agreement.

4th The fixing of the corners in Block No. 110 as herein established is intended to apply alone to Block 110, and is not to have anything to do with fixing the corners or location of other lots or Blocks in said City.

July 27th 1875. A. W. Terrell, Terrell & Walker, Loomis & Christian, J. M. Litten, D. A. Hillyer, per A. B. Hillyer agent, J. A. Houghton, W. J. Montgomery, Geo. W. Sampson, Radkey & Cavett, M. Goldstein.

Austin Council Room Austin Tex.
August 3rd 1870

Copy

Whereas an accurate Survey of Block 110 has been made at the instance of the owners of the east half of said block, & whereas by said Survey the boundaries of the lots in said half Block, and the corners of said Block as well as the location of the streets immediately North and South have been fixed to the satisfaction of said owners and without any detriment to the City of Austin, therefore,

Be it resolved by the City Council of the City of Austin 1st That the Northeast corner of said Block No. 110 shall be fixed & established at a point Seventy nine feet and Two inches distant from the south wall of Krohn's brick building on the west line of Congress Avenue, the Southeast corner of said Block No. 110 shall be and is hereby fixed and established at a point on the west line of Congress Avenue two hundred and Seventy six feet from the said Northeast corner of said Block No. 110. as herein established. Each of the lots in said Block, to wit: No.

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1. 2-3-4-5-6 having a front on Congress Avenue of forty six feet, but the fixing of the corners of this Block shall have nothing to do with the fixing the corners or location of any other block in the City

2nd That the City Attorney be and he is hereby authorized & required to represent the City of Austin in a certain suit instituted in the Dist Court of Travis County at the June Term 1875 in which suit a judgment and decree was rendered on the 22nd day of June 1875, and to do and perform such acts for and in behalf of the City of Austin as may be necessary & proper to secure the setting aside the decree rendered as aforesaid, and to have a judgment rendered in said Court in lieu thereof in accordance with the foregoing resolution.

On motion the yeas & nays were called and the resolution was adopted by the following vote: Ald. Boardman, Bruggerhoff, Christian, Dohme, McTchell, Robinson and Todd. Nays none.

I hereby certify that the foregoing is a true copy of the Records of the Minute Book of the City of Austin. Austin February 21. 75. Fred. Sterzing. Recorder

It is thereupon ordered and adjudged and decreed by the Court: that the judgment heretofore on the 22nd day of July 1875, rendered and entered in this cause, be set aside and annulled; and instead thereof It is ordered, adjudged and decreed by the Court, that the Northeast corner of Block No 110 be and the same is hereby established at a point on the west line of Congress Avenue seventy nine feet and two inches (79 ft 2 in) distant from the South wall of Krohn's brick building. The Southeast corner of Lot No. 6 in said Block No. 110, shall be at a point forty six feet South and on the west line of Congress Avenue, from said point first above mentioned.

2. The Southeast corner of said Block No. 110 and the South east corner of lot No 1 shall be and is hereby fixed and established at a point on the west line of Congress Avenue, two hundred and seventy six feet from the Northeast corner of said Block No. 110 as herein above fixed and established each of said lots Nos 1-2-3-4-5 & 6 having their full front

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of forty six feet from the Northeast corner of said Block No 40 as herein above fixed on Congress Avenue It is further ordered and decreed adjudged that the Defendant do have and recover of the Plaintiffs all costs in their behalf expended, and that execution issue therefor in behalf of the officers of Court &c.

4369 W. B. Norris Adm. v. H. L. Allen. Continued for service

4371. Emma Lee et al. v. Jones et al Continued

4373. T. T. Parr v. R. J. Pace et al. Continued for service.

4551 J. D. Meeks v. E. L. Compton. Continued by Defendant

4577 L. E. Edwards et al. v. Francis Burleigh. Comes the Pltffs by atty whereon motion it is ordered that said Plaintiffs have leave to amend.

4358. W. H. Gaynor vs Holder and Camp - Now on this day the above entitled and numbered cause in its regular order coming on for trial the parties by their attys announced ready for trial - thereupon came a Jury of twelve good and lawful men of Travis County - to wit: E. E. Patet and eleven others who after being duly empannelled and sworn and after having heard the pleading, evidence and argument of Counsel in the cause and received the charge of the Court retired to consider of their verdict and returned into Court the following verdict to wit: We the Jury find for the Plaintiff the Sum of One hundred and Six and 47/100 Dollars - E. E. Patet, foreman - Whereupon it is ordered, adjudged and decreed by the Court That the Plaintiff W. H. Gaynor do have and recover of the Defendant Wm Holder the Sum of One hundred and Six and 47/100 Dollars and all costs of suit in this behalf expended - And it further appearing to the Court that the note sued on upon which this judgment is rendered was given for a part of the purchase money of part of Out Lot No 55 Division B. of the City of Austin, County of Travis and State of Texas, Beginning at a stake on the Street line (108) One hundred and eight feet west of the South west corner of a Lot sold to Bell Gordon, Thence West (50) fifty feet, Thence North (104) One hundred and four feet, Thence East with the South line of Gaynors Lot to a Stake (50) fifty feet, Thence South (104) One hundred and four feet to the place of beginning - Whereupon it is ordered, adjudged and decreed by the Court that the above Judgment be and is a Lien upon said lot. that said lot be sold for the payment of the same, principal, interest to grow due, and costs and that a writ of possession issue in favor of the purchaser of said Lot at said Sale and that in case the proceeds of said lot at said sale is insufficient to pay off and

For a valuable Consideration I C. C. Bathalomew of the County of Travis and State of Texas by these Presents do assign and transfer unto W. H. Holder for One Hundred and Six 47/100 Dollars all my right title and interest in and to the above judgment and privileges unto the same appertaining. In witness whereof I have hereunto set my hand this 2 day of March A.D. 1876.

Austin Texas March 2nd 1876.

C. C. Bathalomew

W. H. Gaynor by

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satisfy this Judgment, principal, interest to grow due, and cost, in full, then an execution issue in favor of said W. H. Gaynor against said Deft. Wm Holder for any such deficiency — And it is further ordered adjudged and decreed by the Court that in the Cross action of Deft. Wm Holder against said S. C. Camp the said Wm Holder take nothing by his said suit and that the said S. C. Camp do have and recover of said Wm Holder all costs incurred by him in the defense of said Cause

4376. Lochte and Cordes vs. A. F. Otto —

And now on this day this cause being called for trial, Came the Plaintiffs by attorney and announced ready for trial — Whereupon came a Jury of twelve good and lawful men of Travis County, Consisting of C. E. Patent and eleven others who being tried, elected and sworn according to law, heard the Pleadings, evidence and the charge of the Court, returned the following verdict to wit: "We the Jury finds for the Plaintiffs the sum of $235.00 — C. E. Patent, foreman" Whereupon it is ordered and adjudged that Harry Lochte and Julius Cordes, under their firm name of Lochte and Cordes, do have and recover of A. F. Otto the sum of Two hundred and thirty five Dollars and all the cost of this suit for which execution may issue —

4361 Susan Brandon et al vs. Robert W. Turner et al

This day and the plaintiffs demurrer being submitted, is overruled, to which Plff excepts came the parties by their attorneys. And thereupon came a Jury of good and lawful men, to wit: F. W. Glenn and eleven others, who being duly empanelled and sworn well and truly to trie the issues joined between the parties upon their oaths do say "We the Jury find for the plaintiffs, F. W. Glenn, foreman"

It is therefore considered by the Court that the plaintiffs Susan Brandon, John Brandon, Green Brandon, Rebecca Brandon, Mary Brandon, and Jane Reese who is joined by her husband Alfred Reese, recover of the defendant Robert W. Turner the premises described, and bounded as follows, part of the headright league and labor of Wm M. Brandon situated in Travis County, Texas, Beginning at the North East corner of the said original survey of Wm M. Brandon a stake and mound of stone. Thence S. 60° E. Twenty five hundred and fifty vs. intersects the North boundary line of league No 10 a survey made for Isaac Campbell at a ~~stake~~ stone corner. Thence S. 30 W. to the S. E. corner of the said tract of land conveyed to Mariah M. Moseley — Thence N. 60 W. to the N. E. corner of the last mentioned tract of land — Thence S. 30 W. with the North boundary line of the last mentioned tract of land to the Colorado river — Thence up said river with its meanders to the S. W. corner of the tract of land

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sold by Leander C. Cunningham to the Austin College, Thence N. 30 E. with the South boundary line of the last mentioned tract of land to the S.E. corner of the same, Thence N. 60 W. with the East boundary line of the last mentioned Tract of land to the N. E. corner of the same- Thence N. 30 E. with the North boundary line of the original survey of Wm M. Brandon to the place of beginning, containing three hundred and twenty nine acres of land more or less, for which they may have their writ of possession: And it is further ordered and decreed that the quit claim deed bearing date the 3rd day of January A.D. 1870 purporting to convey from one G. S. Turner to the defendant Robert W. Turner under the name and style of R. W. Turner Twenty-Six Labors of land the headright of Joshua English in Travis County Texas also all of that certain league of land situated on the East bank of the Colorado River below and adjoining the said Joshua English survey, it being the tract of land originally granted to Wm M. Brandon and patented to L. C. Cunningham as Assignee of Wm M. Brandon so far as it effects the Twenty three hundred and twenty nine acres of land herein described be and the same is hereby cancelled, set aside and held for naught, and that the said Plaintiffs recover of the said Defendant Robert W. Turner their costs in this behalf expended for which they may have their execution. It is further ordered that execution issue for the use of the officers of Court against each party respectively for the costs by him or them in this behalf incurred-

4384. Mildred E. Davis vs Glenn A. Davis

And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial, and Defendants demurrer being submitted the same is overruled to which ruling the defendant excepts- And then came a Jury of twelve good and lawful men of Travis County, consisting of E. E. Poteet and eleven others who being tried, elected and sworn according to law, heard the pleadings, evidence and charge of the Court, retired for deliberation- Whereupon said Jury returned into Court the following verdict to wit: "We the Jury find the allegations in the Plaintiffs petition to be true. E. E. Poteet foreman"-

Whereupon it is ordered, and adjudged that the marriage heretofore celebrated and existing between Mildred E. Davis and Glenn A. Davis be vacated and set aside, and the Bonds of Matrimony dissolved, and that the plaintiff recover of the defendant all the cost of this suit for which execution may issue

4385 George W. Morris vs. John W. Robertson and T. T. Pendley

And now on this day this cause coming on to be heard the parties appeared by attorneys and announced ready for trial

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And thereupon the Defendant Robertson having entered his disclaimer it is ordered by the Court that said cause be dismissed as to said Deft. Robertson, and a Jury being waived and the Plaintiff and Defendant Pendley in open Court having consented thereto it is ordered by the Court that Plaintiff take nothing by this suit and it is further ordered that all right, title and claim which said Plaintiff has now or ever had to the lot in controversy to wit: Lot No 7 in Block No 4 in Austin City, Texas, be divested out of Plaintiff and fully vested in said Defendant T. J. Pendley and that said Pendley be forever quieted in his right, title and possession of said Lot And it is further ordered that said Defendant Pendley pay all the costs in this suit for which execution may issue.

4717. Reuben Burdett Ex Parte — And now on this day came on to be heard the petition of Reuben Burdett praying to have his disabilities as minor removed and the facts stated in said petition having been sworn to by person cognizant of said facts, and the Court being satisfied that the causes set out in said petition are sufficient, and that it is to the advantage of said minor in person and property, to have his disabilities as a minor removed — It is further ordered and decreed by the Court That the disabilities as minor of said Reuben Burdett be and they are hereby removed and that he be deemed and held for all legal purposes of full age and shall be held responsible and have all the privileges and advantages as if he were of full age, saving only that he shall not vote until he arrives at the age of twenty one years —

4692. Jennie Cook v. John Cook. Continued to perfect service.

4470. Perry Clements et al. v. Joshua Johnson et als. Comes the parties Defendant by attorney when on motion it is ordered that said Defendants have leave to amend.

And Thereupon Court adjourned till to-morrow at 9 o'clock A.M.

Friday, February 25th 1876.

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

4389. Wm Esser v. The Howe Machine Company. And now on this day came the parties to this cause by their attys, and the Defendant's demurrer being submitted the same is overruled, to which ruling Defendant excepts. Whereupon came a Jury of twelve good and lawful men of Travis county consisting of M. C. Nuckols Jr and eleven others who being tried elected and sworn according to law heard the pleadings evidence argument of counsel and the charge of the Court retired for deliberation. Whereupon said Jury returned into Court the following verdict, to wit: "We the the Jury find for the Deft. M. C. Nuckols Jr. Freeman." Whereupon it is ordered and adjudged that the Pltff take nothing in his behalf that the

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cause be dismissed: that the Defendant go hence and recover of said Wm Effer, and his security Wm Chas. Wash, all the cost of this suit, for which execution may issue

/ ✓ 4410 Mrs J. Hutter v. Ed. Creary and now on this day this cause being called for trial, came the Peff. by atty and announced ready for trial. When came a Jury of good and lawful men of Travis County consisting of C. E. Poteet and eleven others who being tried, elected and sworn according to law heard the pleadings evidence and the charge of the Court returned the following verdict, to wit: "We the Jury find for the Plaintiff the sum of $130.00 C. E. Poteet, foreman" Whereupon it is ordered and adjudged that said Mrs J. Hutter do have and recover of Ed. Creary the sum of One Hundred and thirty Coin dollars and all the Cost of this suit, for which execution may issue

✓ ✓ 4419. E. & S. Cohen v. Houston and Texas Central Railway Company. Come the Plffs by atty when it is ordered that said Plaintiffs have leave to amend.

✓ ✓ 4419. J. Dukey v. C. J. Dukey Comes the Defendant by atty when on motion it is ordered that said Defendant have leave to amend.

✓ ✓ 4470 Perry Clements et al. v. J. Johnson et al. Come the Plffs by atty when on motion it is ordered that said Plaintiffs have leave to amend

✓ ✓ 4577. Isham Antony v. Jo. Dicksuiga Dismissed at Plffs cost.

✓ ✓ 4567 Joseph Mayer v. Sarah Mayer. Comes the Plaintiff by atty when on motion it is ordered that said Plaintiff have leave to amend

✓ ✓ 4384 Mildred E. Davis v. Glenn O. Davis. And now on this day the Court of its own motion, ordered the decree in this cause to be so amended as to award the custody and education of the children of the said Mildred E. Davis & Peff and the said Glenn O. Davis Defendant, to wit: Glenn O. Davis, Newell Walter Davis and Kate Davis, unto the said Mildred E. Davis, and it is thereupon ordered adjudged and decreed that the said Mildred E. Davis have the custody and education of the aforesaid children, and the said Glenn O. Davis Defendant is forever enjoined from interfering in any manner with the said Mildred E. Davis in the exercise of her authority over and custody of said children.

✓ ✓ 4420 Haydens & Allen v. Geo F. Gage. Come the Peffs by atty and announce the writ of Inquiry awarded be now here executed. When came a Jury of 12 good and lawful men of Travis County consisting of C. E. Poteet and eleven others who being tried and sworn according to law heard the pleadings, evidence & the charge of the Court returned the following verdict, to wit: "We the Jury find for the Plaintiffs for the sum of One hundred & forty seven Dollars. Feb. 25th 76 C. E. Poteet Foreman." Whereupon it is ordered & adjudged that Peter Hayden and Wm B. Hayden & Colton Allen under their firm name of Haydens & Allen do have and recover of Geo. F. Gage the sum of One hundred & forty seven Dollars

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No 4419 E. & S. Cohen v. Houston & Texas Central Railway Company. And now on this day came the parties to this cause by their attys and announced ready for trial and Defendants general demurrer coming on to be heard the same is overruled to which Defendant excepts. And then came a Jury of twelve good and lawful men of Travis County, consisting of Jas George Foreman and eleven others who being tried, elected & sworn according to law, heard the pleadings evidence, & the charge of the Court retired for deliberation. Whereupon said Jury returned into Court the following verdict, to wit: "We the Jury find for the Plaintiff in the sum of One hundred & Ninety & 50/100 Dollars Jas George, Foreman" Whereupon it is ordered and adjudged that said E. & S. Cohen, Plffs do have and recover of the Houston and Texas Central Railway Company the said sum of one hundred, Ninety & 50/100 Dollars so assessed by the Jury and all the cost of this suit for which execution may issue

No 4018. E. J. Turney et al v. A. C. Turney et al. And now comes J. C. Camp, by atty when on motion it is ordered that said Camp have leave to intervene

R. L. Rockenbrough It is ordered that N. G. Shelley, Thomas E. Sneed and R. A. Smith be appointed a Committee to examine in open Court R. L. Rockenbrough touching his application to practice as an Attorney and Counsellor at Law.

No 4469. John R. Adams v. T. T. Pendley et. als Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

No 4472. James H. Raymond v. Geo. W. Glasscock et als Comes the Plff by atty when on motion it is ordered that said Plaintiff have leave to amend.

No 4473. M. C. Hamilton v. Geo. W. Glascock et als. Comes the Plff by atty when on motion it is ordered that said Plaintiff have leave to amend.

No 4714 K. L. Sabell Ex Parte. Upon hearing the application of K. L. Sabell, a minor over the age of Seventeen years, duly sworn to, and the same being duly considered, it is ordered that the Disabilities of said K. L. Sabell as a minor be and the same are removed, and that he be held for all legal purposes of the age of twenty-one years, and shall be held responsible as such the same as if he were of legal age, except that he shall not have the right to vote.

No 4430 James M Long vs George L Robertson, Henry G Stokes & B J Hawkes
And now this day came on to be heard the above numbered and styled cause, whereupon came the plaintiff by his attorneys and the defendants by their attorneys and announced themselves ready for trial, whereupon came a jury of twelve good and lawful men of Travis County to wit, A Shirk and eleven others, who after being duly tried empannelled and sworn and after hearing the evidence, the argument of counsel and the charge of the court retired to consider of their verdict and

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returned into court the following verdict "We the jury find the defendants not guilty. A Shirk foreman". It is therefore ordered adjudged and decreed by the court that the plaintiff take nothing by his suit, that the defendants George L Robertson, Henry G. Stokes and B J Hawkes, do have and recover of and from the plaintiff, James M Long, and the sureties on his appeal bond, to wit: F W Chandler and R M Russell all costs in this behalf expended, for all which execution may issue

✓ 4440. Le Giese & Co. v. Jas W Taylor. And now come the parties by their attorneys and thereupon the Defendant withdraws his answer and says nothing in bar of Plffs demand. And thereupon it is ordered and adjudged that L. Le Giese and M. Lasker under their firm name of Le Giese & Co. do have & recover of John W Taylor the sum of Six Hundred, thirty two & 20/100 Dollars debt and interest due upon the instrument sued on to this date with interest thereon from this date until paid at the rate of twelve per centum per annum and all the Cost of this suit & that execution issue

✓ 4439. Moore & Shelley v. W. C. Cain. Contained for Service.

And Court adjourned till to-morrow at 9 o'clock A.M.

Saturday, February 26th, 1896.

Court met at 9 o'clock a.m. Pursuant to adjournment. Present Hon. J. P. Richardson Judge presiding. Whereupon the following proceedings were had to wit:

✓ 4105. M C Hamilton v. Juliet G. Hicks et. als. Come the Defendants by atty when on motion it is ordered that said Defendants have leave to amend.

✓ 4539. James E. Bonedin v. A. B. Palm et. als. Comes the Pffs by atty when on motion it is ordered that said Plaintiffs have leave to amend.

✓ 4672. A. A. Scroggins v. Ida Sale. Comes the Pffs by atty when on motion it is ordered that said Plaintiff have leave to amend.

✓ 4676. The State of Texas v. J. R. Ivey et al. And now on this day came the parties by atty: and it appearing that at the last term of this Court Judgment nisi was rendered against J. R. Ivey principal and M. D. Mather principal security in the sum of Three Hundred Dollars on a forfeited appearance Bond, and said security having answered and the principal not appearing to shew cause why said Judgment should not be made final, but wholly made default: and the answer of said security not being sufficient, It is ordered and adjudged that said Judgment nisi be made final, and that the State of Texas do have and recover of and from said J. R. Ivey principal, and M. D. Mather security the said sum of Three Hundred Dollars and all the cost of this proceeding, for which execution may issue.

✓ 4428. G. M. Patten vs L. R. Carpenter. Be it remembered that at the February term of the District Court for Travis county Texas

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to wit on the 25th day of February A D 1876, the above entitled and numbered cause came on to be heard, the parties and their counsel being in court and having announced themselves ready for trial, thereupon came a jury of twelve good and lawful men, to wit: C E Poteet foreman, and eleven others, who being elected tried and sworn according to law, heard the pleadings evidence and charge of the court, and rendered the following verdict, to wit: We the jury find for the plaintiff in the sum of Fifty Eight and 23/100 dollars C E Poteet, foreman. whereupon it is adjudged and decreed by the Court that the said Plaintiff have and recover of said defendant L R Carpenter the sum of fifty eight and 23/100 dollars, and all costs in and about this suit expended and that execution issue therefor, and it further appearing to the court that under an attachment issued herein on the 26th day of March A D 1875, the following property had been seized for the security of this debt. to wit:.

One Marble top dressing case of the value of $60.00 which property had been replevied by said defendant, and bond in the sum of $120.00 signed by said defendant, and A.P. Wooldridge and J.H. Leatherman, as sureties to secure the forthcoming of said property.- now therefore the Sheriff of said County is hereby directed to seize and sell said property, if to be found in the County, and if said property is not forthcoming according to the tenor ~~of~~ said replevin bond, within ten days after adjournment of this Court, then the said plaintiff shall have execution against the said obligors on said bond for so much of the penalty thereof as shall be sufficient to satisfy this judgment with interest and cost.

No 4320. A. J. Barrager v Houston & Texas Central Railway Company.
And now at this day Came on to be heard the motion of the Defendant in said Cause filed on the 23d day of February, 1876. for leave to substitute a lost amended answer of the Defendant in said Cause; and the same having been heard and Considered by the Court, It is ordered that said Defendant have leave to file the Exhibit No 1 attached to said motion as a substitute for said lost amended answer.

No 4044. Wacton & Shelley v. Creary & Randall Defts &c The City of Austin, Garnishee
And now on this day comes on to be heard the motion of the garnishee to set aside the Judgment by Default rendered against the City of Austin at a former day of this term, and the same being heard and considered, it is ordered that said motion be overruled. And thereupon the said City of

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Austin, Garnishee, by her attorney, gives notice in open Court of an appeal to the Supreme Court.

Bailiffs — And thereupon it is ordered that the following named persons be allowed the amounts set opposite their names for services as Bailiffs to the Grand Jury at the present term of this Court, to wit:

Sworn — J.A. Millican 18 days @ $2 per day = Thirty Six Dollars
Sworn — Ed. Martin 18 " " " " " = Thirty Six Dollars
Sworn — J Strickland 18 " " $3 " " Riding Bailiff = Fifty Four Dollars

And now on this day came into open Court the Grand Jury of Travis County empannelled at this term and through their foreman G. W. Malone presented to the Court the following Indictments to wit:

4577 An Indictment against Lou for Playing Cards
4578 An Indictment against C. Cook for Bet at Monte
4579 An Indictment against Mose Swisher for Betting at Monte
4580 An Indictment against John Baugher for Ex. Monte
4581 An Indictment against James Wheat for Playing Cards &c
4582 An Indictment against Jas Stroud for Theft of a Steer
4583 An Indictment against Si Jackson for Rape
4584 An Indictment against Ed Creary for False Imprisonment
4585 An Indictment against George Platt for Theft of a Mare
4586 An Indictment against Maroney for Ex. Monte
4587 An Indictment against George F. Gage for Embezzlement
4588 An Indictment against Marshall Johnson for Aggravated Assault
4589 An Indictment against Marshall Johnson for Aggravated Assault
4590 An Indictment against S. G. Kingsbury for Pursuing Occupation without license
4591 An Indictment against S. G. Kingsbury for Pursuing Occupation without license
4592 An Indictment against E. A. Hicks for Assault to kill &c
4593 An Indictment against John Blair for Disturbing Religious Worship
4594 An Indictment against Wiley Sampson for Pursuing Occupation without license
4595 An Indictment against A. Ulrich for Pursuing Occupation without license
4596 An Indictment against Newell Burdett for Ex. Monte
4597 An Indictment against Shack Weir for Bet at Monte
4598 An Indictment against H. B. Willis for Pursuing Occupation without license
4599 An Indictment against Ben Perry & Antonio Rodreguez for Theft from a house
4600 An Indictment against John Blair for Carrying a pistol
4601 An Indictment against Henry Sansford for Bet at Monte
4602 An Indictment against Hudson Clark for Bet at Monte
4603 An Indictment against Neli Pennington for Bet at Monte
4604 An Indictment against Minnie Beers for Theft from a person
4605 An Indictment against Sam Robinson for Bet at Monte

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4606	An	Indictment	against	Andrew Sneed for Bet at Monte
4607	An	Indictment	against	Fred Frazier for Bet at Monte
4608	An	Indictment	against	George McKnight for Bet at Monte
4609	An	Indictment	against	Aaron Robinson for Bet at Monte
4610	An	Indictment	against	Jake Smith for Bet at Monte
4611	An	Indictment	against	Billy Robinson for Bet at Monte
4612	An	Indictment	against	Bill Gordon for Bet at Monte
4613	An	Indictment	against	Robt. B. Smith for Selling liquor against special laws
4614	An	Indictment	against	Robt. B. Smith for Selling liquor against special law &c
4615	An	Indictment	against	Robt. B. Smith for Selling liquor against special law &c
4616	An	Indictment	against	Robt. B. Smith for Selling liquor against special law &c
4617	An	Indictment	against	Robt. B. Smith for Selling liquor against special law &c
4618	An	Indictment	against	Rob. B. Smith for Selling liquor against special law &c
4619	An	Indictment	against	Garland for Assault to kill and murder
4620	An	Indictment	against	Webb. Kissam for Theft from a house
4621	An	Indictment	against	Aaron Billingsley for Theft of Cattle
4622	An	Indictment	against	Jas Cassidy for Pursuing Occupation without license
4623	An	Indictment	against	John Jackson for Bet at Monte
4624	An	Indictment	against	Click Cook for Bet at Monte
4625	An	Indictment	against	Alonza Pennington for Bet at Monte
4626	An	Indictment	against	Ed Gray for Bet at Monte
4627	An	Indictment	against	Jake Jones for Bet at Monte
4628	An	Indictment	against	Henry Williams for Bet at Monte
4629	An	Indictment	against	Matt Caldwell for Bet at Monte
4630	An	Indictment	against	Joe Prank for Bet at Monte
4631	An	Indictment	against	Joe Blum for Bet at Monte
4632	An	Indictment	against	John Devine for Bet at Monte
4633	An	Indictment	against	Bill Gordon for Bet at Monte
4634	An	Indictment	against	Alf Morris for Bet at Monte
4635	An	Indictment	against	Sam Williams & an unknown person for Assault to kill &c
4636	An	Indictment	against	George Gardiner for carrying a pistol
4637	An	Indictment	against	J. B. Hurd & Allen for Theft of two mares &c
4638	An	Indictment	against	Al. Lomax for Bet at Monte
4639	An	Indictment	against	Joe Hallam for Ex. Monte
4640	An	Indictment	against	Dave Williams for Playing Cards &c
4641	An	Indictment	against	Robt. B. Smith for Selling liquor against special law
4642	An	Indictment	against	N. Meyer for Aggravated Assault
4643	An	Indictment	against	John Hanes for Bet at Monte
4644	An	Indictment	against	Webb Kissam for Burglary
4645	An	Indictment	against	Dick Brady for Bet at Monte

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4646	An Indictment against	Dick Kinney for Bet at Monte
4647	An Indictment against	Dave Hart for Bet at Monte
4648	An Indictment against	Claibe Hawkins for Bet at Monte
4649	An Indictment against	Mexican Peet for Bet at Monte
4650	An Indictment against	Don Phillips for Bet at Monte
4651	An Indictment against	Don Phillips for Bet at Monte
4652	An Indictment against	Joseph Johnson for Bet at Monte
4653	An Indictment against	Henry Miller for Bet at Monte
4654	An Indictment against	Alf Pierce for Bet at Monte
4655	An Indictment against	Mealey Barber for Bet at Monte
4656	An Indictment against	Dan Givens for Ex Monte
4657	An Indictment against	Mack Horst for Ex Monte
4658	An Indictment against	Frank Brown(col) for Bet at Monte
4659	An Indictment against	Gus Collins for Bet at Monte
4660	An Indictment against	Tom Jackson for Bet at Monte
4661	An Indictment against	Bethel Coopwood for Pursuing Occupation without license
4662	An Indictment against	Dick Patterson for Bet at Monte
4663	An Indictment against	Bill Lock for Bet at Monte
4664	An Indictment against	Butler Lock for Bet at Monte
4665	An Indictment against	Bill Fields for Playing cards &c
4666	An Indictment against	Silas Gibbs for Bet at Monte
4667	An Indictment against	George King for Bet at Monte
4668	An Indictment against	George Coulon for Bet at Monte
4669	An Indictment against	Jack Haynes for Bet at Monte
4670	An Indictment against	Monroe Organ for Bet at Monte
4671	An Indictment against	Bob Organ for Bet at Monte
4672	An Indictment against	Jim Organ for Bet at Monte
4673	An Indictment against	Gnat Grumbles for Bet at Monte
4674	An Indictment against	Douglass Binford for Bet at Monte
4675	An Indictment against	John Storey for Bet at Monte
4676	An Indictment against	Ambrose Steele for Bet at Monte
4677	An Indictment against	Jeff Taylor for Bet at Monte
4678	An Indictment against	Paul Lewis for Ex Monte
4679	An Indictment against	Ambrose Steele for Bet at Monte
4680	An Indictment against	Henry ——— for Bet at Monte
4681	An Indictment against	Henry ——— for Playing Cards &c
4682	An Indictment against	Paul Lewis for Ex. Monte
4683	An Indictment against	Sid Wicks for Bet at Monte
4684	An Indictment against	George Lawrence for Ex Monte
4685	An Indictment against	Jodey Murphy for Ex Monte

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4686 An Indictment against John Devine for Bet at Monte
4687 An Indictment against Henry Elliott for Bet at Monte
4688 An Indictment against Jesse Howey for Bet at Monte
4689 An Indictment against George Wicks for Playing Cards
4690 An Indictment against Dick Henry for Bet Monte

And the said Grand Jury suggesting that there is no futher business before them they were ordered to go hence discharged.

And Court adjourned till Monday next at 9 A.M.

Monday, February 28th, 1876.

Court met at 9 o'clock A.M. Pursuant to adjournment. Present Hon. J. P. Richardson Judge 25th District Presiding. Whereupon the following proceedings were had by said Court, to wit.

4441

Joseph Harrell vs. T. Welch and G. H. Ruddy

On this day came on to be heard the above styled and numbered cause, and all the parties being present by their attorneys. and having announced themselves ready for trial the Court after due consideration overruled defendants demurrer to plaintiffs petition to which ruling of the Court defendants excepted, and the Court also overruled the plaintiffs general and special demurrers to defendants answer, and plaintiffs motion to Strike out certain parts of said answer to all of which rulings of the Court plaintiff excepted, and thereupon came a Jury of twelve good and lawful men of Travis County, Texas, to wit: W. B. Sharp and eleven others who were duly elected, tried, empiannelled and sworn according to law, and who after they had heard the evidence introduced, agreement of Counsel and charge of the Court retired to consider their verdict, and thereafter returned into Court the following verdict to wit. "We the Jury find for the plaintiff in the sum of Two hundred and ninety one and 22/100 Dollars. W. B. Sharp, Foreman"

It is therefore ordered, adjudged and decreed by the Court that the plaintiff Joseph Harrell do have and recover of and from the defendants T. Welch and G. H. Ruddy the sum of Two hundred and ninty one and 22/100 Dollars with interest from this date at the rate of eight per cent per annum and all costs of this suit for which execution may issue. And it further appearing to the Court that the garnishee S. J. Williams is indebted to defendants under their firm name and Style of Welch and Ruddy in the sum of Twelve 27/100 Dollars and that the garnished J. McGowen is indebted to said defendants under said firm name in the sum of. Twenty five Dollars, and that the garnished R. E. McIlvain is indebted to said defendants under said firm name of Welch and Ruddy in the sum of Nineteen 97/100 Dollars, and that the garnishee Eugene Bremond is indebted to the

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dfendant T. Welch individually in the sum of Three hundred and Seventy Dollars. it is therfore ordered, adjudged and decreed by the Court that the plaintiff Joseph Harrell do have and recover of and from the said S. J. Williams the sum of Twelve 27/100 Dollars; and also of and from the said J. McGowen the sum of Twenty five Dollars, and also of and from the said R. E. McIlvaine the sum of Nineteen 97/100 Dollars, and of and from the said Eugene Bremond the sum of Three hundred and Seventy Dollars for all which several sums of money execution may issue and the Shriff is hereby requird first to collect if he can the money due from the said J. J. Williams, J McGowen and R. E. McIlvaine, and apply the same as a credit on this judgment, and then collect from said Eugene Bremond only enough of said sum of $370— as may be necessary to satisfy balance due on this judgment principal and interest and costs. And should the Shriff from any cause be unable to collect said sums of money or any part thereof from said McIlvaine, Williams and McGowen, then he will collect all of said sum of Three hundred and Seventy Dollars from said Eugene Bremond or a sufficiency thereof to satisfy this judgment principal, interest and costs. And it further appearing to the Court that the plaintiff J. Harrell is now and was at the date of the institution of this suit entitled as against the defendants: their tenants, agents and assigns to the possession of the City Hotel Building and the Lots it is built upon situated on the corner of Congress Avenue and Cedar Street in the City of Austin, County of Travis and State of Texas together with the furniture fixtures &c, in and belonging to said Hotel building it is therefore ordered, adjudged and decreed by the Court that the said plaintiff Joseph Harrell do have said possession of said Hotel Building furniture, fixtures &c. and the Lots upon which it is situated and that the Sheriff of Travis County Texas be and he is hereby required to put the said plaintiff Joseph Harrell in peaceable possession thereof and oust from the possession of the same, the defendants their tenants agents or assigns.

✓ No 2390. Frances Willis v. Henry B. Willis. On motion its ordered that the Plaintiff and Defendant respectively have leave to amend their pleadings.

✓ No 1442. Rebecca Ann Smith v. John C. Burleson et al Continued To Compromise.

✓ No 1589. A. S. Walker et al v. Mary W. Moore, Admx. Continued by agreement

And Court adjourned till to-morrow at 9 o'clk A.M

Tuesday Feby 29th 1876

Court met at 9 o'clock A.M. pursuant to adjournment. Present

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Hon. J. P. Richardson Judge & presiding. Whereupon the following proceedings were had by said Court, to wit:

#1701 Jobe & Robinson vs B. M. Odom, et al. And now on this day come the Plffs by attorney and claim a judgment by default as to the defendant Sterrett; and because said defendant has been cited by personal service, and failed to appear and answer within the time prescribed by law, It is ordered and adjudged by the court that the said plaintiffs do have and recover of and from the defendant Sterrett, in accordance with the prayer of their petition, and that a writ of Inquiry be awarded

Ex Parte R. L. Brockenborough License

And now comes on to be heard the report of the Committee, appointed at a former day of the term, to examine the applicant, R. L. Brockenborough on his petition praying to be admitted to practice as an attorney and counsellor at law, and that license issue to him therefor; which is in substance; to-wit: "That they have discharged the duty required of them, and being satisfied as to the legal attainments of the applicant, recommend that a permanent license issue to him, upon his taking the required oath:

(Signed) N. G. Shelley. Thos. E. Sneed for Committee

It is thereupon ordered and decreed by the Court that the Clerk of this Court do issue to the said Robert L. Brockenborough, a license to practice as an atty and counsellor at law in the several District and inferior courts of this State, upon his taking the oath prescribed by law; and the said R. L. Brockenborough having appeared in open court and subscribed to and taken the necessary oath, this license is accordingly issued.

#1499 Geo. B. Zimpelman et al vs W. B. Frazer. Comes the defendant by attorney, whereupon on motion It is ordered that said defendant have leave to amend.

#1500 Geo. B. Zimpelman et al vs. John Ross. And now comes the defendant by atty, when on motion It is ordered that said defendant have leave to amend.

#1501 Geo. B. Zimpelman et al vs William Ross. Comes the defendant herein, when on motion it is ordered that defendant have leave to amend.

#1502 Geo. B. Zimpelman et. al vs. E. V. Jones. In this cause on motion It is ordered that the defendant herein have leave to amend.

#1503 Geo. B. Zimpelman vs Mary and Fred Sassman. In this cause on motion of defendant's attorney, It is ordered that said defendants have leave to amend

#1504 Geo. B. Zimpelman vs Thomas Robb et. al. Come the defendants by attorney, when on motion It is ordered that defendants have leave to amend.

#1624 The State vs Elick Cook. And now on this day comes the defendant in his own proper person, waives a jury and enters the plea of guilty; It is thereupon ordered by the Court that the State of Texas do have and recover of and from the defendant Elick Cook the sum of ten dollars as a fine, and all costs incurred in this prosecution; for which let committment issue.

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4610 The State vs Jake Smith. Comes now on this day the defendant in person, waiving a jury and thereupon enters the plea of guilty; whereupon the court doth order that the State of Texas do have and recover of and from the defendant, Jake Smith the sum of Ten dollars as a fine, and all costs in this behalf incurred; and that Committment issue.

4608 The State vs Geo. McKnight. And now on this day comes the defendant in person and in response to the indictment, waives a jury and enters the plea of guilty; It is thereupon ordered by the Court that the State of Texas do have and recover of and from the Defendant Geo. McKnight the sum of Ten dollars as a fine and all costs of prosecution, and that committment issue

4534 The State Vs James McGowan. And now on this day comes the defendant as principal, with Jno. W. Glenn and Phil. Jobe as his sureties; and being duly sworn in open court severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied of their respective goods, lands, chattels, tenements and estates; to be void nevertheless on condition that the said James McGowan, make his personal appearance before the Feby term. A.D. 1876 of the district court of Travis county, (now in session) then and there to answer an indictment preferred against him by the grand jury of Travis County at the Feby term 1876 of said court for an assault with intent to kill and murder, and there remain from day to day and from term to term thereafter, and that he depart not the court without leave.

4543 The State vs E. Hicks. Comes now on this day the defendant as principal, with J. H. Conner and J. Monroe Smished as securities, and being duly sworn in open court severally acknowledge themselves to owe and be indebted unto the State of Texas in the penal sum of four hundred dollars, to be levied upon their respective goods, lands, chattels, tenements and estates; to be void however, on condition that the said defendant, E. Hicks, make his personal appearance before the Feby. term. A. D. 1876 of the district court of Travis county, now in session, then and there to answer an indictment preferred against him by the grand jury of said Travis County at said Feby. term. 1876, for the "theft of money", and there remain from day to day and from term to term thereafter, and that he do not depart the court without leave.

4540 The State vs Booker Griffith. And now on this day comes the defendant, B. Griffith as principal, with Jno. M. Costley and J. B. Cassiday as his sureties and being duly sworn in open court severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of four hundred dollars, to be levied of their respective goods, lands, chattels, tenements and estates; to be void, nevertheless, upon condition that the said defendant make his personal appearance before the February term, A. D. 1876 of the Dis-

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trict Court of Travis County, (now in session) then and there to answer an indictment preferred against him by the grand jurors of Travis County at the February term of said court, "for the theft of a cow;" and that he remain from day to day and from term to term thereafter, and that he depart not the Court without leave.

And thereupon Court adjourned until to-morrow morning 9 A.M.

March 1st A 1876

Court met at 9 a.m. pursuant to adjournment. Present same as on yesterday; whereupon the following proceedings were had by said Court, to-wit:

4523 The State vs M. J. Mattison. And now on this day comes the defendant M. J. Mattison as principal, with Barnard and Dennis Corrin as sureties, and being duly sworn in open court severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of five Hundred Dollars, to be levied of their respective goods, chattels, lands tenements and estates; to be void, nevertheless upon condition that the said defendant make his personal appearance before the February term A.D. 1876 of the District Court of Travis County, (now in session) to answer an indictment preferred against him by the grand jury of Travis county, at said Feby. term, for "forgery", and that he remain from day to day and from term to term thereafter, and that he depart not the Court without leave.

4577 L.E. Edwards et al vs. Francis Burlage. Comes now on this day the intervenor by attorney, when on motion said intervenor has leave to amend.

4433 The State vs J.A. Webb. In this cause comes the defendant herein and produces the receipt of the Sheriff of Travis County, showing full payment of amount of occupation tax due the State, together with costs of suit; whereupon It is ordered that the same be dismissed

4436 The State vs Joseph Webb. And now on this day comes the defendant and having produced the receipt of the Sheriff of Travis County, showing full payment of amount of Occupation tax due the State, with costs of this prosecution. It is ordered by the court that this cause be dismissed

4452 The State vs Jno. F. Johns. Comes the defendant herein, and producing the receipt of Sheriff of Travis County for payment of occupation tax due the State, together with all costs of this prosecution. It is ordered that this cause be dismissed.

4114 Rose vs Rose. — The undersigned Commissioners of Partition in the above entitled and numbered cause, respectfully report to the Honorable J. P. Richardson as Judge of said Court, that they have investigated the character and value and situation of the lands described in the decree appointing them Commissioners; and find that the said lands are situated in three several

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placed, separated by many miles, and in different counties; over 400 miles intervening between portions of them. That the several parcels are of different values per acre, though none of them worth more than three dollars per acre; while one of them is worth probably not over twenty five cents per acre. That in consequence of the widely separated localities of the lands; the necessarily great expense of personal inspection, comparison and survey into a large number of small surveys of the lands in question; the large number of very small tracts, each of little value into which the many interests involved would require the lands to be divided; the said lands, as they believe, cannot be partitioned justly and fairly among the several parties at interest without material injury, damage and loss to the said parties at interest. Wherefore the commissioners have made no partition of said lands; and propose, your Honor approving, to sell the said lands to the highest bidder, under the alternative clause of the decree in said cause. (Signed) J. W. Lawrence, D. W. Doom. Wm P. Gaines

This day came the said Commissioners and made oath in due form of law before me that the foregoing statement by them is true, and subscribed the same before me, this March 1st, 1876 Frank Brown, clerk D. C. T. C.

√ 1414 B. B. Rose et al Jane A. Rose et. al. Decree. This day came the parties by their attorneys, and thereupon came on to be heard the report of the Commissioners appointed in the above entitled cause, heretofore filed in said cause, to the effect that the lands mentioned and described in the decree of Partition can not be fairly and justly partitioned among the several parties at interest without material injury, damage and loss to the said parties at interest, for reasons stated in said report; and the Court having considered said report, and the parties, by their attornies, present in the Court, not objecting, It is ordered that said report is approved, and that the Commissioners proceed to make sales of said lands as provided in the decree before entered in this cause, and report their action for approval to this Court; and that a copy of the decree of approval of their sales when entered, and this order, shall be delivered to each party purchasing, to serve as evidence of title and conveyance to the purchaser or purchasers.

√ 4560 The State vs Mose Organ. On this day came Mose Organ, defendant herein, as principal, with Sam Mason and John W. Price as his sureties, and being duly sworn in open Court, severally acknowledge themselves to owe and be indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied upon their respective goods, chattels, lands, tenements and estates, but to be void nevertheless upon condition that the said defendant, Mose Organ, make his personal appearance before the February term A. D. 1876, of the district court of Travis County, (now in session) to answer an indictment preferred against him by the Grand Jury of Travis County, for

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and there remain from day to day and from term to term thereafter, and that he do not depart the court without leave.

1 D.C. 44454 J. Sheehan vs M.A. Taylor et als. And now on this day came the plaintiff by attorneys, when on motion It is ordered that said plaintiff have leave to amend; And thereupon came both parties and announced themselves ready for trial; and now the plaintiff dismisses his suit as to the defendant, Jas. H. Bell. And the general demurrer of the defendants to plaintiffs pleadings coming on to be heard, the same is, after consideration of the Court, overruled, to which ruling of the Court defendants except; and thereupon came a jury of twelve good and lawful men of Travis County, to-wit: F. W. Glenn and eleven others, duly tried, empanneled and sworn, heard the pleadings, evidence, argument of counsel, and retiring under the charge of the Court to consider of their verdict, returned into court the following verdict, to-wit: "We the jury find for the plaintiff in the sum of two hundred twenty eight and 68/100 cnts dollars. (Signed) F. W. Glenn foreman"

It is thereupon ordered, adjudged and decreed by the Court that the plff. Jeremiah Sheehan, do have and recover of and from the defendants ~~respectively~~, to-wit: M. A. Taylor, William Stiles, John Spence, Joseph Spence, Alexander Gardiner and W. A. Blackburn, in their official capacity as Trustees of the First Presbyterian Church, the sum of two hundred, twenty eight 68/100 cnts dollars, with interest from date at 8% per annum, together with all costs in this behalf incurred, for which execution shall issue.

And it being admitted by the defendants on the trial herein had that the material furnished and labor performed by the said plaintiff ^ here sued for on the building known as the First Presbyterian Church, situated on lots 1 and 2 in Block No 82, in the City of Austin, Travis County, Texas, was so furnished and performed by him as a contract and builder under a specific contract entered into and agreed upon by and between plaintiff and defendants. It is further ordered, adjudged and decreed by the Court that the plaintiff has a mechanic's ^ lien on the said First Presbyterian Church, and the realty upon which the same is situated; to-wit Lots 1 & 2 in Block No 82, and that the same be and is hereby foreclosed, and that the clerk of this court do issue an order of sale as under execution directed to the Sheriff of Travis County, commanding him to levy upon and sell the said building known as the first Presbyterian Church and lots 1 & 2 in Block No 82 upon which the same is situated, and the proceeds apply to the liquidation of this judgment, interest and costs; and the residue, if any there be pay over to defendants or ^ their agent or attorney. And plaintiffs counsel having appeared in open court and entered their waiver of right to collect coin as recited in this judgment, and assenting to its liquidation in currency. It is further ordered that this judgment be enforced against said defendants for $228 68/100 cur currency. and it is further ordered by the Court that execution issue against said defendants for any balance remaining unpaid after such sale as aforesaid

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And thereupon court adjourned until to-morrow morning 9 o'clock A.M.

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Court met at 9 A.M. pursuant to adjournment: present same as on yesterday; and it being suggested that this day has been designated by the Legislature of the State as a "legal holiday. It is ordered that court do stand adjourned until to-morrow morning 9 A.M.

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Court met at 9 A.M. pursuant to adjournment, whereupon the following proceedings were had by said Court to-wit:

J S/4520 O.M. Jackson vs John T. Carter et als. In this case on motion of the plaintiff and it appearing to the court that the clerk in his order of publication for citation did make a clerical error, to-wit: in the words and figures: "February 1875" instead of February. 1876; and it further appearing to the Court that the order as published did correctly contain the words and figures "Feby 1876" instead of "February 1875" It is therefore ordered and adjudged by the Court that the said clerk shall so amend his said order of publication that it shall read (in the first line of the second page of said order) February 1876. instead of "February 1875" And it further appearing to the Court that the said order was properly published for eight successive weeks in the "Evening News" a newspaper published in the City of Austin, Travis County; and it appearing further to the Court that the Sheriff did improperly return on the said order that the same was "executed by causing this citation to be published for three successive weeks in the Evening News, a newspaper published in the City of Austin, Travis County, as the law directs", when he should have returned that the same was executed by causing this citation to be published for eight successive weeks in the Evening News, a newspaper published in the City of Austin, Travis County, as the law directs; It is therefore ordered and adjudged by the Court that the said Sheriff may and he is hereby directed to so amend his said return as that the facts as before stated shall be correctly stated and set out

S/4073 R.N. Lane vs Geo. O. Evans. Came on this case to be heard upon defendants demurrer, and it appearing to the Court that the same is not well taken, it was overruled; thereupon said defendant excepts to such ruling of the court; And on this day came the parties by their attorneys and announced themselves ready for trial; and thereupon came a jury, to-wit: James George and eleven others, duly empannelled and sworn; and who after hearing the pleadings, evidence, argument of counsel and charge of the Court retired to consider of their verdict, and after deliberation the jury returned into Court their verdict as follows "We the jury find for the Plaintiff and

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the sum of fifteen hundred dollars U. S. Currency. James George, foreman."
It is therefore considered by the Court that the said Plaintiff, R. N. Lane, recover of the defendant, George O. Evans, fifteen hundred dollars and all costs of suit. And it further appearing to the Court that this judgment is payable out of the partnership assets which were turned over to said Evans, subject to result of this suit, and which assets are as follows: 9 mules; 5 mules (the same received by Sheriff by order on Thompson); 1 four horse truck (by order on Jones & Stelfox); one sorrel mare (by order on N. Givens Lane); 3 (other) mules; 3 four horse trucks; 1 four horse (freight) wagon; 6 sets harness; 1 iron safe; 1 cutting box; 5 sets other harness; 2 pitch-forks; 1 frame and pigeon holes; 1 garden rake; 13 new halters; 1 pickaxe; 1 Wheelbarrow; 2 Tarpaulins; 1 sorrel mare mule, (less 2 mules and a float which had been surrendered to Stuart.) Thereupon the court doth order and adjudge that an order of sales do issue, commanding the Sheriff of Travis County to sell said above described property to satisfy this judgment, and that execution over. And it further appearing to the court that defendant Evans, with Wm. M. Wilson, Ben Walker and W. Bruggerhoff, M. Paggi and W. F. Bergener as his sureties, have executed their bond in the sum of five thousand dollars to the plaintiff, conditioned for the forthcoming of said property to abide the final result of this suit. Thereupon the Court doth further order and adjudge that in the event of the failure of said Evans to return and deliver to the Sheriff the said property within ten days after demand made by such sheriff, then execution over may be levied upon the goods and chattels of the defendant and said sureties for said judgment, interest and costs.

No 4449 Johannes Dukey v Charles J. Dukey. And now on this day this cause coming on to be heard, the parties announced themselves ready for trial; and thereupon came a jury to-wit: John H. Wood and eleven others, twelve good and lawful men of Travis County; who being duly elected, tried, empannelled and sworn, and who after hearing the evidence and argument of counsel retired under the charge of the Court to consider of their verdict; and, after due deliberation returned into Court the following verdict; to-wit: "We the jury find for the plaintiff in the amount of two thousand dollars as his interest in the property in controversy. John H. Wood foreman".
It is therefore, ordered, adjudged and decreed by the Court that the plff. Johannes Dukey, do have and recover of and from the defendant, Charles J. Dukey, an interest of two thousand dollars in value, in Lot number nine 9, in an addition to Block number fifty-eight (58) in Division E. of the city of Austin, in Travis County, Texas; fronting South eighty feet on Trinity street, and running back one hundred and thirty-eight feet to a

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street on the North, as shown by a map of record in book V- page 233 of the record of title deeds of Travis County. Said sum of two thousand dollars being the amount of money furnished by the said plaintiff in the purchase of said lot of ground, and the money, material and labor furnished by said plaintiff in the improvement of said lot; and it is further ordered and decreed that said plaintiff be and he is hereby subrogated to and invested with all the rights of said defendant in the deed of conveyance to said defendant for said lot from S. J. Swenson, dated 12th day of July, 1871, to the extent of an interest therein, undivided, of the value of two thousand dollars; which interest has been, by said defendant, held in trust for said plaintiff since the execution and delivery to defendant of said conveyance for said lot from said Swenson, dated July 12th 1871. And, for the purpose of Partition of said lot between plaintiff and defendant, It is further ordered by the Court that S. J. Swenson and Grant Palm be and they are hereby appointed Commissioners to divide said lot and improvements between said plaintiff and defendant; and that, in making said partition, said Commissioners will so divide said property as that the said plaintiff, Johannes Dukey, shall receive such portion thereof as shall be of two thousand dollars in value; and to be designated by said Commissioners. And It is further ordered that said commissioners be furnished a copy of this decree for their guidance, and that they report to this term of this court, and without delay, their action, to the end that a final decree of Partition may be rendered herein. And It is further ordered that defendant pay all the costs of this suit for which execution may issue.

1470 John H. Robinson and Phillip W. Jobe vs P. M. Odom and J. H. Sterrett. And now on this day this cause coming on to be heard, the plaintiffs by counsel announced ready for trial, and the defendants answered not, but wholly made default; and it appearing to the Court that said defendants, on the 31st day of January, 1876, had, in accordance with law, duly accepted and acknowledged service of process of citation in this cause, and had waived the issuance of any citation in this cause, and that said defendants had failed to appear and file any answer to the plaintiffs' petition; and it further appearing to the Court that the plaintiffs' demand is liquidated being the promissory note described in the petition; It is ordered by the court that the clerk assess the plaintiffs' damages; and the clerk having so assessed the damages of plaintiffs, find due from defendant P. M. Odom, as balance on the note sued on, to the plaintiffs the sum of $1121.64 in coin, principal and interest to date. It is therefore ordered and adjudged by the Court that the plaintiffs, John H. Robinson and Phillip W. Jobe, do have and recover of and from the defendant, P. M. Odom, the sum of eleven

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hundred and twenty one dollars and sixty four cents ($1121.64/100) in coin as debt and interest to date, with interest thereon at the rate of ten per cent. per annum from date until paid; together with all the costs of this suit. And it further appearing to the Court that on the 6th day of January, 1873, the said B.M. Odom and one George T. Burns, executed and delivered to said plaintiffs a certain chattel mortgage to secure the payment of the note sued on in this cause, on the following named personal property and chattels which were in the possession of defendant, J.H. Stenett, at the time of the institution of this suit, and on which personal property said plaintiffs now have a lien to secure the payment of the said sum of money herein adjudged to them; to-wit: All the furniture and fixtures of every kind and description which were, on the 6th January 1873 in the building in the city of Austin, in Travis County, Texas, known by the name of the "Raymond House", and which were then used, and which then pertained to the same as a hotel; also, all furniture and fixtures which, on said 6th day of January, 1873, belonged to and then were used, in connection with the bar-room and billiard saloon in said Raymond House; and all the counters, drawers and shelving then in the store room occupied by Nathan Meyer, in the Northwest corner of said "Raymond House" building; and also all the furniture which the said Odom and George T. Burns should put into said Raymond House after the said 6th day of January, 1873, to be used in connection with the hotel bar-room or Billiard Saloon. And also, all furniture and liquors which said Odom and Burns had on hand on the 6th day of January, 1873, and which shall remain on hand up to this date: It is therefore further ordered and decreed by the Court that the lien of said Plaintiffs on all of the personal property aforesaid, be and the same is hereby foreclosed, and that an order of sale do issue to the Sheriff of Travis County, commanding him to seize all of said chattels and personal property, and to sell the same, (or as much thereof as may be necessary) as under execution; and that, out of the proceeds of said sale he satisfy this judgment debt, interest and costs; and the residue, if any, said Sheriff, pay over to said Odom and Stenett, or whoever may be entitled to the same; and that execution issue against said Odom for any balance remaining unpaid hereon, after such sale and application of said proceeds

3030 Giles H. Burditt vs. W.B. Burditt, et al. For partition of Jesse Burditt's estate. This day came on to be heard the application of the plaintiff for further partition of the estate of Jesse Burditt, deceased, among the persons entitled thereto; and it appearing to the Court that the tract of land mentioned in the original petition, in Van Zandt county, Texas, patented on the 25th April 1860, to the heirs of Jesse Burditt, assignee of Antonio G. Bobo, for twenty-

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three labors and $\frac{564.}{000}\ \frac{520}{000}$ square varas, is ready for partition. It is ordered, adjudged and decreed that the said land be partitioned and divided among the heirs or persons entitled to the shares of said heirs of Jesse Burditt, deceased, as herein after stated and set forth. The said land by metes and bounds is described as follows: On the waters of Farris fork of Cedar Creek, a branch of Trinity River; and begins at a stake the N. W. corner of Daniel Chesher's league and Labor No. 5, a Post oak bears North 48° West 15 varas; a Hickory bears South 30° W 6 varas. Thence South 4° West, with the west line of said survey, at 5000 varas a corner, the S. W. corner of same; a P. O. brs. S. 18° W. 15 varas; another bears N. 63° W. 5 varas. Thence S. 86° W. with the N. boundary line of B. W. Anderson's 320 acre survey, at 700 varas a small creek; crossed it several times + + + 2370 varas a mile prairie, 4685 varas a stake Thence North 4° East 3000 varas to timber, passing the S. E. corner of section No. 28, in the name of B. Allen; continuing N. 4° E. with same, and with the East boundary line of A. G. Sims at 5000 varas the S. W. corner of Mills Goodman's survey No. 223, a Post oak bears S. 58° West 14 varas; another bears N. 52° E 5½ varas. Thence N. 86° East, with the South boundary line of same at 3300 varas the Southeast corner of same; a Post oak 18 inches bears South 80° West 5 varas; another 12 inches bears N. 35° East 5½ varas. Thence North with the East boundary line of same at 408 varas a post on the S. boundary line of S. M. Harrison survey, a Post oak 12 in. in dia. brs. North 62° West 7½ varas; another 12 inches in dia. bears South 80° East 10½ varas. Thence East with the South boundary line of same at 615 varas, the Southeast corner of said Harrison survey; a Post oak 10 inches in dia bears North 42° West 26 varas; another 14 inches in dia. bears North 33° West 33 varas. Thence South with the West boundary line of T. Hooper's survey at 36 varas the Southwest corner of the same; a post oak 24 inches in diameter bears North 11° West 12 varas; an Elm 12 inches in diameter bears East 2 varas. Thence at 575 varas the S. E. corner of the same; a black jack 14 in. in dia. brs. S. 80° West 9 varas: another 12 inches in dia. brs. South 20° West 3 varas. Thence with the East boundary of said Hooper survey at 236 varas, a post from which a Black jack bears North 40° East 1½ varas; an Elm bears South 64° West 14 varas. Thence North 86° East 192 varas to the beginning. And a portion of the said land being free from any adverse claim, and a portion of the same being claimed adversely to the heirs of Jesse Burditt, the said tract shall be subject to two divisions. That which is claimed adversely to one division, and that which is not claimed adversely, to another division as follows: The said Commissioners shall ascertain that part or portion which is not claimed adversely to the heirs of Jesse Burditt, and shall sub-divide the same into eight shares; unless it shall be found, by an assesment of

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the value of each share, that the value of such share shall reach the value of fifteen hundred and twenty two 64/100 dollars; but if it is found that the value of each of said share shall reach bejond said sum, and shall make more than fifteen hundred and twenty two 64/100 dollars each: then the same shall be divided into nine shares, so as to let in the heirs of Joel A. Burditt for a share, or a proportion of a share, as hereinafter explained. The said eight shares are represented as follows: First, one share to Giles H. Burditt. Second, one share to William B. Burditt, to be allotted to said Giles H. Burditt, as directed in a former decree of this court. Third, one share to M. C. Burditt, to be allotted to Giles H. Burditt as directed in the former decree of this Court. The said Giles H. Burditt having purchased the interests of said William B. and M. C. Burditt, Fourth. One share to Josephine Binford, wife of R. A. Binford, who represents her mother Lavinia Rowe, a daughter of Jesse Burditt; and her deceased brother, without issue or wife, Jesse Rowe. Fifth. One share to the children and grand children of Martha E. Davidson, a daughter of Jesse Burditt, as follows: To her children: 1. Alice, who intermarried with Wade Smith. (2) Andrew M.: (3) Martha B.; (4) Margaret Campbell, a grand daughter in right of her mother, Lavinia Davidson, who married John E. Campbell; the said Margaret being now the wife of Emmett White; — (5) James and Edward Hill, children of Margaret Davidson, a daughter deceased of said Martha E. Davidson: (6) William Hill, a child of Almeda Hill, deceased, a daughter of Martha B. Davidson. Sixth, One share to the children of Nemell W. Burditt, and their representatives as follows: 1 Thomas P. Burditt. (2) Mildred E. Davis. (3) Nemell W. Burditt. Jr. children of Nemell W. Burditt, full shares in right of their father; and (4) to Caroline Wardlow, wife of T. D. Wardlow, widow or surviving wife of W. B. Burditt, a son of Nemell W. Burditt; and (5) R. F. Jackson, surviving husband of Kate Burditt, a daughter of Nemell W. Burditt, one-half share each, in right of their respective deceased husband and wife. The whole of the above to take the share of said Nemell W. Burditt. Seventh. To Henry Newton Burditt, a son of Jesse Burditt, deceased, one share. Eighth. To the children of Jesse F. Burditt, Junior, a son of Jesse Burditt, one share as follows: (1) To his daughter Mary, who intermarried with David H. Bradley; (2) his son Reuben, and (3) his son Whitfield, the said Jesse Burditt, Junior being also dead.

And as the second division of the said land which is claimed adversely to the heirs of said Jesse Burditt, because the same can not be properly valued, shall be divided into nine shares; namely; among the persons representing the above mentined eight shares; and also in addition, one share to the children of Joel A. Burditt, a son of Jesse Burditt

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as follows: (1) M. S. Decherd. wife of A. H. Decherd; (2) Jane G. Davis, wife of W. J. Davis; (3) John A. Burditt, and (4) Giles G. Burditt, The above named persons being the Children and representatives of said Joel A. Burditt, who is now deceased. And for the purpose of said division, the following persons, residents and citizens of Van Zandt County, are appointed Commissioners to make the partition of the said Antonio G. Barbo tract of land in said County; viz; J. M. Harrison, A. W. Riley, J. McWilliams, Thomas Clark and F. W. Spark; and they are directed to go upon the said land and to have the same surveyed, and ascertain the quantity thereof not claimed adversely to the heirs of Jesse Burditt as aforesaid; and to divide and partition the same equally and fairly as herein directed, valuing the same at its present cash value. And as to that portion which is claimed adversely, they are directed to partition it into nine equal shares as herein also directed. And said Commissioners, or any three of them, may act fully in all matters pertaining to this decree; and they are required to make their report upon said partition at as early a day as practicable. And it appearing that there is another tract of land belonging to ~~this~~ said estate; to-wit: The J. W. Carpenter league and labor in Falls county, or the interest of the estate of Jesse Burditt therein, which is in litigation in the District Court of Falls county; It is ordered that the further partition of the estate of Jesse Burditt, be continued till the further order of this Court.

14692 The State vs E. A. Hicks. And now on this day came the defendant, E. A. Hicks as principal, with Joseph Spence and W. B. Ochiltree as his securities, and being duly sworn in open court severally acknowledge themselves to owe and be indebted unto the State of Texas in the penal sum of Two Hundred Dollars to be levied of their respective goods, chattels, lands, tenements and estates, to be void nevertheless, upon condition that the said E. A. Hicks make his personal appearance before the February term, A. D. 1876 of the District court of Travis County, now in session, to answer an indictment preferred against him by the grand jury of Travis County at said Feby. term 1876. for an "Assault to Kill &c," and that he remain from day to day and from term to term thereafter, and that he depart not the Court without Cause.

And thereupon court adjourned until to-morrow 9 a.m.

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Court met pursuant to adjournment; Present same as on yesterday; whereupon the following proceedings were had; to-wit:

✓ N 4348 Jno. O. Ford v. Houston & Texas Central Railway Co, And now on this day came on to be heard the motion of the defendant to amend the judgment heretofore rendered in said cause; and the same after consideration of

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the court is allowed; whereupon It is ordered, adjudged and decreed by the court that said formed judgment be so amended as to read as follows, to-wit:

"And now came the parties, and announced themselves ready for trial; "and after the plea to the jurisdiction had been passed on and over-"ruled, the defendants demurred and special exceptions came on to be "heard, and being read to the court and argued, by both the defendant "and the Plaintiff, the same were held up for advisement by the court, "and, at a subsequent stage of the case, the court having considered "the matter, It is adjudged by the Court that so much of the defend-"ants demurrer and special exceptions as except to that part of the "plaintiff's pleadings which seek to make the defendant responsible "for the wilful and malicious acts of its servants, is sustained; and "the remainder of the defendants demurrer and exceptions, are by the "court overruled; to which rulings the plaintiff and the defendant ex-"cepted, as far as the same were respectively against them."

Ex Parte Jno. Dowell. Contempt

In this behalf It is ordered by the Court that John Dowell, Esqr. an attorney of this court be fined the sum of fifty dollars for contempt of Court, and that he stand committed to the County jail of Travis County in default of payment

v/p ✓4550 The State vs. Charles Matthews. And now on this day came Chas. Matthews as principal, with Jas. M. Swisher and M. Wilson as his sureties, and being duly sworn in open court, severally acknowledge themselves to justly owe and be indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied of their respective goods, chattels, lands tenements and estates; to be void nevertheless, upon condition that the aforesaid Chas. Matthews make his personal appearance before the District Court, of Travis County (Feby. term A. D. 1876) now in session, to answer an indictment preferred against him by the grand jury of Travis County, for "Swindling", and that he remain from day to day and from term to term thereafter, and that he do not depart the Court without leave.

✓3299 Mary J. Lee vs Griffin, Dubb et al. And now on this day come defendants by attorney, and submit their motion for a new trial, and the same being read and by the court duly considered, is overruled; to which ruling of the court defendants except, and give notice in open court of an appeal to the Supreme Court.

✓4073 R. H. Lane vs Geo. O. Evans. Comes this day the defendant by attorney and submits his motion for a new trial, and the same being duly considered by the Court is overruled; and thereupon defendant excepts to

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the ruling of the Court, and gives notice in open court of appeal to the Supreme Court.

#4348 J. O. Ford vs H. & T. C. R.R. Co. And now on this day comes the defendant herein by attorney, and submits his motion for a new trial: and the same being duly considered by the court and the premises well understood the same is overruled; to which ruling of the Court the said defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

#4419 E. & S. Cohen vs H. & T. C. R. Co. — And now comes the defendant herein by attorney, and submits his motion for a new trial; and the same is, after due consideration of the Court overruled; to which ruling of the court the defendant excepts, and gives notice in open Court of an appeal to the Supreme Court.

#4441 Joseph Harrell vs Welch and Puddy. Come the defendants by attorney, and submit their motion for a new trial herein, which is by the Court after consideration overruled; and thereupon defendants except to such ruling of the Court and give their notice of appeal in open court to the Supreme court

#4449 Johannes Dukey vs Chas J. Dukey. And now on this day comes the defendant by attorney and submits his motion for a new trial, which being duly considered by the Court is overruled; to which ruling of the Court defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

#4470 Perry Clements et al vs Joshua Johnson et al. —— And now on this day came the parties by attorney, and announced themselves ready for trial; and thereupon came a jury of twelve good and lawful men of Travis County to-wit: F. W. Glenn and eleven others, duly tried, empannelled and sworn, having heard the pleadings, evidence, argument and charge of the Court, retired to consider of their verdict; whereupon said jury returned into court the following verdict, to-wit: said verdict being special findings, responsive to the charge of the Court:

1st Question. Have the defendants received any money or rent for the school house under their control, and misapplied it; or applied it to their own use or benefit? Answer: No.

2nd Question. Have the defendants willfully neglected to apply the means in their hands, as trustees, to the repair of the school-house? Answer: No.

3rd Question. Have the defendants rented the school house to any club or clubs of persons, who damage or injure the house and furniture, with the knowledge and consent of the defendants? Answer: No.

(Signed) "F. W. Glenn foreman"

It is thereupon ordered, adjudged and decreed by the Court that the plaintiffs herein have and take nothing of this suit; and that the defendants re-

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spectively; to-wit: Joshua Johnson, Henry Hollingsworth, Thomas Keithley, Peter Jackson, and Essex Carrington in their capacity as Trustees for school purposes for the use and benefit of the "colored children of Austin", go hence without day; And It is further ordered, adjudged and decreed by the Court that said defendants for themselves, and for the use of the officers of court do have and recover of and from the said plaintiffs, and the securities on their cost bond, to-wit: Ed Williams & M. A. Baker on file in this cause, all costs in this behalf incurred, for which execution shall issue

√4552 State vs Henry Smith. And now on this day comes the defendant in his own proper person, and waiving a jury, enters the plea of "guilty"; It is thereupon ordered, by the Court that the State of Texas do have and recover of and from the defendant, Henry Smith the sum of twenty five dollars as a fine and all costs of this prosecution, for which committment shall issue.

√4499 The State vs Perry Upton. Comes the defendant on this day, waives a jury and enters the plea of guilty; It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant Perry Upton the sum of Ten dollars as a fine and all costs of this prosecution for which let committment issue

And thereupon court adjourned until Monday morning 9 a. m.

Monday March 6th 1876

Court met at 9 a. m. pursuant to adjournment: whereupon the following proceedings were had; to-wit:

√4390 Francis Willis vs Henry B. Willis. And on this day coming on to be heard the report made by E. C. Bartholomew and Edward Christian, commissioners appointed to partition the property here in litigation, and the objections and exceptions made thereto by the plaintiff, Francis Willis; and the court having considered said report, and the evidence offered to impeach and sustain the same; It is ordered by the court that said report be set aside and held for naught; and It is further ordered by the court that and be and they are hereby appointed commissioners to partition the property owned by plaintiff and defendant, real and personal, involved in this suit; and that said commissioners so divide said property as to give to each party one-half of the same; and that said Commissioners report their action in the premises to the present term of this court for confirmation or rejection.

√3416 The State vs Matt Burnham. Dismissed.

√3798 The State vs John Ravey. Dismissed.

√3799 The State vs Jno. Ravey alias John Ragio. Dismissed

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3903 The State vs Alex. Dickerson. And now on this day comes the defendant herein, waives a jury, and enters the plea of guilty; It is thereupon ordered, adjudged and decreed by the court that the State of Texas do have and recover of and from the defendant, Alex Dickerson, the sum of Ten dollars as a fine and all costs of this prosecution, and that committment issue.

4011 The State of Texas vs Albert Hutchins. And now on this day came the district Attorney in behalf of the State, and the defendant in person and by attorney, and announced themselves ready for trial; and thereupon the exceptions of the defendant to the sufficiency of the indictment coming on to be heard, and the same being duly considered by the court, after argument of counsel, are sustained; It is thereupon considered and ordered by the Court that the indictment herein is insufficient in law, and that the same be and is hereby quashed, and that the defendant Albert Hutchins go hence without day.

4023 State vs Bat. Lane. Dismissed.

4030 The State vs M. R. Jones and Charley Martin. Dismissed.

4042 Emma Hemphill vs John Hemphill. — And now on this day came the plaintiff by attorney, and announced ready for trial, but the defendant came not; and it appearing to the court that the defendant has accepted service herein, and waived issuance of citation and copy; and has signed, and filed an agreement, in writing, assenting that this cause may be taken up and disposed of, out of its regular order, at any time within the province of the court, and waiving all objections thereto, It is ordered that the same be now put upon a final hearing. And thereupon came a jury of twelve good and lawful men of Travis county to-wit: J. C. Stringer and eleven others, duly tried, empanneled and sworn, heard the pleadings of the plaintiff, evidence and charge of the court, retired to consider of their verdict, and returning rendered the following verdict, to-wit: "We the jury find the allegations in the plaintiffs petition to be true. J. C. Stringer, foreman."
It is thereupon ordered, adjudged and decreed by the Court that the rites of matrimony as celebrated between the plaintiff, Emma Hemphill, and the defendant, John Hemphill on the day of A. D. 1876, be vacated, set aside and held for naught, and that the bonds of matrimony between said plaintiff and defendant be and the same are hereby dissolved; and that the said defendant, Jno Hemphill pay all costs in this behalf (for which execution may issue.) incurred. It is further considered and ordered by the court that the officers of court have their execution against plaintiff and the securities on her cost bond or file

March 6th A.D. 1876.

in this case; to wit: James F. Johnson, for all costs by her incurred; and there being no issue of either property or children raised in this controversy, no further order is made.

√4404 First National Bank of Kansas City, Mo. vs. W. C. Cain. And now on this day came the plaintiff by attorney, and claims a judgment final by default; and by reason of defendant's failure to appear and answer within the time prescribed by law, he having been duly cited by personal service, thus wholly making his default. It is ordered that the clerk do here assess the damages due to plaintiff; and the said plaintiff's cause of action being fully liquidated, as evidenced by the two promissory notes of defendant, on file herein; and the said clerk having here assessed the damages and found that there is due to plaintiff the sum of three hundred and eighty dollars as his principal debt and interest due to this date, It is therefore considered, ordered and adjudged by the court that the plaintiff do have and recover of and from the defendant, W. C. Cain the sum of $380.00 as his principal debt and interest due upon the notes sued on, to this date, with interest thereon from date at 10% per annum, and all his costs in this behalf incurred; and that he have his execution therefor: and it is further ordered that the officers of court have their execution against plaintiff and the sureties on his cost bond; to wit: W. H. Bissell for all costs by him incurred.

√4063 The State vs Green Ridgway, John Rodgers and John Nelson. Continued for service.

√4066 The State vs John Isbell. — And now on this day came the defendant John Isbell, as principal, with D. A. Porter and L. P. Porter as his sureties, and being duly sworn in open court severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied of their respective goods, chattels, lands, tenements and estates; to be void nevertheless upon condition that the said John Isbell make his personal appearance before the February term A.D. 1876 of the District Court of Travis county, now in session, to answer an indictment preferred against him by the Grand Jury of Travis County for "theft of a cow ox," and that he remain from day to day and from term to term thereafter and that he do not depart the court without leave.

√4071 The State vs John Isbell. — And now on this day came the defendant, John Isbell as principal, with D. A. Porter and L. P. Porter as his securities, and being duly sworn in open court, severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied of their respective goods, chattels, lands, tenements and estates, to be void, nevertheless on condition that the said John Isbell make his personal appearance before the Feby.

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term, A.D 1876, of the district court of Travis county, now in session, to answer an indictment preferred against him by the grand jury of Travis County for the "theft of a cow"; and that he remain from day to day and from term to term thereafter, and that he do not depart the court without leave.

√4157 The State v. Anthony Johns. Dismissed.

√4201 The State vs Tom Sims. And now on this day came the defendant in person, waives a jury, and enters the plea of guilty. It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant, Tom Sims the sum of one dollar as a fine and all costs of this prosecution, and that committment issue.

√4394 The State vs Anthony —— Dismissed.

√4401 The State vs George Droote. Dismissed.

And thereupon Court adjourned until to-morrow 9 A.M.

Tuesday, March 7th 1876.

Court met at 9 a.m. pursuant to adjournment; Present same as on yesterday; whereupon the following proceedings were had by said court; to-wit:

√4041 The State vs Lewis White. (Burglary.) And now on this day came the District Attorney in behalf of the State, and the defendant in person and by attorney, and announced themselves ready for trial; and thereupon came a jury of twelve good and lawful men of Travis County; to-wit: J.C. Wilson and eleven others, duly tried, empannelled and sworn, having heard the indictment read, evidence, argument of counsel, and retiring under the charge of the court to consider of their verdict, returned into court the following verdict; to-wit: "We the jury find the defendant guilty, and assess the punishment at 2 years in Penetentiary. J.C. Wilson, Foreman". It is thereupon ordered by the court that the said defendant Lewis White, stand committed to the County Jail of Travis county, to await judgment and sentence.

√4103 Geo. B. Zimpelman vs Jacob M. Harrell. And now on this day comes the defendant by attorney and submits his motion for a new trial, and the same being duly considered by the court is overruled; to which ruling of the court defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

And thereupon court adjourned until to-morrow morning 9 A.M.

Wednesday March 8th 1876

Court met at 9 a.m. pursuant to adjournment: Present same as on yesterday; whereupon the following proceedings were had by said Court: to-wit:

√3934 The State vs David Steele. And now on this day comes the defendant in person, waives a jury, and enters the plea of guilty; It is thereupon

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ordered by the Court that the State of Texas do have and recover of and from the defendant, David Steele, the sum of twenty five dollars as a fine and all costs of this prosecution, for which let committment issue.

√4066 The State vs John Isbell. Continued by the State.

√4071 The State vs. John Isbell. Continued by the State.

√4113 The State vs Dave Steele. Continued.

√4147 The State vs Dock Stine. Dismissed

√4154 The State vs Charles Cannon. Continued by the State.

√4207 The State vs John Isbell, Continued by the State.

√4209 The State vs J. J. Sullivan. Continued for service.

√4222 The State vs Jim Moore. Continued by defendant

√4228 The State vs Dick Hart. Dismissed.

√4236 The State vs Chas. Matthews. Dismissed.

√4339 The State vs Joe. Jones. Dismissed.

√4279 The State vs Sylvester Lockwood. Continued by defendant.

√4306 The State vs Dave Steele. Continued

√4314 The State vs Watt Puryear. Dismissed.

√4315 The State vs Watt Puryear Dismissed

√4316 The State vs Watt Puryear. Dismissed

√4317 The State vs Watt Puryear. Dismissed.

√4527 The State vs Bew. Thompson. And now on this day came Bew. Thompson, defendant, as Principal, with John C. Burleson and G. W. Pierce as his sureties and being duly sworn in open Court severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the Penal sum of one hundred dollars, to be levied of their respective goods, chattels, lands tenements and estates; to be void nevertheless upon condition that said Bew. Thompson make his personal appearance before the District court of Travis county, (Feby Term) 1876, now in session, to answer an indictment preferred against him by the grand jury of Travis county at its present Feby. term 1876 for "Carrying a Pistol", and that he remain from day to day and from term to term thereafter, and that he depart not the court without leave.

√4522 The State vs Bew. Thompson. And now on this day came the defendant, Bew. Thompson, as Principal, with John C. Burleson and G. W. Pierce as his sureties, and being duly sworn in open court, severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied upon their respective goods, chattels, lands, tenements and estates; to be void nevertheless upon condition that the said Bew. Thompson, make his personal appearance before the Feby term, 1876, of the District Court of Travis county, now in

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session, to answer an indictment preferred against him by the grand jury of Travis county, at the present Feby. Term 1876, of said Court, for an assault to Kill &c." and that he remain from day to day and from term to term thereafter, and that he depart not the Court without leave.

4648 The State vs Dr. Paduana. Dismissed

4722 Ex-Parte, Rufus A. Upton. And now on this day came the respondent, bringing with him the body of the complainant, in obedience to the writ; and the questions of fact involved in this controversy being agreed to and admitted by counsel; and the legal issue raised therein being submitted to the Court, and by the same duly considered, after argument of counsel, It is ordered that the complainant, Rufus A. Upton, be discharged from custody; and further ordered that all parties go hence without day

4721 John H. Hampton. Ex Parte. And now on this day came on to be heard the petition of John H. Hampton, praying to have his disabilities of minorage removed; and the facts recited in said petition being duly sworn to; and it appearing to the satisfaction of the Court that it would be for the best interests of said minor to have his disabilities as a minor removed, It is thereupon ordered, adjudged and decreed by the court that the disabilities of the said minor, John H. Hampton, be and the same are hereby removed; and that said John H. Hampton be deemed, held and regarded, for all purposes of law, as of full age; and he is hereby invested with all the rights and privileges of majority, save and except as to the right of franchise.

4719 John E. Linn. Ex Parte. On this day came on to be heard the petition, duly sworn to, of the minor, John E. Linn, praying a removal of his disabilities of minorage, and it appearing to the Court that it would be to the interest of said minor that his petition be granted; It is thereupon considered and ordered by the Court that the disabilities of minorage of said John E. Linn be and the same are hereby removed; and that said minor be and he is hereby invested and held for all legal purposes, with the full privileges of manhood, save as to the right of suffrage.

And thereupon court adjourned until to-morrow morning 9 a.m.

Thursday. 9 A.M.

Court met at 9 a.m. pursuant to adjournment, whereupon the following proceedings were had, to-wit:

4342 The State vs John Camlin. Theft of cattle. And now on this day came the District Attorney in behalf of the State, and the defendant in person and by attorney, and announced themselves ready for trial; whereupon came a jury of twelve good and lawful men of Travis county, To-wit: James George and eleven others, duly tried, empannelled and sworn, heard the pleadings,

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evidence, argument of counsel, and retiring under charge of the court to consider of their verdict, returned the following verdict; to-wit: "We the Jury find the defendant guilty, and assess the penalty at two years in the penetentiary. James George, foreman." It is thereupon considered and ordered by the Court that the defendant, John Camlin stand committed to the County jail to await judgment and sentence.

√ 4341 The State vs Bob. Jones alias Bob Orange, Allman and Jake Caird. Dismissed.

(Error) 2931 Thos. F. McKinney vs A. M. Cox. continued

√ 4018 Eliza J. Tumey et al vs A. C. Tumey et. al. And now on this day comes M. Pagge by attorney, whereupon on motion It is ordered that said M. Pagge have leave to file his plea of intervention.

√ 4453 Jerry Paston vs A. R. Clarke. Continued.

√ 4464 Alfred Smyth vs J. K. Warren alias Dick Warren. Continued

√ 4466 Ino. A. Webb & Bro vs W. J. Saunders. Dismissed at Plaintiff's cost.

√ 4521 W. R. Davis vs Alfred Scott. Continued

√ 4522 Miller & Dorrell and Pendexter et al vs Alfred Scott. Continued to make parties.

√ 4501 The State of Texas vs Nat. Grumbles. — And now on this day came the parties by attorney, and announced ready for trial; and thereupon came a jury of twelve good and lawful men of Travis county, consisting of John H. Wood and eleven others, duly tried, empanneled and sworn, heard the evidence, argument of counsel and charge of the court, returned into court, without retiring, the following verdict; to-wit: "We the jury find the defendant guilty, and assess the fine at ten dollars. John H. Wood, foreman". It is thereupon ordered by the Court that the State of Texas do have and recover of and from the defendant Nat Grumbles the sum of ten dollars as a fine, and all costs of this prosecution, and that committment issue.

√ 4620 The State of Texas vs. Webb Hissam. Theft from a house. — And now on this day came the District attorney in behalf of the State, and the defendant in person and also by attorney, and announced themselves ready for trial; and thereupon came a jury of twelve good and lawful men of Travis county, consisting of Edwin Gray and eleven others, duly tried, empanneled and sworn, having heard the reading of the indictment, and defendants response of "not guilty", evidence, argument of counsel, and retiring under the charge of the court to consider of their verdict, returned into court the following verdict; to-wit: "We the jury find the defendant guilty as charged, and assess the punishment at three years in the penitentiary.

(Signed) "Edwin Gray foreman"

It is thereupon ordered by the court that the defendant Webb Hissam, stand committed to the County jail of Travis county, to await judgment and sentence.

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√4299 The State of Texas vs Solomon and Sam Garone. And now on this day came the State by her attorney, and came also the defendant, Sam Garone in person and by attorney, and announced themselves ready for trial; whereupon came a jury of twelve good and lawful men of Travis county, consisting of H. Burkhardt, and eleven others, duly tried, empaneled & sworn, heard, the evidence, argument of counsel and charge of the court, and returned from their seats the following verdict, to-wit: We the jury find the defendant, Sam Garone, not guilty. H. Burkhardt foreman. It is therefore considered and ordered by the court that the defendant, Sam Garone go hence without day.

√3732 The State vs J. R. Norris. Dismissed.

√4107 The State vs Pink Reid. And now on this day comes the defendant in person, waives a jury, and enters the plea of guilty; It is thereupon ordered by the
X court that the State of Texas do have and recover of and from the defendant, P. Reid the sum of Ten dollars as a fine, and all costs of prosecution, and that committment issue.

√4123 The State vs Johnny Davis. Dismissed.

√4137 The State vs John Baughn. Came the defendant on this day by attorney, waives a jury and enters the plea of guilty; whereupon It is ordered by the court
X that the State of Texas do have and recover of and from the defendant, John Baughn, the sum of ($25.00) as a fine, and all costs of this prosecution, for which let committment issue.

√4144 The State vs Paul Leris. And now on this day came the defendant in person, waives a jury, and enters the plea of guilty; It is thereupon con-
X sidered and ordered by the court that the State of Texas do have and recover of and from the defendant, Paul Leris, the sum of Ten dollars as a fine, and costs of this prosecution, and that committment issue.

√4356 The State vs S. W. McKnight et. al. Dismissed.

√4386 The State vs Chas. West. Dismissed

4387 The State vs Henry Harkins. Continued by the State.

√4427 The State vs L. E. Edwards. Dismissed.

√4425 The State vs M. D. Mattison. And now on this day comes the deft. M. D. Mattison, and being duly sworn, acknowledges himself to justly owe and be indebted unto the State of Texas in the penal sum of $100.00 to be levied of his goods, chattels, lands, tenements and estates; to be void nevertheless upon condition that said M. D. Mattison make his personal appearance before the Feby. term A. D. 1876 of the district court of Travis Co (now in session) to answer an indictment preferred against him by the grand jury of Travis County for "Pursuing occupation without license; and that he remain from day to day and from term to term thereafter, and that he depart not the court without leave,

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√4431 The State vs G. W. Sampson. Dismissed.

√4436 The State vs Joseph Webb. Dismissed.

√4441 The State vs S. M. Berryman Dismissed.

√4442 The State vs M. D. Mattison. Dismissed.

√4443 The State vs S. M. Berryman. In this cause it appearing that defendant has paid the full amount of occupation tax due the State, and all costs of this prosecution, as shown by Sheriff's receipt. It is ordered that the same be dismissed.

√4449 The State vs Friedberger & Bro. On this day came the defendants, and producing the receipt of the Sheriff, showing payment of occupation tax due the State, and costs of this prosecution, this cause is ordered dismissed.

√4452 The State vs John F. Johns. Dismissed.

4461 The State vs John H. Horan. Continued for service.

√4463 The State vs J. J. Wheadon. Dismissed.

√4473 The State vs Geo. W. Sampson, Dismissed.

√4479 City of Austin vs John Crozier. And now on this day came the parties by attorney, and announced themselves ready for trial; and the exceptions of the defendant to the sufficiency of the complaint coming on to be heard, the same are by the court, after argument of counsel, sustained; It is thereupon ordered by the Court that the Complaint be and the same is hereby quashed, and that defendant go hence without day. To which ruling of the court the Plaintiff by attorney excepts, and gives notice in open court of an appeal to the Supreme Court.

√4480 City of Austin vs M. and L. Paggi and Robbins. Dismissed

√4481 City of Austin vs Rolando. This cause coming on to be heard at this day, and the defendant being called, came not, but wholly made default; It is thereupon ordered by the court that the appeal bond of defendant, with Chas. Coney and Jacinto Garza as his securites, on file in this cause be forfeited to the City of Austin; and that a writ of procedendo do issue by the Clerk of this court to the Mayor of said city of Austin directing him to enforce and carry out the judgment heretofore rendered in this cause in said Mayor's court; and it is further ordered by the court that all costs incurred in this prosecution be adjudged against the appellant and the securities on his appeal bond.

Procedendo issued

√4482 City of Austin vs Wm Jones. And now on this day this cause being called, as also the defendant, who came not, thus wholly making his default: whereupon it is ordered by the court that the appeal bond of defendant Jones, as principal, with Clabe Lewis as his security, be forfeited to the City of Austin; and that the clerk of this court do issue a writ of procedendo directed to the Mayor of the city of Austin, directing him to enforce and carry out the judgment heretofore rendered in said Mayor's court in this cause. And

Procedendo issued

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further ordered that ~~that~~ the appellant and surety on his appeal bond be adjudged to pay all costs incurred in this prosecution.

4483 City of Austin vs Sam. Miller. Continued by the Plaintiff.

✓4484 City of Austin vs. C. McLaughlin. And norrow this day this cause coming on to
X be heard, and the defendant being called, came not, but wholly made default; It is thereupon ordered by the court that the appeal bond of said defendant Chas. McLaughlin as principal, with A. R. Morris as security, on file herein be forfeited to the City of Austin; and that a writ of Procedendo be issued by the clerk of this court, directed to the Mayor of the City of Austin, commanding him to enforce and carry out the Judgment heretofore rendered in this cause in said Mayor's court, from which this cause was appealed; and further ordered that all costs in this behalf incurred be adjudged against appellant and the aforesaid surety on his appeal bond.

procedendo ifsued

✓4486 City of Austin vs C. Coney. In this behalf It is ordered by the court that the complaint herein be quashed, and that defendant go hence without day.

✓4492 The State vs Peter Bratton. And now on this day came the defendant by atty,
X waives a jury and enters the plea of guilty, It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant Peter Bratton, the sum of Ten dollars as a fine and all costs of this prosecution, and that committment ifsue.

4493 The State vs Jim Moore. Continued by defendant.

✓4510 The State vs Jerry Johnson. Comes the defendant herein by attorney, waives a jury, and enters the plea of guilty; It is thereupon ordered by the court
X that the State of Texas do have and recover of and from the defendant Jerry Johnson the sum of ($10.00) as a fine, and all costs of this prosecution, and that committment ifsue.

4518 The State vs Jerry Peoples. Continued by the State.

✓4531 The State vs Lem Russell. Dismissed.

✓4562 The State vs Hal. Binford. And now on this day came the defendant by atty, waives a jury and enters the plea of guilty; It is therefore ordered by the court
X that the State of Texas do have and recover of and from the defendant Hal Binford, the sum of ($25.00) as a fine, and all costs of this prosecution, and that committment issue.

4575 The State vs Newell Burditt. Continued by defendant.

✓4578 The State vs Charley Cook. Comes the defendant on this day in person, waives a jury, and enters the plea of guilty; whereupon It is considered
X and ordered by the court that the State of Texas do have and recover of and from the defendant Chas. Cook the sum of ten dollars as a fine and all costs of this prosecution, and that committment issue.

4580 The State vs John Baughn. Continued.

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✓ 4586 The State vs Maroney. And now on this day came the defendant
X by attorney, waives a jury and enters the plea of guilty: It is thereupon
X ordered by the court that the State of Texas do have and recover of and
from the defendant, Maroney, the sum of Twenty five dollars as a
fine, and all costs of this prosecution, and that committment issue.

✓ 4621 The State vs Aaron Billingsly. Dismissed.

✓ 4625 The State vs Alonzo Pennington. Dismissed

✓ 4636 The State vs George Gardiner. Comes the defendant on this day in person,
X and waiving a jury, enters the plea of guilty; It is thereupon considered
X and ordered by the court that the State of Texas do have and recover
of and from the defendant Geo. Gardiner, the sum of $25.00 as a fine and
costs of prosecution, and that committment issue.

4669 The State vs Jack Haynes. And now on this day came the defendant by
attorney, waives a jury and enters the plea of guilty. It is thereupon con=
X sidered and ordered by the court that the State of Texas do have and recover
of and from the defendant Jack Haynes the sum of $10.00 as a fine and
all costs of this prosecution, and that committment issue.

and ordered that court adjourn until to=morrow morning 9 a.m.

Friday March 10th 1876.

Court met at 9 a.m. pursuant to adjournment, whereupon the following pro=
ceedings were had by said Court, to=wit:

✓ 4520 The State vs Charles Coney. And now on this day came the State by her
attorney, and came also the defendant in person and by attorney; and an=
nounced themselves ready for trial; and thereupon came a jury of twelve
good and lawful men of Travis county, consisting of John H. Wood and
eleven others, duly tried, empaneled and sworn, heard the reading of the
indictment, plea of not guilty, evidence, argument of counsel and charge
of the court, and retiring to consider of their verdict, returned into court the
following verdict, to=wit: "We the jury find the defendant not guilty;
John H. Wood, foreman. It is thereupon considered and ordered by the court
that the defendant, Charles Coney go hence without day.

✓ 4485 City of Austin vs Paul Leris. And now on this day this cause coming
on to be heard, comes the defendant in his own proper person, waives a
jury and enters the plea of guilty; It is thereupon considered and ordered
by the court that the City of Austin do have and recover of and from
the defendant, Paul Leris, the sum of ten dollars as a fine; and all
costs incurred in the Mayor's court from which this cause was appealed;
and It is further ordered by the court that ~~committment~~ execution issue against said
appellant Leris, as principal, and the securities on his appeal bond; to=wit:

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Alexander Lovk and Alex Dickerson, in favor of the City of Austin and the officers of this court for all costs incurred in this prosecution.

✓4501 The State vs John Storey. And now on this day comes the defendant by attorney waives a jury and enters the plea of guilty; It is thereupon considered and ordered
X by the court that the State of Texas do have and recover of and from the defendant John Storey, the sum of ten dollars as a fine and all costs of this prosecution, and that committment do issue.

✓4502 The State vs Alex Dickerson. Comes the defendant on this day in person, waives
X a jury, and enters the plea of guilty; It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant, Dickerson, the sum of ten dollars as a fine, and all costs of this prosecution, and that committment issue.

✓4579 The State vs Mose Smisher. Comes the defendant by attorney, waives a jury,
X and enters the plea of guilty; It is thereupon considered and ordered by the court that the ~~court that~~ State of Texas do have and recover of and from the defendant, Mose Smisher, the sum of ten dollars as a fine and costs of this prosecution, and that committment issue.

✓4675 The State vs John Storey. Dismissed.

3428 The State vs Ed. Grooms. Continued by the State.

4164 The State vs. Wm Isbell. Continued by the State.

And thereupon court adjourned until to-morrow morning 9 a.m.

Saturday, March 11th 1876

Court met at 9 a.m. pursuant to adjournment: Present same as on yesterday, whereupon the following proceedings were had; to-wit:

✓4430 Long vs Geo. L. Robertson et. al. And now on this day came the plaintiff by attorney, and submits his motion for a new trial, and the same after argument of counsel and due consideration of the court is overruled; to which ruling of the court the plaintiff excepts, and gives notice in open court of an appeal to the Supreme Court.

✓4176 Julia Hill et als vs Tom Hill. And now on this day came the plaintiffs by attorney, and submit their motion to set aside the sale of property in this cause, made by the Sheriff of Travis county under an order of this court heretofore made and entered of record; and the same being duly considered by the court after argument of counsel, is overruled; and It is further considered, ordered and adjudged by the Court that the action of such Sheriff in making said sale as aforesaid, be and the same is hereby in all things approved and confirmed by the court; and It is further adjudged and decreed that the Sheriff of said Travis County do make and duly execute to Tom Hill, the purchaser of said property at such sale, a deed therefor, upon

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Tom Hill pay into court all monies in his hands belonging to said estate, & that the clerk of this court pay over to the parties entitled thereto their distributive shares in accordance with decree heretofore entered at Oct. term of this court.
said Hill's payment in full of the purchase money; and further ordered that said

4454 Jeremiah Sheehan vs M. A. Taylor et. al. Come the defendants by attorney and submit their motion for a new trial in this behalf which by the court after a due consideration of the same, and after argument of counsel, is overruled; to which ruling of the court the defendants except, and give notice in open court of an appeal to the Supreme Court.

4389 Wm. Esser vs Home Machine Co. And now on this day comes the Plaintiff by atty, and submits his motion for a new trial, which being duly considered by the court is overruled; and thereupon said plaintiff excepts to such ruling of the court, and gives notice in open court of an appeal to the Supreme court.

4398 The State vs Joseph Van Nee. And now on this day came the District Attorney in behalf of the State, and came also the defendant in person and by attorney; and announced ready for trial; and thereupon came a jury of twelve good and lawful men of Travis County, consisting of James George and eleven others, duly tried, empanneled and sworn, heard the reading of the indictment, plea of not guilty, evidence, argument of counsel, and retiring under the charge of the court to consider of their verdict, returned into court the following verdict, to wit: "We the jury find the defendant guilty, and assess the penalty at two years in the penetentiary. James George, Foreman." It is thereupon considered and ordered by the Court that the defendant, Joseph Van Nee stand committed to the county jail of Travis County, to await judgment and sentence.

4619 The State vs Aaron Robinson. And now on this day came the defendant in person, waives a jury, and enters the plea of guilty; It is thereupon considered and ordered by the court that the State of Texas do have and recover of and from the defendant, Aaron Robinson, the sum of Ten dollars as a fine, and all costs of this prosecution, and that committment do issue.

4642 The State vs. A. Meyer. Dismissed.

4633 The State vs Bill Gordon, Dismissed.

4612 The State vs Bill Gordon. Comes the defendant on this day by attorney, waives a jury and enters the plea of guilty. It is thereupon ordered by the Court that the State of Texas do have and recover of and from the defendant Bill Gordon, the sum of Ten dollars as a fine, and costs of this prosecution, and that committment do issue.

4664 Briggs, Payne & Co vs C. M. Booth. On this day came on to be heard the application of the plaintiffs for an order to sell the property attached, and the parties appearing by counsel the same was submitted to the court, whereupon it is ordered and decreed that the sheriff make sale of the property attached, and that an order of sale issue by the clerk of this court directing said sheriff to make sale of the property seized and held by him under the

issued

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writ of attachment herein, at public sale, in the same manner as in case of sale under execution; and that he make return of said order of sale to this court, within five days after such sale, with his proceedings therein; and that he pay all moneys arising from said sale into the hands of the clerk of this court, and that said proceeds be held by him subject to judgment in this cause; to which ruling of the court the defendant excepts.

No 4668 Tooner, Sykes & Billups vs. C. M. Booth. And now on this day came the parties by attorney, and the plaintiffs submit their motion praying an order of sale directing the Sheriff of Travis County to sell at public sale, as under execution, the property seized and held by him under the writ of attachment on file in this cause; which motion, after due consideration of the Court is overruled.

No 4669 1st National Bank of Ft Scott vs. C. M. Booth. And now on this day came on to be heard the application of the plaintiffs for an order to sell the property attached, and all parties appearing by counsel, the same was submitted to the court; whereupon It is ordered and decreed that the Sheriff of Travis county make sale of the property attached, and that an order of sale issue by the Clerk of this court directing said sheriff to make sale of the property seized and held by him under the writ of attachment herein, at public sale, in the same manner as in case of sales under execution; and that he make return of said order of sale to this court, within five days after such sale, with his proceedings thereon; and that he pay into the hands of the clerk of this court all moneys arising from such sale, to be held by him subject to judgment in this cause; to which ruling of the court said defendant excepts.

Issued

No 4680 Nash, Lewis & Co. vs C. M. Booth. And now on this day came on to be heard the application of the plaintiffs for an order to sell the property attached; and all parties appearing by counsel, the same was submitted to the court: whereupon It is ordered and decreed that the Sheriff of Travis county make sale of the property attached, and that an order of sale issue by the clerk of this court directing said Sheriff to make sale of the property seized and held by him under the writ of attachment herein, at public sale, in the same manner as in case of sales of like property under execution; and that he make return of said order of sale to this court within five days after such sale, with his proceedings thereon; and further ordered that he pay over to the clerk of this court all moneys arising from such sale to be held by him subject to judgment in this cause; to which ruling of the court the defendant excepts.

Issued

No 4664 Briggs, Payne & Co vs C. M. Booth. And now on this day come the parties by attorney, and the motion of the defendant to quash the attachment, and levy and return of the sheriff thereon, coming on to be heard, and the same being duly considered by the court after the argument of counsel, is overruled;

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to which ruling of the Court the said defendant excepts.

No 4668 Toone, Sykes & Billups vs C.M. Booth. On this day come the parties by atty: whereupon the defendants motion to quash the writ of attachment sued out in this cause, as also the levy and return of the sheriff on same, being submitted to the court, after argument of counsel, and premises well understood. It is ordered by the court that the writ of attachment ~~herein~~ on file herein is insufficient in law for want of sufficient bond, and that the same be quashed.

No 4669 First National Bank of Ft Scott vs C.M. Booth. And now on this day come the parties by attorney, and thereupon the defendant submits his motion to quash the writ of attachment in this cause, as also the Sheriff's levy and return thereon, and the same being duly considered by the court, after argument of counsel, is overruled; to which ruling of the court the said defendant excepts.

No 4680 Flash, Lewis & Co vs C.M. Booth. Come the parties to this cause by their attorneys, and the motion of the defendant to quash the writ of attachment sued out herein by plaintiffs, together with the return and levy on same made by the Sheriff, coming on to be heard, and being duly submitted, is by the court, after argument of counsel, overruled; to which ruling of the court the defendant excepts. And thereupon court adjourned until Monday morning 9 a.m.

Monday Morning 9 A.M.

Court met at 9 a.m. pursuant to adjournment, present same as on yesterday, when the following proceedings were had, to-wit:

No 4712 James McDeer, Ex Parte. And now on this day came on to be heard the petition of James McDeer, praying a removal of his disabilities of minorage; and the facts alleged in said petition being duly supported by affidavit; and it appearing to the satisfaction of the court that it would be for the best interests of said minor to grant the prayer of his petition, It is thereupon considered, ordered, adjudged and decreed by the court that the disabilities of minorage of the said James McDeer, be and the same are hereby removed and set aside, and that he be deemed and held responsible in law as of full age, and be invested under this decree with all the rights and privileges of majority, save and except as to the right of franchise.

No 4322 The State of Texas vs Ben. Thompson. And now on this day came the State by her attorney, and came also the defendant in person and by attorney, and announced ready for trial; and thereupon came a jury of twelve good and lawful men of Travis county, to-wit: James George Foreman and eleven others, duly tried, empaneled and sworn, heard the indictment, plea of not guilty, evidence, and charge of the court, returned from their seats the following verdict, to-wit: "We the jury find the defendant not guilty. James George

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foreman". It is thereupon considered and ordered by the Court that the said defendant, Bew. Thompson, go hence without day.

✓4573 The State of Texas vs Bew Lewis. And now on this day came the district attorney in behalf of the State, and came also the defendant in person and by attorney; and thereupon said defendant in response to the indictment, enters the plea of guilty; when came a jury of twelve good and lawful men of Travis county, to-wit: E. C. Bartholomew and eleven others, duly tried, empanneled and sworn, heard the indictment, plea of guilty, and returned from their seats under the charge of the court, the following verdict; to-wit: "We the jury find the defendant guilty, and assess his punishment at two years confinement in the State penetentiary. E. C. Bartholomew, foreman". It is thereupon ordered by the Court that the said defendant, Bew Lewis stand committed to the County jail of Travis County, to await judgment and sentence.

✓4574 The State vs Bew Lewis. Dismissed

✓4677 The State vs Jeff. Taylor. And now on this day came the defendant in person, waives a jury, and enters the plea of guilty; It is thereupon considered and ordered by the Court that the State of Texas do have and recover of and from the defendant, Jeff. Taylor the sum of ten dollars as a fine, and costs of this prosecution, and that committment issue.

4530 The State vs Charles Matthews. Continued by the State.

4523 The State vs M. J. Mattison. Continued by defendant.

✓4529 The State vs John C. Burleson. Dismissed

✓4530 The State vs Jno. C. Burleson. Dismissed

✓4533 The State vs M. Wilson. Dismissed

4543 The State vs E. Hicks. Continued.

✓4644 The State vs Henry Jenkins. Dismissed.

✓4505 The State vs V. Butierans alias Crescio Gutierez. And now on this day came the district attorney in behalf of the State, and came also the defendant in person and by attorney, and announced themselves ready for trial; and in response to the indictment the defendant entered the plea of not guilty; and thereupon came a jury of twelve good and lawful men of Travis county, to-wit: L. Schooler and eleven others, duly tried, empanneled and sworn, heard the indictment, plea of not guilty, evidence, argument of counsel and charge of the court, and retering to consider of their verdict returned into court the following verdict; to-wit: "We the jury find defendant guilty, and assess the punishment at five years in State penetentiary. L. Schooler, foreman. It is thereupon considered and ordered by the court that the said defendant V. Butierans alias Crescio Gutierez stand committed to the county jail of Travis county, to await judgment and sentence.

✓4547 The State vs Sam. Thomas. And now on this day came the District attorney in

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behalf of the State, and the defendant in person and by attorney; and thereupon said defendant enters the plea of guilty in response to the indictment; whereupon came a jury of twelve good and lawful men of Travis county consisting of J.C. Stringer and eleven others, duly tried, empanneled and sworn; heard the indictment, plea of guilty, and returned from their seats under the charge of the court the following verdict; to-wit: "We the jury find the defendant guilty, and assess his punishment at two years confinement in the penetentiary. J. C. Stringer, Foreman." It is thereupon ordered by the court that said defendant Jam Thomas, stand committed to the county jail of Travis county, to await judgment and sentence.

4018 Eliza J. Tunney vs. D. C. Tunney et al. Comes on this day M. D. Mattison by attorney, whereon motion It is ordered that said M. D. Mattison have leave to file his plea of intervention.

4549 The State of Texas vs Charles Conio alias Coney. And now on this day came the defendant, Charles Coney, as principal, with M. Paggi and Jo Mercer as his securities, and being duly sworn in open court severally and jointly acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of five hundred dollars, to be levied of their respective goods, chattels, lands, tenements and estates, to be void nevertheless on condition that the said Chas. Conio alias Coney, make his personal appearance before the February term A.D. 1876 of the district Court of Travis County, now in session, to answer an indictment preferred against him by the grand jury of Travis County at present Feby. term 1876 for "Perjury", and that he remain from day to day and from term to term thereafter, and that he depart not the court without leave.

And thereupon said Court adjourned until to-morrow morning 9 a.m.

Tuesday March 14th 1876.

Court met at 9 o'clock A.M. pursuant to adjournment: Whereupon the following proceedings were had: to-wit:

4338 The State vs Wm Crayton. And now on this day came the State by her attorney, as also the defendant in person and by attorney, and announced themselves ready for trial: and to the reading of the indictment the defendant enters the plea of not guilty; and thereupon came a jury of twelve good and lawful men of Travis county; to-wit: E. C. Bartholomew and eleven others, duly tried, empanneled and sworn, heard the indictment, plea of not guilty, evidence, argument of counsel and charge of the court, and retiring for deliberation, returned into court the following verdict; to-wit: We the jury find the defendant, guilty and assess the punishment at five (5) years confinement in the State

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penetentiary. E. C. Bartholomew, foreman." Whereupon It is considered and ordered by the Court that the said William Crayton stand committed to the County jail of Travis County to await judgment and sentence.

✓ 4584 The State vs Ed. Creary. Comes the State on this day by attorney, and the defendant in person and by attorney, and announced ready for trial; and to the indictment the defendant enters the plea of not guilty; whereupon came a jury of twelve good and lawful men of Travis County, consisting of Jas George and eleven others, duly tried, empaneled and sworn, heard the indictment, plea of not guilty, evidence, and returned from their seats, under charge of the court, the following verdict, to-wit: "We the jury find the defendant not guilty, James George, foreman. It is thereupon ordered by the Court that the defendant, Ed. Creary go hence without day.

✓ 4670 The State vs Monroe Orgain. And now on this day comes the defendant in person, waives a jury and enters the plea of guilty; It is thereupon considered and + ordered by the Court that the State of Texas do have and recover of and from the defendant, Monroe Orgain, the sum of ten dollars as a fine, and costs of this prosecution, for which let execution issue

✓ 4597 The State vs Shack Weir. Comes the defendant on this day by attorney, waives a jury, and enters the plea of guilty; whereupon It is ordered and consid- ered by the Court that the State of Texas do have and recover of and x from the defendant, Shack Weir, the sum of ten dollars as a fine, and all costs of this prosecution, and that committment do issue.

✓ 4576 The State of Texas vs Nemel Burditt. And now on this day comes the deft, + by attorney, and waiving a jury, enters the plea of guilty; It is thereupon con- sidered and ordered by the Court that the State of Texas do have and re- x cover of and from the defendant Nemel Burditt, the sum of twenty five dollars as a fine, and costs of this prosecution, and that committment issue.

✓ 4082 The State vs Al. Rainey. And now on this day came the State by her atty, and came also the defendant in person and by attorney, and announced ready for trial; and thereupon came a jury of twelve good and lawful men of Travis County, to-wit: J. Gildart and eleven others, duly tried, empan- neled and sworn, heard the indictment, plea of not guilty, evidence, argument of counsel and charge of the Court, and retiring to consider of their verdict, returned into Court the following verdict, to-wit: "We the jury find the defendant, not guilty" J. Gildart, foreman It is thereupon considered and ordered by the Court that the defend- ant Al. Rainey be discharged from custody, and go hence without day.

✓ 4602 The State vs Hanson Clark. Comes the defendant on this day in person waives a jury and enters the plea of guilty; whereupon It is ordered by the court that the State of Texas do have and recover of and from

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the defendant, Hamen Clark the sum of $10.00 as a fine and costs of this prosecution, and that committment issue.

4592 State vs E. A. Hicks. Continued.

√4591 The State vs S. G. Kingsbury. Dismissed.

√4590 The State vs S. G. Kingsbury. Dismissed.

√4589 The State vs Marshall Johnson. Come the parties on this day by atty. and it appearing to the Court that the indictment in this cause is informal and insufficient in law. It is ordered that the same be quashed and that defendant, Marshall Johnson, go hence without day.

√4588 The State vs Marshall Johnson. And now on this day come the parties by attorney, whereupon the defendant by attorney excepts to the sufficiency of the indictment, which exception after due consideration of the court is sustained; It is thereupon considered and ordered by the court that said indictment is held informal and insufficient in law; and that the same be and is hereby quashed, and that defendant, Marshall Johnson go hence without day.

4566 The State vs Moses Orgain. Continued.

√4496 The State vs Monroe Orgain. Comes the defendant on this day by atty. waives a jury and enters the plea of guilty; It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant Monroe Orgain, the sum of ($10.00) as a fine, and all costs of this prosecution, and that committment do issue

√4488 State vs Henry Elliott. Comes the defendant on this day by atty. waives a jury and enters the plea of guilty: It is thereupon considered and ordered by the Court that the State of Texas do have and recover of and from the defendant Henry Elliott the sum of ten dollars as a fine and costs of this prosecution, and that committment issue.

√4595 The State of Texas vs A. Ulrich. Come the parties on this day by atty. and announced themselves ready for trial; and thereupon came a jury of twelve good and lawful men of Travis County, consisting of E. C. Bartholomew and eleven others, duly tried, empanneled and sworn, heard the indictment, plea of not guilty, evidence, argument of counsel, and being charged by the court as to the law, returned from their seats the following verdict; to-wit: We the jury find the defendant not guilty, E. C. Bartholomew, foreman. It is thereupon ordered by the court that said defendant A. Ulrich go hence without day.

And thereupon court adjourned until to-morrow morning, 9 a.m.

Wednesday, March 15th 1876.

√4120 Caroline McNally vs Irene Johnson. And now on this day came the plaintiff

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by atty. and submits and reads in open court, her notice of appeal to the Supreme Court, on file in this cause; said plaintiff's motion for a new trial herein having been overruled at a preceding day of this term.

4073 The State vs Mark Tiner. Continued.

√4319 The State vs Toney Murphy. Comes the defendant on this day in person, waives a jury, and enters the plea of guilty: It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant Toney Murphy, the sum of twenty five dollars as a fine, and costs of this prosecution, and that committment do issue.

4408 The State vs Marshall Johnson. Continued by the State.

√4415 The State vs Sam Williams. Dismissed.

Jury Service It is ordered by the Court that the following persons receive the amount set opposite their names for services rendered as grand jurors at the present term:

Grand Jury

Name	No.	days	Amt.		No.	days	Amt.
Geo. W. Malone[1]	1554	16	$32.00	J. B. Barron[2]	1556	16	32.00
A. Campbell[4]	1557	16	32.00	A. Von Rosenberg[3]	1556	16	32.00
D. H. Walsh[6]	1559	16	32.00	Enoch Martin[5]	1558	16	32.00
J. E. Haber[8]	1561	16	32.00	Jack Tannehill[7]	1560	16	32.00
H. M. Metz[10]	1563	16	32.00	Neil McCashio[9]	1562	16	32.00
Wm Turney[12]	1565	16	32.00	R. S. Bacon[11]	1564	16	32.00
E. Raven[14]	1567	16	32.00	Theodore Gibbs[13]	1566	16	32
				E. Weston[15]	1568	16	32
				Total.			$480.00

Jury Service It is ordered by the Court that the following persons receive the sums set opposite their names for services rendered as petit jurors at the present term:

1569 R. Scheiffer[1]	5	$10.	1st Week	1570	G. T. Grayham[2]	5	$10.00
1571 Alex. Gardiner[3]	5	10—		1572	M. Dyer[4]	5	10.00
1573 Jos. Goodman[5]	5	10=		1574	J. B. Rogers[6]	5	10.00
1575 Jas. Wall[7]	5	10=		1576	James George[8]	5.	10.—
1577 J. H. Ward[9]	5	10—		1578	A. Shirk[10]	5	10—
1579 A. Musgrove[11]	5	10—		1580	James Sims[12]	5	10—
1581 M. Smishes[13]	5	10—		1582	Jno. Stringer[14]	5	10—
1583 Jno. Scott[15]	5	10—		1584	Jack Goodman[16]	5	10—
1585 J. H. Warren[17]	5	10—		1586	Robt Churchill[18]	5	10—
1587 David Jones[19]	5	10—		1588	J. R. Oringe[20]	5	10—
1589 Robt Herndon[21]	5	10—		1590	J. H. Gett[22]	5	10—
		2nd Week					$220.00
1591 J. W. O'Neil[1]	5	$10.00		1592	Thomas Turney[2]	5	10
1593 H. Clay Eanes[3]	5	10—		1594	J. W. Morris[4]	2	4.00
1595 James Wall[5]	5	10—		1596	A. Denney[6]	1	2.00

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	1597	C. Lems[7]	5	$ 10—	1598	J. C. Minter[8]	4	— $ 8.00
	1599	Sam Mason[9]	5	10—	1600	Frank Hancock[10]	4	8.—
	1601	John Jones[11]	4	8—	1602	James Poleton[12]	4	8—
	1603	Ed Gray[13]	4	8	1604	James George[14]	5	10.—
	1605	J. H. Wood[15]	4	8.	1606	Jno. Scott[16]	4	8—
	1607	F. Petmecky[17]	5	10—	1608	Abek Lewis[18]	4	— 8—
	1609	James Sims[19]	4	8—	1610	Jno. Honeker[20]	5	10—
	1611	Robt Herndon[21]	4	8	1612	A. Shirk[22]	5	10—
	1613	P. L. Hopkins[23]	5	10—	1614	Jack Goodman[24]	5	10—
	1615	M. Smisher[25]	4	8—	1616	A. H. Whitten[26]	4	8—
Jury Service	1617	Lee Blocker[27]	4	8—	1618	Jno. Stringer[28]	4	— 8
	1619	Robt Barr[29]	4	8	1620	Henry Ashcraft[30]	4	8
	1621	Jos. Barnhart[31]	4	8.	1622	R. Haskey[32]	5	— 10—
	1623	Wm Thaxton[33]	5.	10	1624	Baxter[34]	4	8—
	1625	J. W. Morris[35]	4	8—	1626	L. Henke[36]	1	— 2—
	1627	Peter Gregg[37]	3	6—	1628	E. Lewis[38]	5	10—
				3rd Week.				$ 316.00
	1629	C. E. Poteet	5	$10.00	1630	A. Shirk[2]	6	— 12.00
	1631	Wm Young[3]	2	4.00	1632	D. F. Waddell[4]	6	— 12.
	1633	Robt Barr[5]	6	12.00	1634	R. Herndon[6]	5	10.—
	1635	M. Smisher[7]	5	10.—	1636	H. Smitheon[8]	6	— 12—
	1637	C. J. Dukey[9]	5	10—	1638	B. F. Cotton[10]	5	— 10—
	1639	A. H. Whitten[11]	6	12—	1640	Lee Blocker[12]	6.	12—
Jury Service	1641	W. B. Sharp[13]	6	12	1642	[14] J. W. O'Neal[15]	3	6.—
	1643	Robt Churchill[15]	1	2.	1644	Jim Poleton[16]	5.	10—
	1645	Jack Goodman[17]	5	10—	1646	T. W. Glenn[18]	5	=10
	1647	Frank Petmecky[19]	6	12—	1648	P. L. Hopkins[20]	5	=10
	1649	L. C. Lock[21]	5	10	1650	Bill Holder[22]	3	= 6—
	1651	M. C. Nuckols[23]	5	10	1652	M. L. Langford[24]	6	—12—
	1653	James Sims[25]	5	10	1654	Wm Thaxton[26]	5	10—
	1655	James George[27]	6	12	1656	Jos. Barnhart[28]	6	—12
	1657	J. H. Gett[29]	6	12	1658	Jno. H. Wood[30]	5	.10=
	1659	J. L. Pogue[31]	5	10=	1660	Jno. Scott[32]	2	= 4
	1661	E. Lewis[33]	5	10	1662	Wm Thaxton[34]	5	10=
	1663	Jno. Maxwell[35]	3	6—	1664	Jas. McCulloch[36]	4	8—
	1665	E. Martin[37]	5	10	1666	M. Smisher[38]	5.	10
								$ 370.00

√4599 The State of Texas vs Dew Perry and Antonio Rodreguez. And now on this day came the district attorney in behalf of the State, and came also the defendants in person and by attorney, and announced themselves ready for trial; and in response to the indictment the defendants severally enter

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the plea of not guilty; and thereupon came a jury of twelve good and lawful men of Travis County, to-wit: M. C. Nuckols, Jr and eleven others, duly tried, empanneled and sworn; heard the indictment, plea of not guilty, evidence, argument of counsel, and retiring under the charge of the Court to consider of their verdict, returned into court the following verdict, to-wit: "We the Jury find the defendants guilty, and assess the punishment at two "years confinement in the State penetentiary, for each one. M. C. Nuckols "Jr. foreman". It is thereupon considered and ordered by the Court that each of said defendants, to-wit: Bew. Perry and Antonio Rodriguez stand committed to the County Jail of Travis county to abide judgment and sentence.

4585 State vs George Platt. Continued by defendant.

✓4490 The State vs Henry Smith. Dismissed

✓4243 The State vs Daniel James. And now on this day came the parties by attorney, and announced ready for trial; and thereupon the informality and insufficiency of the indictment coming on to be heard at the suggestion of defendants counsel, and by the court duly considered, the same is held insufficient in law; whereupon It is considered and ordered by the court that said indictment be and the same is hereby quashed, and that said defendant, Daniel James, go hence without day.

4641 The State vs Robt B. Smith. Continued by consent.

4618 The State vs Robt. B. Smith. Continued.

4613 State vs Robt B. Smith. Continued by consent

4614 State vs R. B. Smith. Continued.

4615 State vs R. B. Smith. Continued.

4616 State vs Robt. B. Smith Continued

4617 State vs Robt B. Smith. Continued.

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

Thursday Morning 9 A.M

Court met at 9 o'clock a.m. pursuant to adjournment; present same as yesterday; whereupon the following proceedings were had by said court, to-wit:

✓4559 The State vs Sam. Williams. And now on this day came the parties by attorney and announced themselves ready for trial; and thereupon the exceptions of the defendant to the sufficiency of the indictment coming on to be heard, and by the Court duly considered, after argument of counsel, are overruled, to which ruling of the court said defendant by attorney excepts; when came a jury of twelve good and lawful men of Travis county, to-wit: James Gildart and eleven others, duly tried, empannelled and sworn; heard the indictment, plea of not guilty, evidence, argument of counsel, and retiring

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under the charge of the Court to consider of their verdict, returned into court the following verdict, to-wit: "We the jury find the defendant guilty, and assess his punishment at two years confinement in the State penitentiary. "James Gildart, foreman." It is thereupon ordered by the court that the defendant Sam Williams stand committed to the County jail of Travis county, to abide judgment and sentence.

√4542 The State vs Pablo Moreno. Comes on this day the State by her attorney, and came also the defendant in person and by attorney, and announced ready for trial; whereupon came a jury of twelve good and lawful men of Travis county, consisting of James Gerge and eleven others, duly tried, empanneled and sworn; and in response to the indictment the defendant enters the plea of guilty, and invokes the clemency of the court; and thereupon said jury, returned from their seats, under charge of the court the following verdict, to-wit: "We the jury find the defendant guilty and assess his punishment at five years confinement in the State penitentiary." Wherefore It is considered and ordered by the Court that said defendant, Pablo Moreno, stand committed to the County Jail of Travis county to await judgment and sentence.

James Gerge foreman

√4687 The State vs Henry Elliott. Comes the defendant on this day in his own proper person, waives a jury, and enters the plea of guilty; It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant, Henry Elliott, the sum of ten dollars as a fine and all costs of this prosecution, and that committment issue.

√4686 The State vs John Devine. And now on this day comes the defendant by attorney, waives a jury and enters the plea of guilty; whereupon It is ordered by the court that the State of Texas do have and recover of and from the defendant, John Devine, the sum of ten dollars as a fine, and costs of this prosecution, and that committment issue.

√4685 The State vs Torey Murphy. Dismissed

√4648 The State vs Claibe Hankins. On this day came the defendant by atty waives a jury and enters the plea of guilty; It is thereupon ordered by the Court that the State of Texas do have and recover of and from the defendant, Claibe Hankins, the sum of ten dollars as a fine and costs of prosecution, and that committment do issue.

4647 The State vs Dave Hart. Continued by defendant.

√4640 The State vs Dave Williams. Dismissed

4639 The State vs Joe. Hallam. Continued

4622 The State vs Jas. Cassiday. Continued by defendant.

√4611 The State vs Billy Robinson. Comes the defendant on this day in person waives a jury and enters the plea of guilty; whereupon It is considered by

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the court and so ordered that the State of Texas do have and recover of and from the defendant Billy Robison the sum of $10.00 as a fine, and all costs of this prosecution, and that committment issue.

√4607 The State vs Fred. Frazier. Dismissed.

√4596 The State vs Newell Bardit. And now on this day came the defendant
X by attorney, waives a jury, and enters the plea of guilty; It is thereupon ordered by the court that the State of Texas do have and recover of and from the defendant Newell Bardit, the sum of Trenty five dollars as a fine and all costs of this prosecution, and that committment do issue.

√4567 State vs Tom Plummer. Dismissed.

√4566 State vs Tom Plummer Dismissed.

√4537 State vs Tom Plummer. And now on this day came the defendant in person and
X waives a jury and enters the plea of guilty: whereupon It is ordered by the court that the State of Texas do have and recover of and from the defendant, Tom Plummer, the sum of trenty five dollars as a fine and costs of this prosecution, for which let committment issue.

4491 The State vs Tony Murphy. dismissed.

4260 State vs Geo. H. Gray. dismissed

And thereupon Court adjourned until to-morrow 9 A.M.

Friday Morning March 17th 1876.

Court opened at 9 A.M. pursuant to the hour of adjournment, by T. T. Pendley, deputy Sheriff; and the same being unable to proceed with business owing to the indisposition of his Honor, Judge Richardson; It is ordered that Court stand adjourned until Monday morning, 9 A.M.

Monday, March 20th 1876

√4575 The State vs James Woods. And now on this day came the district attorney in behalf of the State, and came also the defendant in person and by attorney, and announced ready for trial; and thereupon came a jury of twelve good and lawful men of Travis County, to-wit; James Gildart and eleven others, duly tried, empanneled and sworn, heard the reading of the indictment, plea of not guilty, evidence, argument of counsel, and retiring under the charge of the court to consider of their verdict, returned into court the following verdict, to-wit: "We the jury find the defendant "guilty, and assess the punishment at two years confinement in the State "penetentiary. Jas. Gildart. foreman". It is thereupon ordered by the court that the said defendant, James Woods stand committed to the County jail of Travis county to abide judgment and sentence.

√4637 The State vs J. B. Hurd and Allen. And now on this day came the

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defendants J. B. Hurd and Allen as principals, with F. W. Chandler as their security, and being duly sworn severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of $500, to be levied of their respective goods, chattels, lands, tenements and estates; to be void nevertheless upon condition that the said defendants J. B. Hurd and Allen make their personal appearance before the Feby term A. D. 1876 of the district court of Travis county, now in session, to answer an indictment preferred against them jointly by the grand jury of Travis County for the "theft of two mares", and there remain from day to day, and from term to term thereafter, and that he do not depart the court without leave.

4632 The State vs John Devine. Dismissed.

4581 The State vs James Wheat. And now on this day came the defendant in person, waives a jury, and enters the plea of guilty; whereupon it is ordered by the Court that the State of Texas do have and recover of and from the defendant, James Wheat, the sum of ten dollars as a fine and all costs of this prosecution, and that committment issue.

4558 The State vs Charles Pickett. Dismissed.

4528 The State vs William Ryan. And now on this day came the State by her attorney, as also the defendant in person and by attorney, and announced themselves ready for trial; and thereupon the district attorney dismisses this cause as to the defendant so far as the indictment charges "theft from a house"; whereupon the defendant waives a jury, and enters the plea of guilty as to the theft of property of a less value than twenty dollars; It is thereupon considered and ordered by the court that the defendant, William Ryan be taken by the Sheriff of Travis county and imprisoned in the county jail for a term of twenty four hours.

4620 F. W. Stanton vs A. B. McGill and Wm Sauers. And now on this day came the Plff. by attorney and suggests the death of the defendant Wm Sauers; whereupon on motion It is ordered that Henry Sauers, Ellen Sauers, Elizabeth Kingsbury, with her husband, S. G. Kingsbury, and Lucinda Thompson, with her husband Hornbrooke Thompson, heirs at law of the said Wm Sauers, deceased, be made parties defendants to this cause.

4310 The State vs Peter Hansom. Comes the defendant on this day in person, waives a jury and enters the plea of guilty. It is thereupon considered and ordered by the Court that the State of Texas do have and recover of and from the defendant Peter Hansom, the sum of twenty five dollars as a fine and all costs of this prosecution, and that committment issue.

4105 The State vs Peter Hansom. Dismissed.

3867 The State vs George Cranford. Continued by the State.

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3551 The State vs James P. Newcomb. Continued by defendant.

3527 H. & T. C. Ry. Co vs B. M. Odom. Comes the defendant herein by attorneys, and submits and presents to the court his motion for a new trial in this behalf, and the same being by the Court duly considered, is overruled; to which ruling of the court, the defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

4297 H. H. Wiese vs Phil Abraham & Bro. And now on this day come the defendants by attorney and submit their motion for a new trial, and the same is by the court after due consideration and argument of counsel, overruled; and thereupon defendants except to such ruling of the court and give notice in open court of an appeal to the Supreme court.

4358 Gaynor vs Herlden et al. Come the defendants on this day by attorney, and thereupon the motion of defendants for a new trial in this behalf coming on to be heard, and by the court duly considered, is overruled; to which ruling of the court the defendants except, and give their notice in open court of an appeal to the Supreme Court.

4342 The State vs John Camlin. And now comes the defendant by attorney, and said defendant's motion for a new trial coming on to be heard, and being argued by counsel and by the court duly considered, is overruled; to which ruling of the court the said defendant excepts, and gives notice in open court of an appeal to the Supreme Court. And said defendant further submits in this behalf his motion in arrest of judgment, which by the court being duly considered and premises well understood is overruled.

4336 The State vs Giles Branch. And now on this day comes the defendant by attorney, and presents and submits to the court his motion to have a statement of facts in this cause prepared and signed by the court, nunc pro tunc, (said defendant's counsel and the attorney for the State being unable to agree as to the same), which by the court being duly considered is overruled; to which ruling of the court the said defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

4559 The State vs Sam Williams. And now on this day comes the defendant by attorney and submits to the Court his motion for a new trial herein, which being duly considered is overruled; to which ruling of the court said defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

4599 The State vs Benito Perez and Antonio Rodriguez. Come the defendants herein on this day by their attorney of record, and submit to the court their motion for a new trial; and the same by the court being duly considered, is overruled; to which ruling of the Court said defendant excepts, and give notice in open Court of their appeal to the Supreme Court.

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No 4620 F. W. Stanton vs A. B. McGill, et. al. On this day came on to be heard the application of the plaintiff to remove this cause to the Chancery side of the Circuit Court of the United States for the Western district of Texas, holding sessions at Austin, Texas; and it appearing to the Court that said petition is in due form of law, and that said plaintiff has filed in this court, a bond in the sum of five hundred dollars, conditioned as required by law, duly approved by the clerk of this court; It is therefore ordered and decreed by the Court that this cause is hereby removed to said Circuit Court of the United States for the Western District of Texas, now holding sessions in the City of Austin; and further ordered that this court do proceed no further in this cause, and that the clerk of this court shall make out, at once, and deliver to the plaintiff herein, or his attorneys, upon his or their payment of fees for the same, a full and complete transcript of all the papers of this cause, and orders of this court relative thereto, and that he do certify the same to the clerk of said Circuit Court for the Western District of Texas, under the seal of this court.

No 4470 Perry Clemmons et al vs Joshua Johnson et al. And now on this day the motion of plaintiffs by attorney for a new trial herein, coming on to be heard, and the same by the court being duly considered, after argument of counsel, is overruled; and thereupon said plaintiffs except to such ruling of the court, and give notice in open court of an appeal to the Supreme Court.

No 4398 The State vs Joseph Van Nee. And now on this day came the defendant by attorney and submits his motion for a new trial herein, and further submits his motion in arrest of judgment; all of which being duly considered by the court after argument, are severally overruled; and thereupon said defendant excepts to such rulings of the court, and gives notice in open court of an appeal to the Supreme Court.

No 4354 M. Gardiner vs Thomas Anderson, admr. of the estate of James Green, dec'd; G. H. Burditt, E. W. Holler, Joseph Jackson and R. F. Jackson. And now at this day came the parties to the above entitled and numbered cause, and said cause being called for trial the plaintiff dismissed his said action as to defendants Joseph Jackson and R. F. Jackson; and thereupon a jury was waived, and by consent of the plaintiff and defendant, It is ordered, adjudged and decreed that the plaintiff, M. Gardiner, do have and recover of and from the defendant, Thomas Anderson, as administrator of the estate of James Green deceased, the sum of thirty five dollars, to be paid by said Anderson in due course of administration. It is further ordered, adjudged and decreed that, as to the defendants G. H. Burditt, and E. W. Holler, the plaintiff take nothing by his said suit, and that

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they go hence with their costs; and it is further ordered, adjudged and decreed that said plaintiff M. Gardiner pay all costs of this suit, for which let execution issue.

Geo. C. Munson / Ex Parte — And now came on to be heard the petition of Geo. C. Munson praying to be admitted to practice as an attorney and counsellor at law in the several district and inferior courts of this State, and that the court appoint a committee to examine him touching his qualifications to obtain a license therefor; and said petition being in due form of law, and accompanied by a certificate under the seal and signature of the Presiding Justice of the County Court of Travis county, showing said applicant to be a man of good moral character and honorable deportment, It is ordered by the Court that Messrs C. S. West, T. E. Sneed and W. M. Walton be appointed a committee to examine said applicant, and that said examination be had on to-morrow morning in open court at the hour of 10 a.m.

4031 The State vs Al. Rainey. And now on this day came the defendant, Al Rainey as principal, with Moses Brooks and Peter Ross as his sureties, and being duly sworn severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of three hundred dollars, to be levied of their respective goods, chattels, lands tenements and estates; to be void nevertheless on condition that said defendant Al. Rainey personally appear before the ~~April~~ next Term of the district court of Travis County to answer an indictment preferred against him by the grand jury of Travis County for the "theft of an ox", and that he remain from day to day and from term to term thereafter, and that he depart not the court without leave.

4368 The State vs Al. Rainey. And now on this day came the defendant, Al. Rainey as principal, with Moses Brooks and Peter Ross as his sureties, and being duly sworn severally acknowledge themselves to owe and be justly indebted unto the State of Texas in the penal sum of one hundred dollars, to be levied of their respective goods, chattels, lands, tenements and estates; to be void nevertheless upon condition that said Al. Rainey make his personal appearance before the next regular term of the District Court for Travis County, to answer an indictment preferred against him by the grand jury of said Travis county for "Exhibiting Monte", and that he remain from day to day and from term to term thereafter, and that he do not depart the court without leave.

4075 The State vs Al. Rainey. Comes the defendant, Al. Rainey, on this day as principal, with Moses Brooks and Peter Ross as his securities, and being duly sworn severally and jointly acknowledge themselves to owe and be

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indebted unto the State of Texas in the penal sum of one hundred dollars, to be levied of their respective goods, chattels, lands, tenements and estates; to be void nevertheless upon condition that said Al. Rainey make his personal appearance before the next regular term of the district court of Travis County, to answer an indictment preferred against him by the grand jury of Travis county for "Exhibiting Monte", and that he remain from day to day and from term to term thereafter, and that he depart not the Court without leave.

+ No 4624 James P. McKinney vs James P. McArthur. On this day came on to be heard the above styled and numbered cause, and it appearing to the court that said defendant, Jas. P. McArthur has been duly cited with legal process, and has not appeared in this cause, either in person or by attorney, but has wholly made default; and it appearing to the court that plaintiff's demand is liquidated and evidenced by a promissory note; and the clerk having now here assessed plaintiff's demand to be one hundred and fifty 25/100 coin dollars; It is therefore ordered, adjudged and decreed by the court that the plaintiff, James P. McKinney do have and recover of and from the defendant James P. McArthur the sum of one hundred and fifty 25/100 coin dollars, and the further sum of fifteen coin dollars as attorney's fees, as shown by the obligation of said defendant McArthur on file herein; with interest from this date at the rate of fifteen per cent. per annum, and all costs of suit, for which execution may issue.

And it further appearing to the court that the plaintiff McKinney has a lien upon all the cotton and corn raised by the defendant McArthur in the year of 1874, and also upon all rent corn and cotton received by defendant for rent of land for said year of 1874: It is further ordered, and decreed that said plaintiff's lien be and the same is hereby foreclosed, and that the sheriff of Travis county, Texas, is hereby authorized and required to take into his possession all of the above described corn and cotton and sell the same as under execution, and apply the proceeds thereof to the liquidation of this judgment principal interest and costs; and the residue, if any there be, he shall pay over to said defendant, James P. McArthur.

No 4041 The State vs Levis White. And now on this day comes the defendant by atty and the motion of said defendant for a new trial herein coming on to be heard, and the same being argued by counsel and by the court duly considered is overruled; and thereupon said defendant excepts to such ruling of the court and gives notice in open court of his appeal to the Supreme court.

No 4197 McDaniel & Co vs P. F. Miller. Comes now on this day the defendant by atty.

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and submits his motion for a new trial herein; and the same being duly considered by the court and premises well understood, is overruled; to which ruling of the court said defendant excepts, and gives notice in open court of an appeal to the Supreme Court.

And thereupon Court adjourned until to-morrow morning 9 a.m.

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Court met at 9 a.m. pursuant to adjournment; present same as on yesterday; whereupon the following proceedings were had by said court; to-wit:

4338 The State vs Wm Crayton. And now on this day came the defendant Wm Crayton in open Court; and it appearing that said defendant has been found guilty of the offence charged in the indictment by the jury trying the case; and said defendant being asked if he had anything to say why judgment should not be rendered and entered herein, and sentence pronounced against him in accordance with the verdict of said jury; and he offering no sufficient reason; It is ordered and adjudged that the said defendant William Crayton is guilty of felony as in the indictment in this behalf is charged; and that he be confined in the State Penetentiary at hard labor for the term of five years, and that said defendant be taken by the Sheriff of Travis county, and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of five years.

4505 The State of Texas vs V. Bentenane alias Crescio Guiterez. And now on this day came the defendant V. Bentenane alias Crescio Guiterez, in open court, and it appearing that said defendant has been found guilty of the offence charged in the indictment, by the jury trying the case; and said defendant being asked if he had anything to say why judgment should not be rendered and entered herein, and sentence pronounced against him, in accordance with the verdict of said jury; and he offering no sufficient reason; It is ordered and adjudged that the said defendant, V. Bentenane alias Crescio Guiterez, is guilty of felony as in the indictment in this behalf is charged; and that he be confined in the State Penetentiary at hard labor for the term of five years; and that said defendant be taken by the Sheriff of Travis County, and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of five years.

4620 The State vs Webb Kissam. And now on this day came the defendant, Webb Kissam, in open court, and it appearing that said defendant has been found guilty of the offence charged in the indictment by the jury trying the case; and said defendant being asked if he had anything to say

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why Judgment should not be rendered and entered herein, and sentence pronounced against him in accordance with the verdict of said jury, and he offering no sufficient reason; It is ordered and adjudged that the said defendant, Webb Kissam, is guilty of felony as in the indictment in this behalf is charged; and that he be confined in the State Penetentiary at hard labor for the term of three (3) years; and that said defendant be taken by the Sheriff of Travis County, and by him safely conveyed and delivered to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of three (3) years.

4547 The State of Texas vs Sam. Thomas. And now on this day came the defendant, Sam. Thomas, in open court; and it appearing that said defendant has been found guilty of the offence charged in the indictment, by the jury trying the case; and said defendant being asked if he had anything to say why Judgment should not be rendered and entered herein and sentence pronounced against him, in accordance with the verdict of said jury, and he offering no sufficient reason; It is ordered and adjudged that the said defendant, Sam. Thomas, is guilty of felony as in the indictment in this behalf is charged, and that he be confined in the State Penetentiary, at hard labor, for the term of two (2) years; and that said defendant be taken by the Sheriff of Travis County, and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of two (2) years.

4573 The State of Texas vs Ben. Lewis. And now on this day came the defendant, Ben. Lewis, in open court; and it appearing that said defendant, Ben. Lewis, has been found guilty of the offence charged in the indictment, by the jury trying the case; and said defendant being asked if he had anything to say why Judgment should not be rendered and entered herein, and sentence pronounced against him, in accordance with the verdict of said jury, and he offering no sufficient reason, It is ordered and adjudged that the said defendant, Ben. Lewis, is guilty of felony as in the indictment in this behalf is charged; and that he be confined in the State Penetentiary at hard labor for the term of two (2) years; and that said defendant be taken by the Sheriff of Travis county and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of two (2) years.

4542 The State of Texas vs Pablo Moreno. And now on this day came the defendant, Pablo Moreno, in open court, and it appearing that said defendant has been found guilty of the offence charged in the indictment, by the jury trying the case; and said defendant being asked if he had anything to say why Judgment should not be rendered and entered herein, and sen-

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tence pronounced against him, in accordance with the verdict of said jury, and he offering no sufficient reason; It is ordered and adjudged that said defendant, Pablo Moreno, is guilty of felony as in the indictment in this behalf is charged; and that he be confined in the State Penetentiary at hard labor for the term of five years; and that he be taken by the Sheriff of Travis County, and by him safely conveyed to the Superintendent of said Penetentiary to be there confined at hard labor for the term of five years.

4575 The State of Texas vs Charles Henderson and James Woods. And now on this day came the defendant, James Woods, in open court, and it appearing that said defendant has been found guilty of the offence charged in the indictment by the jury trying the case; and said defendant being asked if he had anything to say why Judgment should not be rendered and entered herein, and sentence pronounced against him, in accordance with the verdict of said jury, and he offering no sufficient reason, It is ordered and adjudged that the said defendant, James Woods is guilty of felony as in the indictment in this behalf is charged; and that he be confined at hard labor in the State Penetentiary for the term of two (2) years; and that said defendant be taken by the Sheriff of Travis County and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of two (2) years.

4336. The State of Texas vs Giles Branch. And now on this day came the defendant, Giles Branch, in open court, and it appearing that said defendant has been found guilty of the offence charged in the indictment, by the jury trying the case; and said defendant being asked if he had anything to say why Judgment should not be rendered and entered herein, and sentence pronounced against him, in accordance with the verdict of said jury, and he offering no sufficient reason; It is ordered and adjudged that said defendant, Giles Branch is guilty of felony as in the indictment in this behalf is charged, and that he be confined in the State Penetentiary at hard labor for the term of two years; and that said defendant be taken by the Sheriff of Travis county and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of two (2) years.

4599 The State of Texas vs Benito Perez and Antonio Rodriguez. And now on this day came the defendants in open court, and by attorney withdraw their notice of appeal to the Supreme Court, given and entered at a former day of this term, from the ruling of the court overruling their motion for a new trial, and announce to the court their desire to have Judgment and Sentence passed upon them; and it appearing that said defendants have been found guilty of the offence charged in

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the indictment, by the jury trying the case; and said defendants being severally asked if they had anything to say why judgment should not be rendered and sentence pronounced against them in accordance with the verdict of said jury, and they offering no sufficient reason; It is ordered and adjudged that the said defendants, to-wit: Benito Perez and Antonio Rodriguez are guilty of felony as in the indictment in this behalf is charged; and that they be confined in the State Penetentiary at hard labor for the term of two (2) years each; and that said defendants severally be taken by the Sheriff of Travis County and by him safely conveyed to the Superintendent of said Penetentiary, to be there confined at hard labor for the term of two (2) years each.

No 4450 Drayton A. Teague vs Frank Brown. And now on this day came on to be heard the above styled and numbered cause, and the parties having announced ready for trial, a jury was waived by consent and agreement, in open Court by the parties, and the matters at issue, as well of fact as of law submitted to the determination of the court; whereupon, after due consideration of the same and argument of counsel, the court doth order, adjudge and decree that the plaintiff Drayton A. Teague do have the relief prayed for in his petition, and that the defendant, Frank Brown, Clerk of the district court of Travis County be and he is hereby commanded to issue, instanter, a writ of possession in cause No 4449, wherein Drayton A. Teague is plaintiff and Martin W. Townsend and Joseph Goodman are defendants, according to law; commanding the Sheriff of Travis County to put the said Teague in possession of the property recovered in said cause; to-wit: "a certain lot of land in the city of Austin, county of Travis, State of Texas; being part of lot No Nine (9) in Block No one (1) in Division "A", of what is called and known as Conner's addition to the city of Austin, according to the sub-division of outlot No one (1) in Division "A", by John H. Conner; and being the part of said lot Nine, fronting twenty feet on Pine street, and running back or North, forty feet, together with all and singular the tenements, improvements and appurtenances thereunto belonging." and that he recover of and from the said Brown all costs in this behalf expended, and that execution issue therefor. To which ruling of the court said defendant by attorney excepts, and gives notice in open court of an appeal to the Supreme Court.

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And thereupon court adjourned until to-morrow morning 9 a.m.

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Court met at 9 o'clock A. M. pursuant to adjournment: whereupon the following proceedings were had by said court; to-wit:

#3030 Giles H. Burditt vs W. B. Burditt et. al. In this case it appearing that the commissioners for partition appointed by the decree of 3rd March 1876, can not be procured to act; It is ordered and decreed that said decree of 3rd March '76. be so altered that three commissioners shall be appointed to partition the said land in Van Zandt county: viz: J. C. Perry, T. A. Sewell, and J. M. Harrison, residents of Van Zandt county, who shall have all the powers and duties conferred and imposed by the said former decree; any two of whom may act in all matters in said decree mentioned. It is further ordered that they proceed at as early a date as is practicable to partition and divide said land according to said decree of March 3rd, 1876, and make report thereof to this Court.

#4559 The State vs Sam. Williams. Comes on this day the defendant by Atty, and submits to the Court his motion in arrest of judgment, and the same after due consideration of the Court is overruled; and thereupon said defendant excepts to such ruling of the court, and gives notice in open Court of an appeal to the Supreme Court.

#4176 Julia Hill et al. vs Tom Hill. et al. On this day came on to be heard the final report of the defendant, Tom Hill, which is in substance in the words and figures following; to-wit:

Tom Hill, Dr. To ——

Amt charged against him by decree of court on Oct. 22d 1875		$333.49
Amt bid for 1/2 of lot × in Block, Austin Texas,		550.00
Rents since last term		30-00
Received by him from sale of mules sold by sheriff		40.00
Total assetts of Estate		$953.49

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Amt tax paid by Tom Hill since last term	$15.00	
" paid costs of court	48.00	
	$63.00	
Which leaves to be distributed		$890.49
Tom is entitled to a credit for taxes paid	$15.00	
His distributive share is 5/12 of 1/2 of $890.49	81.00	
	$96.00	
Tom received and is charged with		$913.49
Present credits		96.00
Amt due from Tom, and to be paid into Court		$817.49

And it appearing to the court that said report is correct, the same is hereby, in all things, confirmed; and G. B. Zimpelman, Sheriff of Travis County, Texas, is hereby ordered to receive from said Tom Hill the said sum of eight hundred and seventeen 49/100 Dollars; and to make, execute and

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delivered to said Tom Hill a deed, conveying to him all the right, title and interest of the estate of John McBride and his heirs, the parties to this suit, in and to the west half of lot No. four in Block No. forty-four in the city of Austin, Travis County, Texas; and the said sheriff Zimpelman will, out of said sum of $817.49. pay 1st; All costs of court in this behalf expended. 2d. Pay 1/2 of remainder to J.H. Burts, atty of record for the intervenor. Bettie Johnson. 3rd Pay to said J.H. Burts, atty for Sallie Horton, a 5/12 part of the remainder, after deducting amount paid to Bettie Johnson. 4th Pay to said J.H. Burts, after deducting said 1/2. 1/3 of 5/12 part of said remainder, as the joint share of Mary Johnson and Julia Ward; and the remainder he will pay over to the other distributees mentioned in the decree of this court, entered on October 23d 1875, in the shares therein determined; except, that Julia Hill and the heirs of Martha Bonner, deceased, take nothing under said decree, because they have already received their share of said estate; and the said sheriff shall pay over their shares, which will amount to 1/2 part of 5/12 part of the remainder, after deducting the 1/2 to be paid to Bettie Johnson as aforesaid, to the said Tom Hill and the other above named distributees in the proportion above determined, the said Tom Hill's share being a part of 5/12 of said 1/2 one half.

* No. 4538 Parthena Hemphill vs Perry Hemphill. — Comes now the plaintiff, and this cause coming on to be tried, came now a jury of twelve good and lawful men; to-wit: James Gerge and eleven others, duly tried, empannelled and sworn, who after hearing the petition and evidence of the plaintiff, under charge of the Court, returned into court the following verdict; to-wit: "We the jury find the allegations of the plaintiff's petition to be true. James Gerge, foreman." It is therefore ordered, adjudged and decreed that the bonds of matrimony heretofore existing, between Perry Hemphill and Parthena Hemphill, be forever dissolved; and that the plaintiff is forever divorced from the defendant. And it is further ordered that the plaintiff: Parthena Hemphill, have the custody, control and guardianship of the minor children of said parties; to-wit: Laura, Emma, Fannie and Sallie Hemphill; and that said Perry Hemphill is forever restrained from interfering, in any way, with her control of said minors; and that the plaintiff have and recover of and from the defendant all her costs in this behalf expended; for which execution may issue.

* No. 4685 Minnie McKay vs Robt. B. McKay. And now on this day came the plaintiff by her attorney of record, N. G. Shelley, Esq; but the defendant came not; and it appearing that said defendant Robt. McKay has been cited

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by personal service, and has failed to appear and answer; It is ordered that this cause do proceed to trial; and thereupon came a jury of twelve good and lawful men of Travis county; to-wit: J.B. Galusha and eleven others, duly tried, empannelled and sworn; heard the reading of plaintiff's petition, and testimony adduced by her, returned from their seats, under the charge of the court, the following verdict; to-wit: "We the jury find the allegations of the plaintiff's petition to be true. J.B. Galusha, foreman".

It is thereupon considered and ordered by the Court that the rites of matrimony as celebrated between the parties on the 20th day of August A.D. 1872. as shown by marriage record "C" page 170 of the records of this court, be vacated, annulled and set aside; and that the bonds of matrimony existing between the said plaintiff Minnie McKay, and the said defendant Robt. B. McKay, be and they are hereby finally and forever dissolved; and it is further ordered, adjudged and decreed by the Court that the care, control, custody and guardianship of the minor Anna J.D. McKay, be awarded to the Plaintiff Minnie McKay, and that said defendant, R. B. McKay be forever enjoined and restrained from interference, in any manner, with said Plaintiff in her custody and control of said minor; and that she recover of and from defendant R.B. McKay all her costs in this behalf incurred, and that she have her execution therefor: And there being no issue of property raised in this cause, no further order is made.

Ex Parte / Geo. C. Munson. Law applicant. Comes now on this day C. S. West. Wm M. Walton and T.E. Sneed, Esqrs, a committee of examination, under order of the court, in the matter of Geo. C. Munson, applicant for law license; and said committee reporting that they have discharged their trust by a satisfactory examination of said applicant, and finding therefrom that he is duly qualified, do recommend that a license as attorney and counsellor at-law do issue to him, upon his taking and subscribing the necessary oath: It is thereupon ordered, adjudged and decreed by the Court that the Clerk of this court do issue to said Geo. C. Munson a license to practice as an attorney and counsellor at law in the several District and inferior courts of this State upon his taking and subscribing, in open court, the oath of an attorney as prescribed by law.

No 4729 Trustees of School for Colored Children City of Austin; Ex Parte. And now on this day came on to be heard the petition of Joshua Johnson, Henry Hollingsworth, Essex Carrington and Peter Jackson, trustees for school purposes of the colored children of the city of Austin, praying that one Joseph Pollard a resident citizen of the city of Austin be appointed, under order of the court, a trustee for said trust, in conjunction with petitioners, vice Thomas

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H. Keithley, whose removal without the limits of Travis County, incapacitates him from a faithful and necessary discharge of his trust: and the said Keithey having filed with the said petition his person application for such discharge for the reason heretofore assigned; and it appearing to the Court that it would be to the best interests of said school property and trust to grant the prayer of petitioners; and it further appearing that said Joseph Pollard is a suitable and proper person to appoint as such substitute trustee; It is thereupon ordered, adjudged and decreed by the Court that the tendered resignation of said Thomas H. Keathley be and the same is hereby accepted; and that said Joseph Pollard be and he is hereby subrogated in the stead of said Keathley, and invested herein with all legal rights and powers heretofore held and exercised by said Keathley as trustee for the use and benefit of the colored children of the city of Austin, in common with the other trustees of said trust, recited as such, and as petitioners herein.

Ex Parte Henry B. Bamhart. And now at this day comes on to be heard the petition of Henry B. Bamhart, a resident citizen of Travis county, praying to be admitted to practice as an attorney and counsellor at law in the several District and Inferior courts of this State, and that there issue to him a license therefor; and said petition being in due form of law, and being accompanied by a certificate under the signature and seal of the Presiding Justice of the County Court of Travis County, showing said applicant to be a man of good moral character and honorable deportment; It is ordered by the Court that Messrs W. J. Montgomery, A. J. Peeler and R. H. Ward be appointed a committee to examine said applicant, and that said examination take place in open court at the hour of 10 a.m. on to-morrow.

✓ 4641 The State vs Al. Rainey et. als. And now on this day came on to be heard the above entitled and numbered cause upon the sufficiency of the answers of the defendants, severally filed herein, in response to the writ of scire facias served upon them under a judgment nisi heretofore rendered; and said answers being duly considered by the court and held sufficient in law, It is ordered by the court, and so adjudged and decreed, that the said judgment nisi be vacated and set aside as to each and all of said defendants, and that they go hence with their costs.

✓ 4665 The State vs Bill Fields. This cause being called, and the insufficiency of the service being suggested by defendants counsel, It is ordered by the court that the service had herein be quashed, and that an alias capias issue.

issued

✓ 4640 The State vs Al. Rainey, et al. And now on this day came the defend-

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ants by attorney, and the answers of defendants to the writ of scire facias served upon them, issued under a judgment nisi heretofore rendered on their forfeited recognizance, coming on to be heard, and being held by the court sufficient in law. It is ordered and adjudged that said judgment nisi be set aside and vacated as to said defendants upon their payment of all costs in this cause expended, and that execution issue therefor.

№4613 H. and T. C. R.R. Co vs W. Brueggerhoff. And now on this day come the parties by attorney, when on motion It is ordered that the judgment by default against said defendant rendered on the 11th day of Feby of the present term be set aside and vacated; and thereupon on motion of defendants attorney. It is ordered that said defendant have leave to amend his pleadings.

№4550 The State vs R. C. Taylor. Come the parties on this day by attorney, and the answer of the defendant to the scire facias issued and served upon him under and by virtue of a judgment nisi rendered against said defendant in Justice J. W. Smiths court as a defaulting juror. and which said judgment nisi was by said court upon a hearing of defendants answer thereupon made final, from which said judgment the defendant Taylor appealed said cause for a revision by this court, coming on to be heard, and a jury was waived by consent of parties, and the matters at issue, as well of fact as of law being submitted to the determination of the court; the premises well understood and by the court duly considered; It is ordered, adjudged and decreed that said final judgment rendered in the court below be and the same is hereby vacated and set aside, and that said defendant, Taylor, go hence with his costs.

+ №4458 J. B. Hurd vs Hiram Paddock. And now on this day came the parties
X by attorney, whereupon on motion It is ordered that this cause be dismissed; that defendant go hence without day, and that he for himself, and for the use of the officers of court receive of and from the plaintiff J. B. Hurd and the sureties on his appeal bond; to-wit: F. W. Chandler, J. W. Robertson and Fred Carleton, all his costs in this behalf expended, and that execution issue.

№4449 Johannes Dukey vs Chas. J. Dukey. — And now on this day came Santo Palm and L. J. Swenson, the commissioners appointed by order of this court at a former day of this term, to make partition of the property here in controversy; make report of their action in the premises; as follows; to-wit:
" Johannes Dukey vs Chas J. Dukey. №4449. In District Court of
" Travis County, Pending: To the Hon Judge of said Court: The under-

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signed Commissioners, appointed by order of said court, to make partition and division of lot No 9 in an addition to Block No 58. in division "E" of the City of Austin, fronting South 80 ft. on Trinity street, and running back 138 ft to a street on the North as shown by a map of record in book V. page 233. of the records of Travis County, between said plaintiff and defendant in such manner as that $2000.00 in value, out of said property should be set apart to the said plaintiff; beg leave to report that they have discharged the duty required of them by said order, and from a careful examination and estimate of the value of said property, they have to report that said property does not exceed in value $2000.00, and that it takes the whole of said property to satisfy the amount which they are required to set apart to said plaintiff. Your commissioners, in accordance with the letter and spirit of said order, have set apart to the said plaintiff, Johannes Dukey, the whole of said lot and improvements, the same being required to satisfy his claim, and that nothing remains in said property for said defendant. All of which is respectfully submitted, and your commissioners ask to be discharged

State of Texas } Before the undersigned authority personally appeared Smith Palm and S. J. Smison; both to me well
County of Travis } known; who being sworn by me depose and say, that the above and foregoing Partition made by them as set out in their report, is just and fair, to the best of their knowledge and information; that they have no interest in said Partition, and that they are not of kin to any of the parties to said partition. Smith Palm. S. J. Smison

Sworn to and subscribed before me, this the 22d day of March, A.D. 1876.

W. P. Gaines, Notary Public, Travis County, Texas.

And the parties by counsel also appearing, and no objection being made to such report; and it appearing to the satisfaction of the Court that said report is just, fair and equitable, and, in all respects, in accordance with the rights of the parties, and the order and decree of this court heretofore rendered in this cause; It is therefore, ordered, adjudged and decreed by the Court, that the Plaintiff Johannes Dukey, do have and recover of and from the defendant, Charles J. Dukey, the entire estate, right and title to the following described real estate; to-wit: Lot No 9, in an addition to Block No 58, in division "E." in the City of Austin, in Travis County, Texas; fronting South 80 ft on Trinity Street, and running back 138 ft to a street on the North, as shown by a map of record in book V, page 233, of the records of said County of Travis; and it is further ordered and decreed by the Court that all right and title of the

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said defendant, Charles J. Dukey, be divested out of him, and fully vested in the plaintiff, Johannes Dukey; and that a writ of possession issue to put said plaintiff in possession of the same; and that said defendant pay all the costs of this suit, for which execution shall issue. and it is further ordered that the officers of court have their execution against each party respectively for all costs by them in this behalf incurred.

X № 4343 J. R. Allen vs. Hiram Paddock. On this day came on to be heard the above styled and numbered cause; whereupon, by consent of parties, given in open court, It is ordered, adjudged and decreed by the Court that the plaintiff J. R. Allen, do have and recover of and from the defendant, Hiram Paddock, the following described tract of land, lying in Travis County, Texas, viz: One hundred and sixty acres of land, patented to T. J. Robinson, about nine and one-half miles above Austin City, on west bank of the Colorado River. Bounded on the East and South by a 320 acre tract in name of H. Wofford; on the South and West by a tract in name of Robert Harvey; on the West and North by a 160 acre survey, also in the name of said T. J. Robinson; and on the North and East by the Colorado River; and that the said Hiram Paddock is hereby divested of all title and claim to or interest in said 160 acres of land; and the same is hereby vested in the said J. R. Allen, in fee simple; and that the said J. R. Allen have his writ of possession therefor; and that the said plaintiff, J. R. Allen, and the securities on his cost bond; to-wit; J. B. Hurd and B. Milam, pay all costs of this proceeding, for which execution may issue.

X № 4334 J. B. Hurd vs R. S. Young. Come on this day the parties to this cause by attorney; and thereupon on motion It is ordered that this cause be dismissed; that said defendant, R. S. Young, go hence without day, and that he recover of and from plaintiff for himself and for the officers of court all their costs in this proceeding incurred, and that they have their execution therefor.

№ 4114 Brousson B. Rose et al vs Jane A. Rose, et al. Matt Sleezy Intervenor. Comes now on this day Robt. H. Ward, Esqr, and asks the court to grant and fix his allowance as attorney and special guardian, under appointment of the Court, in defence of the interest of the minor defendants. Jane A. Rose, Josephine E. Wheelock, Susan B. and Lou B. Wheelock; whereupon it is ordered by the court that he be allowed the sum of $20.00, and that the same be taxed in the bill of costs herein, to be charged to said minors respectively upon a final adjustment of this cause.

№ 4018 Eliza J. Tumey, et als vs A. C. Tumey et. al. — And now on this day comes the intervenor, J. C. Camp, and dismisses this suit, as to him, at

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the cost of G. W. Tunney. And this cause coming on to be heard on its merits, came the parties by attorney, and announce ready for trial: and a jury being waived, the matters in controversy between all the parties, plaintiffs, defendants and intervenors, were submitted to the court; and from the pleadings, evidence and admissions of the parties, it is made to appear to the court:

That the estate here in litigation between the plaintiffs and defendants, belonging to the plaintiff, Eliza J. Tunney, and her deceased husband, Thomas H. Tunney, consists of lots Nos 5 and 6 in block No. 17, in the City of Austin, Texas, and now the homestead of the said Eliza J. Tunney, of the value of only — $3000.00

Cash in hands of Eliza J. Tunney — 2588.79

Proceeds of the sale of lots Nos 10, 11 & 12 in Block No. 99, in Austin, Texas, now in the hands of Geo. B. Zimpelman, Sheriff, and Commissioner appointed to make sale — $5000.00

Making the total value of — $10.588.79

And that the community estate of the said Eliza J. Tunney and Thomas H. Tunney, dec'd, is indebted as follows:

Account of H. A. Morris prior to 18th Feby. 1870, originally for $243.80 in coin, with interest up to date at 8% per cent $102.20; making total in coin to date $346.00; to which add 6 per cent. per annum in currency, making — $366.75

State, county and city taxes on property of estate, unpaid — 388.05

Repairs on house paid Millett and others — 42.00

Costs of this suit, including this decree — 56.90

Costs allowed Zimpelman for making sale of lots and conveying same: $125.00 Making the total indebtedness of — 125.00

Which leaves now belonging to said community estate, for partition in this suit, between said Eliza J. Tunney and the other plaintiff and defendants, in money — $947.70

The homestead aforesaid worth — $6.611.09

Making total in value — 3.000.00

Of which amount the said Eliza J. Tunney, is entitled to one half in value: or; — $9.611.09

And the said Eliza J. Tunney being desirous and willing to take the homestead, consisting of lots Nos 5 & 6 in Block No. 17 in Austin, Texas, with improvements, at the valuation of $3000.00, and none of the parties objecting thereto; It is ordered by the court that said homestead be set apart to the said Eliza J. Tunney, absolutely, as her own property, in fee simple forever; and that all title, right — $4.805.64

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or interest of all the other parties to this suit, be divested out of them, and that the title to the same be fully and completely vested in the said Eliza J. Tunney. And it is further ordered by the court that the said Eliza J. Tunney retain in her hands, out of the $2588.79 cash, with which she is chargeable, the sum of $1805.54, the amount required to make up her said one half of the property and money on hand, for partition herein; said half being $4,805.54, as aforesaid.

And it further appearing to the Court that the remaining one-half of said estate; to-wit: 4.805.54. is to be divided equally, into nine equal parts, be-tween the children of the said Eliza J. Tunney and Thomas H. Tunney, dec'd. as follows; viz: Charles H. Tunney, G. W. Tunney, Thomas L. Tunney, A. C. Tunney, Kate E. Tunney (now Kate E. Forbit); Jno. W. Tunney, David E. Tunney Annie Tunney and Tillie Tunney; making the distributive shares of each one of said children, the sum of $533.94 in money; and it further appearing to the court that said children are indebted to the mother, the said Eliza J. Tunney, in the following amounts, on account of advance-ments made to them by her; to-wit:

Charles H. Tunney, in the sum of	$155.00
G. W. Tunney	140.—
Thomas L. Tunney	140 —
A. C. Tunney	460-30
Kate E. Forbit	811. —
John E. Tunney	390-
David E. Tunney	750 —
Annie Tunney	619.—
Tillie Tunney	645.13

And that, as between the said Eliza J. Tunney and Tillie Tunney, Annie Tunney, David E. Tunney and Kate E. Forbit there is nothing going to them; but that the interest and share, in money, of said last named children, in right belongs, and should be paid to the said Eliza J. Tunney; It is therefore further ordered by the court that the whole of the distributive shares of the said Tillie Tunney, Annie Tunney, David E. Tunney and Kate E. Forbit, in said estate, amounting to $2135.76, be divested out of them, and vested in the said Eliza J. Tunney; — and the said Eliza J. Tunney having in her hands, money in excess of the amount required to make up her one-half interest in said estate, the sum of $783.25; It is further ordered that she retain said sum as her property; and that there be paid to her out of the money now in the hands of G. B. Zimpelman, the further sum of $1352.51, making the sum of $2135.76, as the said distributive shares of the said Kate E. Forbit, and Annie, Tillie and

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David E. Turney; and It is further ordered that the following further amounts be paid to the said Eliza J. Turney, out of the money in the hands of said Zimpelman, out of the shares of the other distributees, as hereinafter named; to-wit:

Out of the share of Charles H. Turney	$155.00
" " " " " " G. W. Turney	140.00
" " " " " " Thomas L. Turney	140.00
" " " " " " John E. Turney	390.00
" " " " " " A. C. Turney, being the balance of his share after satisfying the claim of E. T. Moore, as herein ordered	398.94
	$1223.94

And it further appearing to the Court that the remaining interest of G. W. Turney in his distributive share in said estate, belongs to one M. D. Mattison, who has intervened herein, after taking therefrom said sum of $140; and that the remaining interest of the said Thomas L. Turney, after taking therefrom said sum of $140. belongs to one M. Paggi, who has intervened herein; and it further appearing to the Court that E. T. Moore who has intervened herein, has the right to $135.00 out of the share of A. C. Turney; It is therefore further ordered and adjudged by the Court that said Zimpelman pay to the following named persons, the several amounts as hereinafter designated, out of the money in his hands; to-wit:

To W. A. Morris, on his claim before named	$366.75
" Eliza J. Turney, for taxes, State, County and City	388.15
" " " " " Repairs on house	42.00
" officers of court as costs in this suit	55.90
" Zimpelman for making sale of lots	126.—
" Charles H. Turney, balance of share	378.94
" M. D. Mattison, balance of G. W. Turney	393.94
" M. Paggi, balance of share Thos. L. Turney	393.94
" E. T. Moore, out of share of A. C. Turney	135.00
" John E. Turney, or his guardian, balance of his share	143.94
	$2423.46

And it further appearing to the court, that the said Plaintiff, Eliza J. Turney, is justly indebted to the Intervenor, W. A. Morris, in the sum of three hundred and thirty-nine 75/100 currency dollars; It is further ordered, adjudged and decreed by the Court that the said Sheriff, G. B. Zimpelman, is hereby ordered and required to pay to said W. A. Morris, the said money herein declared to be going to said Eliza J. Turney, now in his hands, the sum of three hundred and thirty-nine 75/100 currency dol-

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Case. And it is further ordered by the Court that Geo B. Zimpelman, commissioner, in whose hands said sum of $5000.00 now is, be fully discharged from all responsibility as such Commissioner, upon his filing in this court, with the clerk, proper vouchers of the disbursement of the money in his hands, in accordance with the provisions of this decree.

#4697 C.R. Johns & Co vs R. B. Hubbard. Comes the plaintiff by attorney and moves the Court to enter a fine against March, sheriff of Smith County; and it appearing to the Court that said March Sheriff of Smith County, has failed to return, served, citation herein: It is considered and ordered by the Court that a fine of fifty dollars be and it is hereby entered against said March, Sheriff of Smith county, and that the State of Texas do recover of said March the sum of fifty dollars, and that a writ of scire facias do issue to said March, returnable at the June term A. D 1876 of the District Court of Travis County, commanding him to show cause, if any he have, why this judgment nisi should not be made final.

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X #4498 W. L. Davidson, Guardian and next friend of C. Billy Lott, Plaintiff vs Eugene Bremond, F. Dohme, Walter Jacoby, Rudolph Bertram, Walter Tips, Alga Tips, Henrietta A. Blau, and her husband, C. F. Blau; Helene Konneritz, F. Everett, C. R. Johns, and W. Von Rosenberg, defendants;

And now came the parties to the above entitled and numbered cause, the plaintiff appearing in person, as well as by his attorneys, D. E. Thomas and George F. Pendexter; the defendants C. R. Johns F. Everett and W. Von Rosenberg, by their attorneys, Terrell and Walker; and the defendants Eugene Bremond, F. Dohme, Walter Jacoby, Rudolph Bertram, Walter Tips, Alga Tips, Henrietta A. Blau, C. F. Blau, and Helene Konneritz, by their attorneys, Hancock, West & North: and it appearing that the matters in controversy in said cause, have been disposed of and settled in accordance with the following agreement filed in said cause, in words and figures as follows:

Davidson, Guardian of C. Billy Lott vs Bremond, et al } #4498 In Travis District Court, February Term, 1876.

The above suit to be disposed of on following terms: 1st. Defendants pay $2000 gold to Plaintiff. 2nd. In consideration the defendants take such decree as they wish, and pay costs of court. 3rd. Of the payment, Bremond pays $1900 and Everett $100; and, if costs are not provided for by the other defendants, then Everett pays 1/3 and Bremond 2/3 of same. (Signed) W. L. Davidson. (Guardian.) (Signed) Hancock, West & North, attys

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for all defendants, except Everett. (Signed) Terrell & Walker. for Everett
Filed March 23d 1876. (Signed) M. L. Dunn, deputy clerk.
And the parties having waived a jury, and submitted all matters, both of law and of fact to the court, and announced themselves ready for trial, and the court having examined the terms of said agreement, and the facts and circumstances of the case; and the court being thereupon of the opinion that the terms of said settlement are advantageous to the Estate of said C. Billy Lott; and it further appearing that the defendants, C. R. Johns, F. Everett and W. Von Rosenberg, have paid to the Plaintiff, as guardian and next friend of said C. Billy Lott, the sum of Six hundred dollars in gold; and that the defendant, Eugene Bremond has paid to the plaintiff as guardian and next friend of said C. Billy Lott, the sum of Nineteen hundred dollars in gold, in accordance with the terms of said agreement; It is thereupon adjudged, ordered and decreed that all the right, title and interest which the said C. Billy Lott had, at any time, in and to that lot and parcel of land in the State of Texas and County of Travis, and in the City of Austin, and known and described on the map of said City of Austin, as Block number Thirty-eight in Division E of said City of Austin, be and the same is hereby divested out of said C. Billy Lott, and fully vested in said defendant, Eugene Bremond, and in the defendants, F. Dohme, Walter Jacoby, Rudolph Bertram, Walter Tips, Alga Tips, Henrietta A. Blau, and Helene Konneritz; holding lots and subdivisions of said Block Number thirty-eight in Division E. in said City of Austin, by virtue of conveyances to them respectively, from said defendant Eugene Bremond. And the title of said defendant E. Bremond, F. Dohme, Walter Jacoby, Rudolph Bertram, Walter Tips, Alga Tips, Henrietta A. Blau, and Helene Konneritz to said Block number Thirty-eight, in Division "E," and the subdivisions thereof as they now respectively hold and claim the same, under their said conveyances from and under said Eugene Bremond, is hereby forever confirmed and quieted unto them respectively: and It is further ordered, adjudged and decreed that the defendant Eugene Bremond, pay two-thirds of all the costs incurred in said cause: and that the defendants C. R. Johns, F. Everett and W. Von Rosenberg, pay 1/3 thereof: for all of which let execution issue.

And thereupon Court adjourned until to-morrow morning 9 a. m.

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Court met at 9 a.m. pursuant to adjournment: whereupon the following proceedings were had: to-wit:

Ex Parte } Henry Barnhart — And now on this day came on to be heard the report of

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the committee appointed by the court to examine Henry Barnhart, applicant for law license; and said committee reporting that they have carefully examined said applicant, and find him duly qualified, do recommend that the license prayed for issue to him upon his taking and subscribing the nec-essary oath. It is thereupon ordered and decreed by the court that there issue by the clerk of this court to said Henry Barnhart a license to practice as an attorney and counsellor-at-law in the several district and inferior courts of this State, upon his compliance as to the oath aforesaid.

Jury Service It is ordered by the Court that the following named persons receive the sums set opposite their names for services as Petit Jurors during the present term; to-wit:

No. 1667	J. P. McKinney	6	$12.00	1668	Jno. Robinson	5	$10
" 1669	James Wall	6	12.	1670	F. Reichow	6	12
" 1671	Tom Hancock	5	10	1672	Jno. H. Wood	6	12
" 1673	M. L. Langford	5	10	1674	A. Shirk	6	12
" 1675	L. C. Lock	6	12	1677	A. H. Whitten	6	12
" 1676	Robert Herndon	6	12	1678	James George	6	12
" 1679	J. Strickland	5	10	1680	Jno. Stringer	6	12
" 1681	Lee Blocker	5	10	1682	Jack Goodman	5	10
" 1683	R. Hackey	6	12	1684	F. W. Glenn	6	12
" 1685	Ed. Summerrow	5	10	1686	James Geldart	5	10
" 1687	Frank Petmecky	5	10	1688	J. O'Neal	5	10
" 1689	Bob. Bass	5	10	1690	Bill Achiltree	5	10
" 1691	Robt Churchill	2	4	1692	Geo. Junck	2	4
" 1693	Ed. Gray	5	10	1694	Henry Franklin	4	8
1695	E. Mantin	5	10	1696	J. L. Pogue	5	10
1697	Aaron Robinson	3	6	1698	R. B. Smith	5	10
1699	Lee Jaunehill	5	10	1700	H. Senighan	5	10
1701	Rafe Mason	5	10	1702	Wm Monday	5	10
1703	August Swenson	5	10	1704	Jno. C. Wilson	5	10
1705	Swinew Butler	5	10	1706	A. B. Brisentine	5	10
1707	H. Burkhart	5	10	1708	James George	5	10
1709	T. J. Pitt	5	10	1710	M. L. Langford	5	10
1711	Dick Kinney	3	6	1712	J. H. Wood	5	10
1713	Jack Gordman	5	10	1714	Frank Petmecky	5	10
1715	Ed Gray	5	10	1716	John Stringer	5	10
1717	Rob. Herndon	5	10	1718	L. C. Lock	5	10
1719	Lee Blocker	5	10	1721	James Peter	5	10
1720	Geo. Metz	5	10	1722	Tom Hancock	5	10
1723	Wm Thaxton	5	10	1724	J. Strickland	5	10
1725	E. Lewis	5	10	1726	M. Swisher		

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No	Name	days	amt.	No	Name	days	amt.
1727	James Crayton	2	$4.00	1728	J. L. Pogue	5	$10—
1729	W.B. Schultree	5	10—	1730	John Stringer	5	10—
1731	J. K. Warren	6—	12—	1732	J. H. Pett	6—	12—
1733	Frank Petmecky	6—	12—	1734	Geo. Junek	5—	10—
1735	James Gildart	5	10	1736	C. Welham	5	10—
1737	Lee Blocker	5	10	1738	E.S. Deffenbaugh	6—	12—
1739	Wm Bengener	5	10	1740	H. C. Bengener	5	10
1741	J. Strickland	5	10	1742	Jack Gordman	5	10—
1743	Bill Jenkins	4	8—	1744	J. D. Shepherd	5	10—
1745	M. C. Nuckols	5	10	1746	E. Martin	5	10
1747	J. L. Pogue	5	10—	1748	J. M. Bennett	5	10—
1749	R. B. Smith	2	4	1750	E. C. Bartholomew	5	10—
1751	Joe De Labarreau	5	10—	1752	James George	5	10—
1753	Wm Tong	2	4—	1754	Moses Mason	3	6—
1755	A. Finley	3	6—	1756	James Crisp	3	6—
1757	John Jones	3	6—	1758	M. Stillman	3	6
1759	Louis Bogden	3	6	1760	M. R. Jones	3	6
1761	P. Van Rosenberger	3	6	1762	M. Brown	3	6
1763	Fowler Johnson	3	6	1764	S. C. Kerr	3	6
1765	H. Pflueger	3	6	1766	Sam Burleson	3	6
1767	E. Gill	3	6	1768	E. Cook	4	8
1769	M. Swisher	4	8	1770	Jack Gordman	5	10
1771	L. C. Lock	5	10	1772	A. Dickerson	5	10
1773	Jno Bennett	5	10	1774	Richd. Walsh	2	4.00
1775	Jno. H. Wood	6—	12	1776	C. Welham	3.	6.00
1777	F. A. Hennicks	2	4	1778	W. H. Price	2	4
1779	M. M. Dunnray	2	4	1780	G. W. Tunney	2	4
1781	D. Lynch	2	4	1782	J. Hornberger	2.	4
1783	C. C. Henry	2	4	1784	H. H. Raven	2	4
1785	James George	3	6	1786	J. Goodman	3.	6.
1787	Lee Blocker	3	6	1788	E. S. Deffenbaugh	3	6
1789	John Stringer	3	6	1790	W. W. Mills	2.	4
1791	Frank Petmecky	3	6	1792	L. C. Lock	3	6
1793	W. B. Sharp	2	4	1794	T. B. Galusha	2	4
1795	R. Henry	2	4	1796	J. K. Warren	3	6
1797	J. H. Pett	2	4	1798	Robt Barr	2	4
1799	Jos Barnhart	2	4	1800	J. A. Flack	2	4
1801	J. Strickland	2	4	1802	J. L. Pogue	2.	4
1803	E. Martin	2.	4	1804	M. Swisher	2	4
1805	E. Cook	2	4	1806	J. R. Eldridge	3.	6—

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1807	C. S. Frazier	2 —	$4 —	1808	Geo. Gilbert	3 —	6 —
1809	C. Austin	2 —	4 —	1810	Wm Lawson	6 —	12 —
				1811	M. C. Nuckols	1 —	$2 —

Bailiff service It is ordered by the Court that the following named persons receive the sums set opposite their names, for services rendered as Riding Bailiffs to the Grand Jury, and as general Court Bailiffs on the District Court at its present Feby Term A. D. 1876, payable out of the County Treasury of Travis County; to-wit:

Taylor Stringer,	Riding Bailiff	18 days	@	$3.00 per day	$54.00	
Do	Do Court Bailiff	24 do	"	$2 —	48.00	$102.00
Issued Fred Peck	Riding Bailiff	18 do	"	$3.00	54.00	
issued do	do Court Bailiff	24 do	"	$2.00	48.00	$102.00
Issued J. W. Johnson	Riding Bailiff	18 do	"	$3.00	54.00	
issued do	do Court Bailiff	24 do	"	$2.00	48	$102.00
J. L. Pogue	Riding Bailiff	6 — do	"	$3.00	$18 —	$18.00

No 3666 A. R. Vails vs. E. A. Minter. And now this day comes on to be heard a report made by J. W. Patton, commissioner heretofore appointed by this Court to make sale of all the property involved in this suit, for the purpose of partition; and it appearing to the Court that said Patton as such commissioner, has sold to one Robert Bracken, a tract of three hundred and twenty acres of land embraced in this suit, in Victoria County, on Casa Blanca Creek, Patented to Edward Linn by the State of Texas, on the 18th day of October, 1846: Patent No 172, vol 3, and recorded in Victoria County; on the 24th day of April 1849, in Book 4 page 1; and it appearing to the court that the said land has been sold to the said Bracken at the price and sum of one dollar cash per acre, and that said sum is a fair price for said land, and that said sale has been fairly made, and in all respects in conformity with law, and the orders of this court heretofore rendered in this cause; It is therefore ordered and decreed by the Court that said sale be in all things ratified and confirmed; and that upon the payment of the price of said land, according to the terms of said sale, the said J. W. Patton as such commissioner is ordered to execute and deliver to the said Bracken a deed for said land, wherein and whereby the title of all the parties to this suit, (said parties being the surviving wife and children of Edward Linn dec'd) shall be vested in said Bracken; and it is further ordered that out of the proceeds of said sale, the balance of the claim of J. M. Litten, a party to this suit, and creditor of the estate of Edward Linn, dec'd, shall be satisfied; and that the residue, after satisfying all court costs due herein, be paid to the heirs or their legal representatives.

No 4339 J. B. Hurd vs Hiram Paddock. And now on this day come the parties to this cause

March 24th 1876

by attorney; whereupon on motion It is ordered and decreed that said Deft. Hiram Paddock go hence with his costs, and that all costs in this cause accrued and expended be adjudged against the Plaintiff J.B. Hurd, and that the officers of court have their execution therefor. and this cause dismissed.

Ex Parte John Donell. And now on this day comes John Donell, Esqr. and he having fully purged himself of contempt of court by his personal statement therein, and by the court fully received, It is ordered that the fine of $100.00 heretofore rendered against said Donell for such alleged contempt, be and the same is hereby remitted to him.

√4043 State vs Kendrick Webb. Dismissed.

√4432 State vs Ben F. Hendricks. Dismissed

√3864 State vs R.B. Shaw et. al. Dismissed at Pltffs cost.

4525 State vs Sam. Williams. Continued for service

H 4615 H. and T.C.R.R. Co vs. F. W. Chandler. And now on this day comes the deft. by attorney, when on motion it is ordered that said defendant have leave to amend his pleadings.

√ Geo F. Brown cancelled It is ordered by the court that Frank Brown, district clerk be allowed the sum of one hundred and twenty dollars for extra services at this term, payable out of the County Treasury.

It is ordered by the court that Geo. B. Zimpelman be allowed the sum of

G.B. Zimpelman one hundred and twenty dollars for extra services at this term of the court, payable out of the County Treasury.

√4663 State vs Bill Lock. Comes the defendant on this day in person, enters the plea of guilty, waiving a jury; It is therefore ordered and decreed by the court that the State of Texas do have and recover of and from said defendant, Bill Lock, the sum of ten dollars as a fine, and costs of this prosecution, and that committment issue.

√4664 State vs Butler Lock. And now on this day comes the defendant in person waives a jury, and enters the plea of guilty; It is therefore ordered and considered by the court that the State of Texas do have and recover of and from the defendant Butler Lock the sum of ten dollars as a fine and costs of this prosecution, and that committment do issue.

√4641 State vs Dick Kinney. Comes the defendant herein by attorney, waives a jury and enters the plea of guilt; It is therupon ordered by the court that the State of Texas do have and recover of and from the defendant, the sum of ten dollars as a fine and costs of this prosecution, and that committment issue.

√4606 State vs Andrew Steed. Comes the deft on this day by attorney, waives a jury and enters the plea of guilty; whereupon It is ordered by the court that the State of Texas do have and recover of and from the defendant

the sum of $10.00 as a fine and costs of this prosecution, and that committment issue.

March 25th 1876

Court met pursuant to adjournment; when the following proceedings were had; to wit.

The foregoing minutes having been read in open court, examined and found correct, It is ordered that they stand as a part of the minutes of the present term of this court, and that this court do now stand adjourned until its next regular term.

J. P. Richardson
Judge 27th Judicial Distrct.

April 18th 1876

The State of Texas } Be it remembered that at a term of the Hon. District Court
County of Travis } of Travis County begun and held at the Courthouse thereof at the City of Austin, on Tuesday, the 18th day of April 1876, the same being the time fixed by law for the meeting of said Court, Present the Hon. E. B. Turner Judge of the 16th Judicial District of the State of Texas presiding, E. Hallmann, clerk of the District Court of Travis County and Dennis Corbin, Sheriff of Travis County, whereupon the following proceedings were had by said Court, to wit:

The presiding Judge having taken the Bench it is thereupon ordered that the Sheriff of Travis County do make proclamation at the Courthouse door that the said District Court of Travis County is now in session pursuant to law, which was accordingly done. And thereupon it is further ordered that Court do now stand adjourned till to morrow morning at 9½ oclock, and proclamation of said adjournment was accordingly made.

June 26th 1876.

The State of Texas } District Court of Travis County
Travis County } — In Vacation —

Whereas by the Laws of this State all proceedings of Administration and Guardianship now pending in the several Districts Courts of this State, and all cases Civil & Criminal remaining upon the Dockets of the several District Courts over which the County Courts have exclusive jurisdiction, are transferred to the County Courts of said State. —

It is ordered that the Clerk of the District Court of the County of Travis, Certify to the Clerk of the County Court of said County, all papers and proceedings of Administration and Guardianship now pending in said District Court, and also the original papers, copies of all orders as well as a statement of all costs incurred in each case Civil and Criminal now remaining upon the Docket of the said District Court over which the County Court of said County has exclusive jurisdiction

June 26th 1876. E T Brown
Judge 16th Judicial District

July 1st 1876.

4264 M. C. Hamilton v. Robert M. Russell & Mary J. Russell Interv.

Whereas the above entitled cause was tried & finally determined in this court on the 28th day of June 1875 as appears of record in said court in the minutes thereof as recorded on page 390 of Book L. showing the final judgment therein, and whereas there has been a motion to correct the judgment so as aforesaid rendered, so that the amount recovered by the Plaintiff shall draw interest at the rate of one and one half per cent per month instead of one and one half per cent per annum as was entered in the said judgment, and upon an inspection of the original petition which sets out the note upon which suit was brought and upon comparison of the copy of the note filed in said suit it does appear that the defendant R. M. Russell did contract to pay interest on the principal sum of $1144 29/100 dollars at the rate of one and one half per cent per month and that the clerk in entering up the final judgment made the entry so that the judgment only draws interest at the rate of one and one half per cent per annum when it should have been one and one half per cent per month which entry was made by mistake and it appearing that the attorneys of the said defendant R. M. Russell have been duly notified of the motion to correct the judgment in the matter designated, and upon inspection of all the papers in the cause it appears that there was a mistake as to the rate of interest and that it is right that the correction be made It is ordered that the judgment entered in this cause on the day & date above specified be so

amended that the amount recovered to wit $1497 70/100 in gold coin of the United States draw interest from the day of its rendition at the rate of one and one half per cent per month, & that this entry be made on the minutes of the court and this entry noted on the margin of the original judgment.

E B Turner
Judge 16th District.

The State of Texas } August 26th 1876
County of Travis } District Court of Travis County. In vacation

Whereas by an act of the 15th Legislature, approved July 19th 1875 all causes, civil and criminal, now pending in the District Courts of this State, over which jurisdiction is given by the Constitution to courts of justice of the peace, are transferred to the justices courts of the respective counties: It is ordered that the Clerk of the District Court of the aforesaid County certify to Justice James Neill all original papers, copies of all orders and statement of costs in the following causes for trial in said justice's court, to wit:

2973 S. B. Bush vs. C. Raven
3647 H. & T. C. R. R. Co vs. J. B. Barron
3923 B. F. Garrison vs. James & Robert Finley
4139 R. S. Rust vs. Clement Henson
4275 J. J. Davis vs W. S. Biles
4345 Mrs. E. T. Washington vs. J. P. Jones
4387 Bruno Shuman vs. E. P. Phillips
4410 T. Hutter vs. Ed Creary
4467 M. D. Miller vs. H. C. Solomon & Co
4537 J. Ringolsky vs W. C. Cain
4559 M. Brown vs. Chas Behnke
4575 E. B. Smith vs. A. P. Ricks et al
4576 Battery vs. Diederick
4604 H & T. C. R. R. Co vs. Chas Krohn
4606 H. & T. C. R. R. Co vs. C. B. Giles
4609 H & T. C. R. R. Co vs. T. J. Pitt
4613 H & T. C. R R. Co vs. Wm Bruggerhoff
4672 A. A. Scroggins vs. Ida Lake
4681 M. J. Weir vs. C. Goodloe et al
4750 M. D. Mattison vs A. H. Cook; and to justice Fritz Segner the following causes, to wit: to

3962 W. B. Smith et al vs. C. Puckett
4135 R. S. Rust vs. R. B. Johns
4137 R. S. Rust vs Lewis Pitt
4308 Charles Bohn vs Rudolph Krause
4369 W. B. Norris & Co vs. M. A. Allen.

4404 B. H. Davis vs. W. F. Wells
4439 Moore & Shelly vs. W. C. Cain
4475 Julia Clarke vs. Jno. W. Lawrence
4529 M. D. Mattison
4545 M. D. Mather vs. Bethel Coopwood
4565 M. D. Miller vs. James Finley and Joseph Goodman
4586 Richard Mitchell vs. Ed. T. Randle & T. P. Mills
4631 M. D. Miller vs Geo Grimminger
4686 Snyder & Holmes vs. Jno D. Logan & Co
4695 J. W. Miller vs. John H. Comer
4705 Carl Krohn vs. E. Saffroi
4716 Jos F. Brown Trustee vs. J. H. Zively
4749 Wm Brueggerhoff vs. E. B. York et al. ———

Judge 16th Judicial District.

October 16th 1876.

The State of Texas } Be it remembered that at a term of the Honorable District
County of Travis } Court of Travis County begun and held on Monday the 16th
day of October A. D. 1876, the same being the time fixed by law for the meeting
of said Court, Present Hon. E. B. Turner, Judge of the 16th Judicial District of the State
of Texas presiding, E. Hallmann, clerk of said Court and Verne's Corwin, Sheriff of Travis County
the following proceedings were had by said Court to wit.

And thereupon the Court ordered the Sheriff to call the names of the three jury Commissioners appointed by this Court, to wit: G. H. Burdett, R. Ratt, Felix Smith, _____ who after being duly sworn were instructed by the Court as to their duties as jury Commissioners and ordered to select 16 persons as Grand Jurors and three hundred persons as Petit Jurors for the present term, and 16 Grand Jurors for the next term of this Court, and thereupon they were ordered to retire and enter upon the discharge of their duties.

And thereupon it is ordered that the criminal docket be set for hearing for the 4th Monday of this term.

3622 Ellen C. Hunton et al vs. Mary M. Bowers. Upon motion it is ordered that this cause be continued to abide the decission in cause 3621 Ellen C. Hunton et al vs. E. B. Nichols.

3623 Ellen C. Hunton et al vs. A. H. Cook et al
3624 Ellen C. Hunton et al vs. Young mens R. E. & Build. Ass. } Same order as in cause No. 3622
3625 Ellen C. Hunton et al vs. William Oliphant

3631 G. R. Freeman vs. Jacob Kueckler et al. The judgment of this court being affirmed by the Supreme Court, it is ordered that this cause be dropped from the docket.

3881 Raymond & Whitis vs. John B. Matson et al. The appeal in this cause being dismissed by the Supreem Court, it is ordered that this cause be dropped from the docket.

3897 A. J. Ridge vs. C. W. Holler and J. C. Hughes. By agreement of parties it is ordered that this cause be dismissed and that all costs in this behalf expended be taxed against the defendants, for which execution may issue. for which execution may issue

3919 C. R. Johns vs. Susan L. Ward. Upon motion of Pff's Atty. it is ordered that this cause be dismissed, and it is further ordered, that Pff pay all costs in this behalf expended for which execution may issue.

3933 E. A. Hicks vs. James S. Gilbert. It is ordered that this cause be continued to perfect service.

4007 M. L. Miller vs. F. M. Randell and Emanuel Nolden. Continued to perfect service.

4108 Geo F. Gage vs. West Texas Insurance Co of San Antonio. This cause having been settled by the parties it is ordered to be stricken from the docket.

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4177 Cora E. Shepherd & husband vs. John F. Conner et al. Come now the Defts Mrs. Cotton & Mrs Hicks by their Attorney, when upon motion, it is ordered that said Deft Defendants Mrs Cotton & Mrs Hicks have leave

4326. to amend. John H. Conner vs. H. & T. C. R. R. Co. On motion Plff has leave to amend.

4100 John Willie vs. H. & T. C. R. R. Co. Comes now the Plff by Atty when upon motion it is ordered that Plff have leave to amend.

4194 E. R. Lane vs. F. J. Gresp. Com'r. The judgment in this cause being affirmed by the Supreme Court it is ordered that this cause be dismissed from the docket.

4353. Geo Grimminger vs. Friedberger & Bro. The judgment having been affirmed it is ordered that this cause be dropped from the docket.

4431 J. A. Goethe vs. J. S. Stewart & Jack Jones. Comes now the Plff by Attorney, when upon motion it is ordered that Plff has leave to amend.

4442 Rebecca Ann Smith vs. John C. Burleson et al. Come now the parties by their Attorneys whereupon it is ordered by agreement of parties that this cause be dismissed and that Plff. recover all cost in this behalf expended from the Defendent John C. Burleson, against whom execution may issue.

4472 James H. Raymond vs. Geo. W. Glasscock et al. The marriage of E. T. Logan, one of the defendants, having to S. G. Talbot having been suggested to the Court, it is ordered, that S. G. Talbot have leave to make himself a party to this suit; and it is further ordered that Defts. have leave to amend.

4459 John A. Adams vs. T. T. Pendley et al. Now upon motion of Defts' Attorney it is ordered that Defendants have leave to amend.

4473 W. C. Hamilton vs. Geo. W. Glasscock et al. The marriage of E. T. Logan one of the Defendents to S. G. Talbot having been suggested to the Court, it is ordered, that S. G. Talbot have leave to make himself a party to this suit; and it is further ordered that Defendants have leave to amend.

4506 Joel B. Combs et al vs. J. H. Dinkins et al. And now upon motion of Defts' Atty it is ordered that Defts have leave to amend.

4527 John P. Mills vs. Geo. B. Zimpelman & B. M. Odom. Come now the Defendant by their Atty, when upon motion it is ordered that Defts have leave to amend.

4530 P. De Cordova vs. Maria Allen et al. Now upon motion of Plff's Atty it is ordered that Plff have leave to amend.

4539 James C. Boulden vs A. B. Palm et al. And now comes James C. Boulden Jr. and gives the Court here to understand and be informed,

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that since the last term of this court the said Plff. James E. Boulden died, and that the said James E. Boulden jr. is now the duly qualified executor of the last will and testament of the said James E. Boulden deceased; and that the judgment recovered in this cause in behalf of the said James E. Boulden deceased, if any, be assets in his hands as executor as aforesaid, which the Defts A.B. Palm W.H.D. Bennington and Weyman F. Wells do not deny but admit the same to be true. It is therefore ordered, that the said James E. Boulden jr. be made party plaintiff to this suit as executor of James E. Boulden dec'd.

4593 James B. Morris et al vs. Fred. Carleton et al. And now comes Plff's Attorney and suggests to the court the death of James B. Morris one of the Plffs to this suit, when upon motion it is ordered that Mrs. Morris and Miss Patty E. Townes have leave to amend.

4559 Alfred E. Townes vs. J. K. Warren Deft and E. T. Eggleston Intervenor Deft. Now upon motion it is ordered that Plff. have leave to amend.

4619 B. Bedell vs. Geo. W. Glascock et al. The marriage of P. T. Logan, one of the Defts, to S. G. Talbot having been suggested to the court, it is ordered, that S. G. Talbot have leave to make himself a party to this suit, and it is further ordered that Defts have leave to amend.

4699 James H. Link vs. Austin City R. R. Comp. Now comes the Defendts by Attorney, when upon motion it is ordered that Defts have leave to amend.

4713 Foester, Lueders & Co vs. B. Barr.
And now comes J. A. Stewart ~~one of the Defts~~ by his attorney, whereupon on motion it is ordered that J. A. Stewart have leave to ~~intervene~~.

4735 W. J. Montgomery vs. J. B. Jeffries. Comes now the Plff, when on motion it is ordered that the Sheriff have leave to amend his return on citation.

J. B. Morris And now on this day appeared in open court C. L. West Esq. and presented in an appropriate address to the court the following resolutions adopted at a meeting of the Bar of the City of Austin, in relation to the death of James B. Morris, Esq., which on motion, are ordered to be recorded in the Minutes of this court, as follows to wit: Whereas, it has pleased Almighty God by a sudden and unexpected visitation of his divine Providence to remove from our midst and from the circle of our profession our much esteemed brother, James B. Morris, Therefore, Resolved, That as members of the bar of the City of Austin, we deeply deplore the death of our late brother, who has been removed from among us in full vigor of manhood and at a period of his life when his strength of intellect and his attainments and learning in the law had already elevated him to an eminent position in his profession and giving

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to a future career of great usefulness and honor.
Resolved, That we will cherish in affectionate remembrance his many social and professional virtues, as well as his sterling worth and integrity as a citizen in all the relations of life.
Resolved, That as a testimonial of our respect and esteem for our deceased brother, we will attend his funeral in a body, and that we will wear the usual badge of mourning for thirty days.
Resolved that the Secretary of this meeting submit a copy of these resolutions to the family of the deceased, and be assure them of our deep sorrow and sympathy in this hour of their great affliction.
Resolved, That Major W. M. Walton be requested to present these resolutions to the United States Circuit and District Court at Austin, and that Major C. S. West be requested to present the same to the District court of Travis County, and E. T. Moore to the County Court of Travis County and that they ask the same to be spread upon the minutes of the said Courts.
Resolved, that the Secretary furnish a copy of the proceedings of this meeting to the press of the City of Austin for publication.

Respectfully submitted.
Edmund J. Davis, J. W. Robertson, George T. Pendexter.
Committee

And now on motion it is ordered, out respect to the memory of the deceased that Court do now stand adjourned till to morrow morning at half past eight A. M.

October 17th 1876

Court met pursuant to adjournment. Present the same as yesterday. Thereupon the following proceedings were had to wit:

2957 Abby Thompson Admx et al. vs. R. A. Rutherford. This cause is ordered to be continued generally.

2955 Abby Thompson Admx et al vs. A. H. Barns and W. Merrill. It is ordered that this cause be continued generally.

2958 Abby Thompson Admx et al. vs. George Saunders. Ordered to be continued.

2960 Abby Thompson Admx et al. vs. H. L. Raven. Ordered to be continued.

3300 Mary Jane Lee vs. S. B. Sedwick. Come now the parties by their Attys when by agreement it is ordered that this cause be dismissed, and that the Pltf recover all cost in this behalf expended, from the Defendant, against whom execution may issue for the amount of said cost.

3522 J. B. Morris Admr vs. Henry Johnson et al. The judgment of in this cause having been affirmed, this cause is dropped from the docket.

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3814 John A. Burdett et al. vs. M. C. Burdett et al. Upon motion it is ordered that Plff have leave to amend.

3815 J. A. Burdett et al vs. John A. Green. Upon motion it is ordered that Plff have leave to amend.

4476 Amanda West vs. G. W. West. It is ordered that this cause be dismissed and that Plff pay all costs in this behalf expended, for which execution may issue.

4528 John Fisher vs. J. M. Kraps. This cause having been transferred to the Federal Court of the West. Dist. of Tex., is ordered to be dropped from the docket.

4582 Texas Pacific R. R. Co. vs. J. J. Gross. Comr. The judgment of this Court in this cause having been affirmed by the Supreme Court, this cause is ordered to be dropped from the docket.

4608 H. & T. C. R. R. Co. vs. Catharine H. Horan. It is ordered that this cause be continued.

4610 H. & T. C. R. R. Co. vs. M. W. Townsend. Now comes the plaintiff by Attorney when upon motion it was ordered, that Plff have leave to amend.

4617 Thomas Lane vs. Swiskill and Ryan. It is ordered, that this cause be dismissed for want of security for cost and because Plff has failed to comply with the order made by this court at a former term, and requiring the plff to give bond & security for cost; And it is further ordered that the Plff Thomas Lane pay all the costs in this behalf expended, for which execution may issue.

4672 A. A. Scroggins vs. Ida Lake. This cause having been transferred to a justice court by mistake, the order transferring it there, is set aside and the case reinstated on the docket according to its number. —

Jury Commrs. Come now the jury commissioners into open court & present to the court the following list of persons, selected by them as Grand Jurors for the present term of this court, to wit: G. W. Malone, Jeff. Burleson, Lee Giles, J. D. Easton, John Harrel, George Heisner, Jno J. Davis, James Eastner, James Lathpage, W. C. Piper, Leander Brown, B. Melasky, James Hamilton, Ed. Christian, W. A. Ryan, W. Kluge, twelve of said persons to constitute the Grand jury. And thereupon the court directed the commissioner to select the names of 300 citizens as Petit Jurors, out of which number said Commissioners shall draw a list of 36 persons for the third and each succeeding week of the present and for each week of the next term of this court, said lists to constitute the regular jury panneli for the respective weeks of court. — And thereupon the court administered to the Clerk and then to the Sheriff and some of his deputies the oath as required by law in regard to jury, and ordered the Clerk to issue a summon for said Grand Jurors, commanding them to in-

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stanter appear before this Court. — And thereupon Court adjourned until to morrow morning 9 o'clock A. M.

October 18th 1876

Court met pursuant to adjournment. Present same as yesterday.
Whereupon the following proceedings were had to wit:
The Court administered the oath as required by law in regard to jury to
~~Deputy Sheriffs~~ Bailiffs James Laird and Isoms Lee
And thereupon Court adjourned till to morrow morning 9 o'clock A. M.

October 19th 1876

Court met pursuant to adjournment. Present same as yesterday.
Whereupon the following proceedings were had to wit:

4723 O. C. Giles vs. T. W. Nolan
4725 John Stringer vs. F. Tegener
4727 Joseph Barnhart vs. W. J. Sutor.

Come now the defendants in the last preceeding three causes and move in said three causes
the Court to require the plaintiffs to enter into bond and security for the
costs of the respective causes, and unless the it is ordered that the plaintiffs L. H.
do enter into bond and security for the cost of the respective causes, and un-
less said rule is complied with, on or before the first day of the next term
of this Court, said causes will be dismissed, Pltf's Attorneys being notified. Jury

3627 Louis P. Cook vs. Joseph Lee.
3927 M. Wear vs. Geo. B. Zimpelman
4371 Emma Lee et al vs. Jones et al.
4521½ D. M. Jackson vs. John T. Carter
4521 W. R. Davis vs. Alfred Scott.
4731 Amanda J. Wynne vs. Louis Felton.
4737 Julia Kendall vs. Antonio Kendall
4738 J. B. Drake vs. J. S. Mc Gimis
4740 M. J. Bachelder vs. Ed. Sims Trustee
4741 Jane Kennedy vs. W. A. Kennedy.
4742 Asa E. Hatton vs. Barnes Parker
4747 William Brown vs. Nancy Scott
4748 Zacharias Ochsner vs. Auguste Ochsner
4751 A. J. Wynne et al vs. M. A. Taylor
4765 Josephine S. Pendland vs Lem Pendland
4768 E. L. Compton vs. The Heirs of Henry Reinhart
4770½ Evander A. Hicks vs. Julius Guest & James R. Cummings
4771 W. J. Lyster vs. Perline Lyster

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4774 J. M. Page vs. Thomas E. Wheeler
4775 Jonathan Rogers dcbz. Life Asociation of America
4777 James Shelton vs. David Bainter et al
4778 Thomas E. Shelby vs Elizabeth Shelby
4781 Evaline Evans vs Townsend & Anderson
4782 Louisa Williams vs Swante J. Swenson.
4783 Martin Belger vs. Moses Rayner
4788 Hancock & Butler vs. Geo. T. Allen et al
4791 Sallie Farrell et al vs. A. G. Buddington
4797 A. S. Bardwell vs. Ponsy & Thompson
4798 William J. Mathews vs. A. S. Mair
4802 Michael D. Miller vs. W. A. H. Miller & John Dowell
4815 Riley Johnson vs. Catharine Johnson
4806 R. N. Lane vs. Aetna Life Insurance comp.

comes now the Clerk of the District court of Travis county and upon motion it is ordered that the Piffs in the last preceding thirty two causes be required to enter into bond and security for cost in said several causes, and unless said rules are complied with on or before the first day of the next term of this court, the same will be dismissed.

L. H. Bentley And thereupon it is ordered that H. L. Bentley Esq. an Attorney of this court, be fined in the sum of ten dollars for contempt of court, and it is ordered that said Bentley stand committed to the county jail, until said fine is paid

Jury Comrs. come now the jury commissioners into open court and present to the court the lists for Petit Jurors for the third, fourth and fifth week of this term towit:

for the third week 1. J. R. Owing, 2 W. R. Beckett, 3 W. B. Bush, 4 Paul Von Rosenberg, 5 E. Cearly, 6 Joshua Patterson, 7 J. C. Towns, 8 D. C. Searle, 9 Hugh McClure 10 A. B. Townsend 11 James Woods at Webberville, 12 G. W. McIntyre, 13 Rosa Johns, 14 J. P. Harris, 15 William Duty, 16 L. D. Martin, 17 A. H. Whitman, 18 E. S. Jeffenbaugh, 19 J. S. Gordon, 20 J. L. Driskill, 21 C. S. Norwood, 22 W. J. Oliphant, 23 Alex Bunkman, 24 G. H. Carrington, 25 J. M. Jones, 26 William Ruggerhoff, 27 William Wende 28 J. B. Norwood 29 L. D. Carrington 30 J. C. Mathews 31 Phil Jobe 32 H. Hirshfeldt, 33 E. W. Holler, 34 John McDonald 35 John Daugherty 36 A. S. Roberts,

and for the fourth week as follows to wit: 1st Jim Horst, 2 C. R. West, 3 J. G. Jolly 4 Peter Swenson, 5 W. P. Coe 6 R. A. Rutherford 7 Walter Tipps 8 E Fletcher Rowe, 9 A. Ronke, 10 Fred Wieland 11 A. J. Standefer 12 W. J. Griffin 13 Joseph Martin 14 B. C Weed 15, James Sylvester, 16 Arnold Kline 17 George Ruckold 18 J. W. Howard 19 J. S Penn, 20 G. W. Simpson, 21 Henry Dickerson, 22 J. L. Bucas 23 Andrew Mitchell 24 W. H. Fleet, 25 C. Esty Hamberger, 26 Phil Dei 27 J. C. Rainer 28. J. H. Yett 29 Felix Gatlin, 30 Thomas Murrah 31 J. A. Collier 32 C. A. Caldwell, 33 B. S.

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Hunter, 34 H. H. Hatwel, 35 John Ashe 36 M. L. Langford.
and for the fifth week as follows to wit: 1. William Ligon 2 L. B. Cox. 3. J. W. Whill, 4 John Buttery, 5 Davy Jones 6 J. R. Ray, 7 Sam Smith, 8 C. W. Bengener, 9 J. J. Laughlin, 10 Thomas McCormack 11 J. M. Bentley 12 C. Von Rosenberg. 13 J. B. Hudspeth 14 David Strickland, 15 Sam J. Reed, 16 Ben V. Smith, 17 B. J. McNeel, 18 J. Strickland, 19 W. M Vance, 20 W. L. Mitchell 21 E. J. Mayfield 22 Ben Vanzandt 23 C. C. Winfrey, 24 R. Dawson, 25 J. T. Hamilton 26 Henry Pluger. 27 R. R. Robertson 28 J. H. Shaw, 29 D Porterfield 30 R. S. Gigg 31 Charles F. Austin, 32 Leslie Price 33 Robert Johns 34 Conrad Pfluger 35 H. M. Andrews 36 R. H. Smith; and thereupon the Court directed the Clerk to issue a summon, commanding the aforesaid Petit Jurors to appear before this Court respectively on the Monday of the third fourth or fifth Week of this Term of Court.

3590 John F. Conner et al vs. Ella R. Carter et al. Comes now the Defendants by their Attorneys, upon motion it is ordered that Defts have leave to amend, and it is further ordered that Miss Alvira Rust have leave to intervene in this cause.

4731 Amanda J. Wynne et al vs. Louis Felton et al. By agreement of Parties this cause is ordered to be continued.

4741 Jane Kennedy vs. D. A. Kennedy et al. Upon motion it is ordered that Pltf Defendants have leave to amend.

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

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Court met pursuant to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit:

4733 Hecht Bro & Co vs. A. J. Haber & Co. Now on this day come the Plaintiffs Abraham C. Hecht, Marcus Hecht, Jacob H. Hecht and Louis Hecht Jr. by Attorneys; and Defendants Abraham J. Haber and N. Steinbach having been duly served with process failing to appear and answer Plffs complaint, but wholly made default, whereupon plaintiffs by attorneys moved the Court for a judgment against the said Defendants by default, and it appearing to the Court, that the demand sued on in this case is liquidated and that the amount due thereon is eight hundred and four dollars and ninety nine cents, whereupon it is ordered adjudged and decreed by the Court that the Plaintiffs Isaac Hecht, Abraham C. Hecht, Marcus Hecht, Jacob H. Hecht and Louis Hecht Jr in their firm name of Hecht Bro & Co have and recover of the Defendants Abraham J. Haber and N. Steinbach the said sum of eight hundred and four dollars and ninety nine cents with interest from this date at the rate of eight per centum per annum and for all costs in this behalf expended, for which execution may issue.

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4776 James R. Johnson vs. W. M. Hoover et al. By agreement of parties it is ordered that this cause be continued

4742 Asa E. Stratton vs. Barnes Parker. Now on this day came the Plaintiff Asa E. Stratton by his Attorneys and moved the Court for a judgment by default and a foreclosure of venders lien; and it appearing to the Court that the Defendant Barnes Parker had been duly served with process in this case and failing to appear and answer the complaint of plaintiff, and that plaintiffs demand is liquidated and that the amount due thereon is one hundred and fifty nine dollars and sixty-six cents in gold and it further appearing to the Court that said sum of money is due as a part of the purchase money of the tract of land hereinafter described, and that the plaintiff held a venders lien upon said land to secure the payment of said sum of money. It is therefore adjudged and decreed that the plaintiff Asa E. Stratton have and recover of the Defendant Barnes Parker the said sum of one hundred and fifty nine dollars and sixty-six cents in gold with interest from this date at the rate of eight per centum per annum together with all costs in this behalf expended and that the venders lien on the following described tract of land to wit a one half undivided interest in a survey of land in the name of William Hatchaway situate in the County of Hamilton and State of Texas be foreclosed and that the ~~Sheriff of~~ above described land be sold as under execution, and that the proceeds thereof be applied to the satisfaction of this judgment and to the payment of all costs in this behalf expended, and that the balance, if any, be paid over to the defendant Barnes Parker. And it is further ordered adjudged and decreed, that if the proceeds arising from the sale of said above tract of land shall not be sufficient to pay satisfy and discharge this judgment and costs, then that Plaintiff have his execution against the Defendant for such balance, as may be due.

4744. John R. Gorley vs. City of Austin. And now on this day comes the Plff in this cause by Attorney & moves the Court for a judgment by default; And it appearing ~~to~~ the Court that the Defendant has been legally cited to appear before this Court and answer Plffs. petition, and that he did not appear and answer but wholly made default, It is therefore ordered adjudged & decreed that the Plaintiff John R. Gorley do have and recover of and from the Defendant according to the prayer of his petition, and that the amount of damages due him be assessed by this Court at a future day.

4774 J. M. Page vs. Thomas J. Wheeler. Now on this day comes the plaintiff J. M. Page by his attorneys and moved the Court for a judgment by default and it appearing to the Court that the ~~Plaintiffs demand~~ Defendant Thomas J. Wheeler had been duly served with process and had failed to appear and answer the complaint of plaintiff but had made default and it further appearing to the Court, that the plaintiffs demand is liquidated and that the amount

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due thereon is four hundred and sixty two dollars and twenty seven cents in coin and that said sum of money is due as a part of the purchase money of the tract of land described in plaintiffs petition and that the plaintiff said J. M. Page has and hold a vendor's lien on said tract of land, It is therefore ordered adjudged and decreed that the plaintiff J. M. Page have and recover of the defendant the said sum of four hundred and sixty two dollars and twenty seven cents in coin with interest from this date at the rate of ten per centum per annum together with all costs in this behalf expended. It is further ordered, adjudged and decreed by the Court that the vendors lien on the following described tract of land situated in the county of Travis and State of Texas to wit Block No 25 beginning at the South West corner of the original survey a live Oak tree: Thence S 60° E with the South line of the original survey 538 varas a corner at the S. W. corner of Block No 24 a stone mound from which a Spanish Oak 4 in. in Dia. bears N 75° W. 15 varas: a spanish Oak 3 in. in Dia. bears N 6° W. 14 vrs. Thence N. 30° E 511 vrs a stake from which a cedar 8 in. in Dia bears S. 30° W. 4 vrs. a cedar 8 in. in Dia. bears N. 70° E. 1½ vrs.: Thence crossing Cops or Sandy Creek at 538 vrs., a stone mound for corner on the West line of the original survey 435 varas a stone mound from which a cluster of Spanish Oaks bears N. 70° E. 18 vrs.: Thence S. 30° W. with west line of original survey crossing Cops or Sandy Creek 511 vrs. the place of beginning, containing fourty eight $\frac{3958}{5645}$ acres of land and so much of Block No 26 as there is on the South Side of the Creek and adjoining Block No 25 supposed to contain twenty and 3/4 acres of land and said block described as following Beginning at S. W. corner of Block No 22 a stone mound from which a cedar 10 in. in Dia. bears N 66 E. 22 vrs. a cedar 15 in. in Dia bears N. 81° E. 22 vrs.: Thence N. 60° West 538 vrs. a stake in the original line of survey from which a live oak 12 in. in Dia. bears S. 73° E. 22 vrs. a Spanish Oak 3 in. in Dia. bears S. 53° E. 10 vrs. Thence S. 30 with the West line of original survey 435 vrs. a stone mound from which a cluster of Spanish Oaks bears N. 71° E 18 vrs.: Thence S 60° E with the North line of No 25 crossing Cross or Sandy Creek. 538 vrs. to S. W. corner No 23. Thence N 30° E with the West line of No 23 and crossing Cross or Sandy Creek to the place of beginning containing fourty one $\frac{1585}{5043}$ acres of land and so much of Block No 24 as is on the S. side of the Creek and adjoining No 25 and supposed to contain 31½ acres of land and the block being described as follows: Beginning at the S. W. corner of No 17 Thence N. 30 E. with West line of No 17 crossing Cross Creek at 435 a stone corner from which a cedar 8 in. in Dia. bears S. 30° E. 20 vrs. Live Oak 9 in. in Dia. bears N. 50 W 28 vrs. Thence N. 60 W with South line of No 23 crossing Cross Creek at 520 vrs a stone for corner from which a cedar 8 in. in Dia. bears S. 30 W 4 vrs: a cedar 8 in. in Dia bears N. 70 E 1½ vrs: Thence S. 30° W to a stake on the original line of survey for a

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corner: Thence S. 60° E. with the South line of the original survey to the place of beginning, containing fourty acres, and so much of Block No 23 as is on the South side of the Creek and adjoining No 24 and supposed to contain about 23 acres of land at the block described as follows: Beginning at the S. W. corner of No 22; Thence S. 60° E. with the South line of No 22, 520 vrs. to a mound of stone from which a cedar 6 in. in dia. bears S. 60° E. 15 vrs. a Live Oak 8 in. in dia. bears S. 25 E. 19 vrs. Thence S. 30° W. with the West line of No 18 435 vrs to the N. W. corner of No 17; Thence N 60° W crossing Cibolo Creek at 520 vrs a stone for corner a cedar 8 in. in dia. bears S. 30° W. 4 vrs. a cedar 8 in. in dia bears N 70 E 1½ vrs Thence S. 30° E. crossing Cibolo Creek to the beginning containing fourty acres of land, and so much of Block No 17 as is on the South side of the Creek adjoining No 24 and supposed to contain twenty acres of land; the block being described as follows: Beginning at the N. W. corner of No 16 a stone mound from which a cedar 5 in. in dia. bears N. 22° E. 15 vrs.; a Live Oak 12 in in dia. bears ~~N.~~ N. 79 W 46 vrs. Thence N. 30° E. with the West line of No 16 435 varas to the S. W. corner of No 15 a stone mound from which a cedar 7 in in dia bears S. 76 W 4 varas; a cedar 12 inch. in dia. bears S. 13° W. 7 vrs. Thence N. 60° W. crossing Cibolo creek at 520 varas a stone corner from which a cedar 8 in. in dia. bears N. 30° E. 20 vrs.; a Live Oak 7 in. in dia. bears N. 5° W. 28 vrs. Thence S. 30 W. crossing Cibolo creek made a corner at 435 varas on the South line of the original survey: Thence S. 60° E. with said line to the beginning, containing fourty acres of land. A plot of the foregoing lots of land is recorded in the City of Austin County of Travis and State of Texas showing the subdivision of the original survey viz No 421 in the name of J. Antonio Ybarbo and No 422 in the name of Candelaria Ybarbo in Book V page 153 of records of said County,—be foreclosed and that the Sheriff of Travis County and State of Texas sell said above described tract of land to the highest & best bidder in coin dollars at under execution and that from the proceeds arising from said sale he pay off, discharge & satisfy this judgment and the costs incurred in this behalf; and the balance if any he pay over to the Defendant Thomas J. Wheeler. If however the proceeds of the sale of the above tract of land be not sufficient to satisfy this judgment and costs in this behalf incurred, then execution may issue against said Defendant Thomas J. Wheeler for the balance then due.

4797 J. S. Bardwell vs. Prowse & Thompson. This day came the Plff. by his Attorneys, and the said Defendants having failed to appear and answer in this behalf, but wholly made default, wherefore the said A. S. Bardwell ought to recover against the said G. W. Prowse and W. T. Thompson his damages by occasion of the premises; And it appearing to the Court that the cause of action is liquidated and proved by instruments in

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writing, it is ordered, that the Clerk assess the damages sustained by said Plff. and the said Clerk now here assesses the damages aforesaid at the sum of $225 25/100 Two hundred and twenty five 25/100 dollars. And it further appearing to the Court that on the 16th day of August 1875 Defts. made, executed and delivered to Plff for the purpose of securing the payments of said instruments in writing and interest thereon a mortgage upon the following described tract or piece of land to wit: all that certain tract of land lying & being situated in the County of Travis & State of Texas and more particularly described as follows: Beginning at the N. E. corner of a one and a half acre tract of land sold conveyed by C. P. Goodrich to Ben Franklin, Thence S. 30 W. 154 vrs to a corner. Thence N. 60 W 75 vrs to a corner Thence N. 30 E. 158 vrs to a corner on rock fence of field. Thence S. 66 E, with said rock fence 76 vrs. to the place of beginning, containing two acres of land. It is therefore considered by the Court that the Plff do have and recover of the said Defendants the said sum of two hundred and twenty five 25/100 dollars, principal & interest, with interest thereon from this date at the rate of ten per centum per annum together with his costs in this behalf expended. And it is further ordered adjudged and decreed, that the mortgage upon the above described tract of land be and the same is hereby foreclosed, and that the Clerk of this Court do issue an order of sale, directed to the Sheriff or any Constable of Travis County, commanding him, the said Officer to seize & sell the above described tract of land as under execution, and that he apply the proceeds thereof to the payment and satisfaction of the said sum of Two hundred and twenty five 25/100 dollars, together with all interest that may be due thereon and the cost of this suit, and if said land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay over the excess to the defendants, but if said land shall not sell for enough to pay off & satisfy this judgment, then the Clerk of this Court is directed to issue execution for the balance remaining unpaid, It is further ordered that execution issue for the use of officers of Court against Plff. or Defts. respectively for the costs by them in this behalf incurred.

4730 W. M. Shanahan vs. Wm Jenkins et al. And now on this day comes the Plff by his Attorneys and moves the Court for a judgment by default against the Defendant Wm Jenkins. And it appearing to the Court, that said Deft. Jenkins has been legally cited to appear before this Court and answer Plff's. petition, and that he has not appeared or answered but has wholly made default, It is therefore ordered

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adjudged and decreed, that Plff. recover of and from the Defendant Wm Jenkins according to the prayer of his petition, and it is further ordered that this cause be continued ~~as to the Defendant H. Y. Anderson~~ for service on the other Defendant H. Y. Anderson ~~the same~~, and that the damages be assessed by this Court at some future day.

4765 Josephine S. Pendland vs. Lem Pendland. And now on this day this cause coming on to be heard the Plff. Josephine S. Pendland appeared by counsel and announced ready for trial and the Defendant Lem Pendland came not but made default; and it appearing to the Court that said Defendant has been duly served with citation as required by law and that he has wholly failed to appear, plead and answer herein; and no jury being demanded, the Court proceeded to hear the pleadings, evidence and argument, and the Court being of the opinion, that the allegations in plaintiffs petition are sustained by the proof introduced in this cause: It is therefore ordered adjudged and decreed by the Court, that the plaintiff Josephine S. Pendland be and she is hereby divorced from the Defendant Lem Pendland, and that the bonds of matrimony heretofore existing between the said plaintiff and Defendant be and the same is hereby for ever dissolved and annulled. And it is hereby further ordered that plaintiff recover from Defendant all the costs in this suit for which execution shall issue; and it is further ordered, the officers of this Court may have execution for the costs of this suit against the plaintiff and her sureties on her cost bond in this case, and that whatever amount the plaintiff and her sureties shall pay as costs in this suit, shall be paid back to them by Defendant for which execution may issue in their favor.

4805 Riley Johnson vs. Catharine Johnson. And now on this day it is ordered upon Plff's motion, that this cause be dismissed, and that the Plff. pay all the costs in this behalf expended, and that the Officers of this Court have their execution against said Plff for said Costs.

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

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

4635 Jacob Bates vs. Andrew Jackson & Lucy Jackson. And now on this day comes the Plff. by Attorney, when upon motion it is ordered that Plff. have leave to amend. ——

Grand Jury And thereupon the Court ordered the Sheriff to call the names of those selected by the Commissioners as Grand Jurors, when the following ten persons answered to their names to wit: G. W. Malone, Lee Giles, J. O. Easton, Jeff Burleson, James Eastner, James Littlepage, C. Piper, B. Melasky, Ed. Christian and Wm Kluge ——

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and thereupon the court ordered the Sheriff two summon two good & legal citizens of Travis County to complete the number of Grand Jurors. And the following two persons were so summond and appeared before the Court to wit: R. A. Kerr & Richard Danes And thereupon the above named 12 persons were legally tried empannelled & sworn as the Grand Jury of Travis County for and during the present term of the District Court of said County, and Melasky was appointed foreman of said Grand Jury. And said Grand Jury being duly charged by the Court as to the duties devolving upon them, they were ordered to retire & enter upon the Discharge of their duties.

And thereupon Court adjourned till Monday Morning 9 o'clock.

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

4735 W. J. Montgomery vs. J. B. Jeffries. Comes now the Plff and announces himself ready for trial, and the Defendant comes not, but makes default and it appearing to the court that the Defendant had been legally cited to appear & answer Plffs Petition and it appearing from evidence that Plffs. demand was liquidated and proved by an instrument in writing and that said demand was secured by the vendors lien on the land described in Plffs petition. It is therefore considered, ordered, adjudged and decreed by the court that the Plff W. J. Montgomery do have and recover of and from the Defendant J. B. Jeffries the sum of five hundred and eighteen $\frac{95}{100}$ (518\frac{95}{100}$) Dollars in Gold coin with interest from and after date hereof at the rate of eighteen per cent per annum and all costs of suit— And it is further ordered, adjudged & decreed by the court the Plffs lien on the land described in his petition as follows to wit: A part of the headright of Thos. F. Gay situated in the Counties of Williamson & Burnett, and beginning at J. C. Sterlings N. W. corner: Thence West with its variations 645 vrs. to a stone mound on Mc Farland's East line; Thence South with its variations 1870 vrs. to John Whites N. W. corner: Thence East with said Whites line 645 vrs. to J. C. Sterlings S. W. corner: Thence North with its variations with said Sterlings line to the beginning containing 212½ acres of land & being the same purchased by said defendant from Reid D. Shafner on or about the 2nd of October 1872, be and the same is hereby foreclosed— And it is further ordered, adjudged & decreed by the Court, that orders of sale do issue to said Burnett & Williamson Counties commanding the Sheriffs of said Counties in the order stated, to sell said land as under execution to satisfy this judgment and that such Sheriff shall apply the proceeds of such sale to the payment in whole or in part to the satisfaction of said

judgment, and that in the event said land shall not sell for enough to satisfy said judgment then that execution may issue for balance.

Bailiffs — And thereupon the court administered the oath as required by law to bailiffs V. M. Lively and W. J. Davis.

1693 Thos. Cassidy Admr vs R. A. Smith Admr of John King.

1733 C. A. Hopkins et al vs. Amos Morrill

2802 William Drake vs Richard Mc Laren and Diana Tilleland

3133 Jose Maria Guerrria Villareel vs The State of Texas

3136 Albert Garrcia vs The State of Texas

3138 Alberto Guarrcia et al vs. The State of Texas

3139 Sabas Fuentez et al. vs The State of Texas

3140 Eubacer Gonzales vs The State of Texas

3151 H. A. Shaw et al vs John Norwood et al

3165 John & Ann Eliza Holland vs John H. Conner

3180 William Eborn vs. Geo B. Zimpelman Admr of Thos Eborn decd

3187 Juan Vela Gutierez vs The State of Texas

3188 Dan Sais et al vs The State of Texas

3189 Manuel Bustamente vs. The State of Texas

3190 Manuel Ramerez vs The State of Texas

3191 Pedro Gaitcrez vs The State of Texas

3192 Gabriel Saras vs. The State of Texas

3193 Pablo Garza vs The State of Texas

3194 Antonio & Jesus Yzaguirre vs The State of Texas

3195 Theodacio Sanchez et al vs. The State of Texas

3196 Julian Zapatern et al The State of Texas

3197 Rafael Ureibo vs. The State of Texas

3198 John L. Haynes et al vs. The State of Texas

3199 Maria Alberie Aumalda de Leon vs The State of Texas

3200 Conception Garza vs The State of Texas

3201 Neever Villareal vs The State of Texas

3202 Candaleria Ramirez vs. The State of Texas

3277 Andrew Garrcia vs The State of Texas

3278 Juan Manuel Ramirez vs The State of Texas. On the last above twenty nine causes it is ordered that the same be continued to await the mandate of the Supreme Court.

3134 Gesidee Martinez et al. vs. The State of Texas. On motion of Ptffs Attorney it is ordered that this cause be continued.

3135 Jose Maria Canales et al vs. The State of Texas. On motion of Ptffs Attorney. it is ordered that this cause be continued.

3137 Francisco Cuellar vs The State of Texas. On motion of Ptffs Attorney

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This cause is ordered to be continued

3361 Trinidad Villareal &al vs. The State of Texas. This cause is ordered to be continued on motion of Plffs Attorneys

3362 Victoria Juarez vs. The State of Texas. This cause is ordered to be continued on motion of Plffs Attorneys.

3363 Samuel M. Jarvis vs. The State of Texas. On motion it is ordered that this cause be continued

3364 Seraphio Garza et al. vs. The State of Texas. On motion it is ordered that this cause be continued.

3365 Salvador Cardenas et al vs. The State of Texas. On motion it is ordered that this cause be continued.

3366 Juan Rodriguez Sias et al vs. The State of Texas. On motion it is ordered that this cause be continued.

3368 E. W. Levin et al vs. The State of Texas. This cause is ordered to be continued

4249 E. L. Compton vs. Hadrick Boyce et al. Comes now the Plff by Atty, when upon motion it is ordered, that Plff has leave to amend.

4713 Forster, Ludlow & Co vs. B. Barr. J. A. Stewart, Intervenor. The motion of the Plff. to strike out the pretended answer in this cause, coming on to be heard, the same is overruled, and it is ordered that Defendant have leave to correct his answer by correcting the name of the Defendant B. Barr.

4713 Forster, Ludlow & Co vs. B. Barr, Defts. & J. A. Stewart Intervenor. Comes now the Defendant by Attorney when upon motion it is ordered that Defts. have leave to amend.

4737 Julia Kendall vs. Antonio Kendall. Upon motion it is ordered that Plff have leave to amend.

4793 Whitefield Chalk vs. Stephen H. Darden Comptr. comes now the Plff. by Attorney when upon motion it is ordered that Plff have leave to amend.

4520 O. M. Jackson vs. John T. Carter et al. comes now the Plff in this cause by his Attorney and moves the Court for a judgment by default against the Defendants John T. Carter, Sidney Alexander, and the unknown heirs of Julius Shubeth decd. And it appearing to the Court that the said Defendants had been legally cited to appear before this Court and answer Plff's petition, and that the same had not appeared and answered but had wholly made default: It is ordered, adjudged & decreed that the Plff. O. M. Jackson do have and recover of and from the Defts. John T. Carter, Sidney Alexander and the unknown heirs of Julius Shubeth decd. according to the prayer of his petition. And it appearing to the Court that the Plff in this cause did on a previous term of this Court recover a judgment by default against the Defendant E. W. Shands, and it

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further appearing that the cause of action is not liquidated it is ordered and decreed, that a writ of inquiry in this cause do issue

4431 J. A. Goodhue vs J. S. Stewart & Jack Jones. And now upon motion it is ordered that J. M. Gordon and H. Goodhue have leave to intervene and make themselves parties to this suit.

4668 Tooner Sykes & Billups vs. C. M. Booth. And now upon Plff's motion it is ordered that Plff have leave to amend

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

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

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4726 H. L. Bentley vs. B. Trigg. And now on this day come the parties by their Attorneys in the above entitled cause and announced ready for trial, and after hearing all of the evidence and arguments of counsel, it appearing to the court that the contestant has failed to show any legal right to the office of County Attorney in and for the County of Travis and State of Texas, It is therefor ordered, adjudged and decreed by the court, that the contestant take nothing by this suit. It is further ordered adjudged and decreed by the court that the contestant pay all costs in this behalf expended, for which execution may issue.

4727 Joseph Barnhart vs. W. J. Suter. Comes now the Plff contestant in this cause by his attorney, and upon his motion it is ordered, that this cause be dismissed, and that all the costs in this behalf expended be taxed against the contestant, and that execution may issue to collect the same.

4728 Val. C. Giles vs. T. W. Nolan. Come now the parties to this suit by attorneys, when by agreement of parties it is ordered, that this suit be dismissed, and that Defendant T. W. Nolan pay all the costs in this behalf expended, and that execution may issue to collect the same.

4788 Hancock & Butler vs. Geo. T. Allen et al. Come now the Plff's in this cause by their Attorneys and the Defendants came not. And it appearing to the court, that the Defendants Geo T. Allen and — Allen his wife had been legally cited to appear and answer Plff's petition, and that the same had not appeared and answered but had wholly made default: It is ordered, adjudged and decreed, that the Plffs. H. A. Hancock and C. H. Butler under their firm name and style of Hancock & Butler do have and recover of and from the defendants Geo. T. Allen and — Allen his wife, according to the prayer of their petition, and that the amount of damages due them from the defendants be assessed by this court on a future day.

Paul Reinke Ex. parte. Paul Reinke having filed in open court his petition, praying to be admitted to become a citizen of the United States, and the court being fully satisfied by the affidavit of the said Paul Reinke and by

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other testimony here introduced, that the said P. Reinke has been a bona fide resident of the United States for more than five years last past, and that he has behaved during that time as a man attached to the principles of the Constitution of the United States and as a good and law abiding man; and the Court also being satisfied that the said Paul Reinke has made his Declaration of intention to become a citizen of the United States more than three years ago and in accordance with the act of Congress in such case provided; and the said Paul Reinke in open Court having taken the oath prescribed by law to support the Constitution of the United States and of the State of Texas and to absolutely and entirely renounce and abjure forever all alligance and fidelity to every foreign prince, potentate, State or Sovereignty whatsoever, and particularly to the King of Prussia of whom he was a subject. It is therefore considered, ordered, adjudged and decreed by the Court that the said Paul Reinke 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.

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

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

3241 Sherk & Berkson vs. C. M. Rome & John Dawson Defts. & C. R. Johns & Co Garnee. This cause is ordered to be continued.

3259 Wm Reese vs. Risher & Hall. This cause having been affirmed by the Court of Appeals, it is to be stricken from the docket, and it is ordered that execution may issue in accordance with the mandate of the Court of Appeals.

3264 Thos F. McKinney vs. C. W. Whitis. This cause is ordered to be continued to await mandate of Supreme Court.

3289 Phineas Burchard vs. Potter, Hancock & West. This cause is ordered to be continued.

3330 I. N. Fanning vs. N. Hanson. This cause is ordered to be continued.

3360 The State of Texas vs. W. H. Morris et al. It is ordered that this cause be continued to await mandate of Supreme Court

3373 Raymond & Whitis vs. A. S. Roberts. This cause is continued to await mandate of the Supreme Court.

3451 Chas. N. Hill vs. S. Lancaster Deft. and S. A. Posey and A. H. Hutchins Garnees. This cause is to be continued to await the mandate of Supreme Court.

3454 The State of Texas vs. Jas Davidson Deft. and L. C. Edwards Garnee. This cause coming on to be heard for trial, it is ordered on motion

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of Defendants Attorney, that this cause be Dismissed and dropped from the Docket for want of prosecution.

3481 Sidney D. Fontaine et al. vs. Jacob Huckber et al. It is ordered that this cause be continued generally.

3527 H. & T. C. R. R. Co vs. B. M. Odom. This cause is to be continued to await the mandate of the Supreme Court.

3529 S. H. Coleman vs. Alfred Smith. It is ordered that this cause be continued to await the mandate of the Supreme Court.

3540 B. M. Odom vs. H. & T. C. R R. Co

3545 William Simpson vs. H. & T. C. R. R. Co

3547 John C. Johnson vs H. & T. C. R. R. Co

3548 Rhoades Fisher vs. H. & T. C. R. R. Co

3549 J. B. Barron vs. H. & T. C. R. R. Co

3554 J. P. Willis & Bro vs. J. B. Cater

3621 Ellen C. Punton et al vs. E. B. Nichols et al.

3637 C. F. Millett vs. John T. Miller

3689 Walter Custard vs. John J. Musgrove

3723 James Brown et al. vs. Lucretia Brown et al.

3733 W. F. Orr vs. Wm Kluge

3734 W. F. Orr vs Mary C. Rien

3739 J. R. Freeman vs. Joshua Fine et al.

3749 John A. Green et al vs. Lucinda Raymond et al

3755 The City of Austin vs. A. G. Buddington

3756 The City of Austin vs. Joseph Lucksinger

3766 The City of Austin vs. Joseph Lucksinger et al

3767 The City of Austin vs. A. G. Buddington

3891 D. Jarrold vs. J. P. Newcomb et al

3961 C. C. Chance vs. Andrew Parker

3969 Geo. M. Poe vs. John Browning

3997 J. C. De Greff vs. R. B. Hubbard et al

4039 Geo. W. Turney vs. W. A. Morris

4063 James P. Newcomb vs. W. C. Bowen

4073 R. L. Lane vs. Geo. C. Evans. In the last above twenty ~~nine~~ causes it is ordered that the same be continued to await mandates of the Supreme Court.

3666 A. R. Valls vs. Grace Valls vs. Evaline A. Minter et al. It is ordered that this cause be continued.

3696 John Ireland vs. Chas S. West and John Hancock et al. This cause is ordered to be continued generally.

3720 Geo. W. Paschal vs. Central R. R. Co and Austin City. By agreem

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ent of parties this cause is ordered to be continued.

3803 Robert M. Russell vs. H. Clay Caines et al. This cause is ordered to be continued.

3829 Cora B. Slaughter et al. Anna P. Livery. This cause is ordered to be continued.

3844 G. R. Freeman vs. Robert Lewis et al. This cause is ordered to be continued.

3914 Miller & Dowell vs. Inv. E. Campbell. This cause is ordered to be continued.

4431 J. A. Goodhue vs. J. S. Stewart & Jack Jones Defts & J. M. Gordon & H. Goodhue Intervenors. Upon motion of Defts. Attorney it is ordered that Defts have leave to amend.

4539 James E. Boulden vs. A. B. Palm et al. Come now the Plff. by Attorney, when upon motion it is ordered that Plff have leave to amend.

4618 Butchers & Drovers Bank of St. Louis vs. Frankell and Antrey and R. L. Ford & Co. Comes now the Plff. by Attorney, when upon motion it is ordered that Plff have leave to withdrew "The articles of association between the Butchers & Drovers Bank" of St Louis" as per agreement of counsels on file; and this cause having been settled by the parties and the costs been paid, it is ordered that this cause be dismissed. ——

Comes now the Grand Jury of Travis County, empannelled at & for this term of Court, into open Court and through their agent foreman B. Melasky presented to the Court the following indictments to wit:

4696 An indictment against Charles Monroe Sawyer for murder.

4697 An indictment against Charles Wagner for Aslt. to kill and murder

4698 An indictment against F. Seimers for theft of silver spectacles value $30.00

4699 An indictment against F. Seimers for theft of gold chain value $30.00

4700 An indictment against F. Seimers for theft of spectacles value $3.00

4701 An indictment against F. Seimers for theft of ~~the~~ gold ring value $25.00

4702 An indictment against Sam Young for aggravated assault.

4703 An indictment against Eugene Hartkoff, and Fritz Hartkoff, and Fredrick Hartkoff for aggravated assault

4704 An indictment against O. N. Lively for aggravated assault.

4705 An indictment against Bill Mc Ginnis and John Fields for theft of a gelding

4706 An indictment against Edwards Lawrence for theft from a house

4707 An indictment against Edwards Lawrence for theft of ~~from~~ a brown mare

4708 An indictment against Jim Nixon and Joseph Polvidere for theft of a brown heifer.

4105 M. C. Hamilton vs. Juliet I. Hicks et al. Upon motion it is ordered that H. McDowell have leave to make himself a party to this suit; and it is further ordered that Plff have leave to amend.

4177 Cora E. Shepherd & husband vs. John H. Conner et al. Upon motion it is ordered, that Orlando Caldwell have leave to intervene.

3738 J. B. Morris et al. vs. E. T. Eggleston et als. And now on this day came in

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to be heard the report of the receiver P. De Cordova Esq. in the words & figures as follows, to wit: "Morris et al vs. Eggleston et al. In District Court Travis County No. 3738.

"To the Honorable C. B. Turner Judge of District Court Travis County.

"The undersigned Commissioner appointed at the October term of the District Court 1873 begs leave to make this his report of his acts & doings as Commissioner. —

On the 20th day of Sept 1876 the premises known as Edgmont were sold by me to H. J. Tuck Esq. for the sum of four thousand dollars cash and the deed made to him for the House and thirty acres of land more or less, being the amount of land set aside to be sold with the mansion the residence of the late R. J. Townes. The report of the Commissioner on the division of the property having been heretofore approved by this Honorable Court — The account of the Commissioner is herewith filed and the approval thereof respectfully asked also an order of this court conferring the deed made by as Commissioner. — It is respectfully represented to this court that a partition portion of the heirs are not of age neither is their any legal guardian or custodian of their property as the commissioner is informed and believes. — The Commissioner also asks order of this court in reference to paying over the money is his hands. — All of which is respectfully submitted. P. De Cordova, Commissioner. Austin 12 October 1876."

P. De Cordova Commissioner case 3889. In Travis Dt District Court.

To Sale of House and premises 30 acres, late residence of R. J. Townes	$4000.00
Paid Surveyor	$5.00
Copy of decree and report of Commissioner	1.75
My commission 1/2 charged	20.00
Cash subject to Order of Court	3793.25 = $4,000.00

"

And it appearing to the satisfaction of the court after hearing testimony thereon that the said receiver had fairly and honestly performed all the duties of his trust and has now in his possession subject to be divided between Meta J. Morris, Pallie T. Carleton, Alfred B. Townes, Pattie B. Townes, R. A. Townes, B. J. Townes and N. B. Townes the sum of Thirty seven hundred ninety three and 25/100 dollars being for amount received by him from H. J. Tuck for the purchase money of thirty acres of land and improvements known as Edgmont and described by metes and bounds in the report of Commissioners J. W. Brown, Leo L. Robertson and Dennis Corbin. — It is therefore ordered, adjudged and decreed by the court, that all the right title interest and claim of the said M. T. Morris, P. T. Carleton, Alfred B. Townes, R. A. Townes, Pallie B. Townes N. B. Townes and B. J. Townes in and to the said thirty acres of land and improvements known as the Edgmont

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place be and the same is hereby divested out of them and the same be and is fully vested in H. J. Huck.— It is further ordered adjudged and decreed that the said Receiver P. De Cordova be released and relieved from all liability as such receiver upon his filing the receipt of P. T. Carleton, A. E. Towner M. T. Morris and P. C Towner each for the sum of Five hundred fourty one $\frac{89}{100}$ dollars and the receipts of the duly qualified guardian of R. A. Towner N. C. Towner and E. T. Towns each for the same amount. —

And thereupon Court adjourned till tomorrow morning 9 o'clock.

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had.

3867 (See Book 5. page 20)

The State of Texas vs. Isaac M. McKee et al. And now on this day this cause being called for trial, the parties announced themselves ready for trial; and the defendants plea to the jurisdiction of this Court being heard the same is overruled by the Court, to which ruling of the court the defendants by counsel at the time excepts; and the demurer of defendants to the petition being heard and considered by the Court is overruled, to which ruling of the Court the defendants by counsel now except; And the Court after hearing the answer and exceptions of the defendants Mary B. Anthony and her husband Joseph Anthony to the petition herein, sustaines the same and dismisses this cause as to the said Mary B. Anthony to which ruling of the Court the Pff excepts.— And the Court after hearing the evidence in this cause finds that the plaintiff is entitled to recover from the defendant Isaac M. McKee the sum of three thousand four hundred and thirty three dollars and twenty cents, on account of taxes for the year of 1870, and eight thousand and fifty nine dollars and eighty two cents on account of taxes for the year of 1871, the same being the amounts shown by the certified account of the Comptroller of Public Accounts, due from him to the State for said year less the sum of $900.25 the last named sum being the amount of the item in said account worded as follows, to wit: "To amount on Frontier Bond Taxes Computed assessed on Supple. Rolls 1870 $900.25" The whole amount due on said amounts for said year of 1871, being the sum of $900.25 therein being remitted and abandoned by the plaintiff, the amount found due from the said Deft McKee to Pff herein on said account is $8059.82 as above stated— And the Court further finds that the Pff is entitled to recover from the said defendant McKee the further sum of $20,091.38 on account of Taxes for the year of 1872 making a total of 31,584.40 found due by the Court from said Deft. McKee. And the Court further finds that the said Defendants Gideon Smith, T. R. Williams and W. D. Oliphant singned the official bond in the petition herein described as sureties for said Deft. Isaac McKee, and as such are liable with said McKee to the

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plaintiff in the sum of $10.400 the amount of said bond, and does find for the plaintiff against the Defendants Isaac Mc Lee, Gideon Smith, T.R. Williams and W. D. Oliphant jointly and severally in the sum of $10.400 the same being part of the $31.584 found due from the Deft. Mc ~~Kinney~~ Lee to the plaintiff as aforesaid. — Whereupon it is ordered, adjudged and decreed by the Court that the plaintiff, the State of Texas recover of the Defendants Isaac M. Mc Lee, Gideon Smith, T. R. Williams and W. D. Oliphant the sum of $10400 the amount found due from them as aforesaid together with her costs in this behalf laid out and expended for which execution may issue, and that the plaintiff, the State of Texas, recover the further sum of $21,184 from the said Defendant Isaac M. Mc Lee, together with her costs, in this behalf laid out and expended for which execution may issue; And the Defendants Isaac M. Mc Lee, Gideon Smith, Thomas R. Williams and W. D. Oliphant now give notice in open Court of an appeal to the Supreme Court of the State.

3872 The State of Texas vs S. E. Carleton et al. This cause is ordered to be dismissed from the docket for want of prosecution.

3911 The State of Texas vs. E. B. Dyer et al. comes now Plff by her Attorney, when upon motion it is ordered that Plff have leave to amend; and it is further ordered that this cause stand continued.

4069 F. W. Chandler vs. Life Association of America et al. This cause is ordered to be continued.

4114 Bronson B. Rose et al vs Jane A. Rose et al. Mat. Keyser Intervenor. This cause is ordered to be continued generally.

4149 D. A. Teague vs. Townsend & Goodman. This cause is ordered to be continued to await mandate

4154 James Garrity vs J. J. Groos Comm. Gen. Land Office. Continued to await mandate

4175 Ernst Hallmann vs. H. & T. C. R. R. Co Continued to await mandate.

4184 L. F. Duchess vs. E. W. Talbot. Continued to await mandate.

4197 Mc Daniel & Co P. F. Miller. Continued to await mandate.

4233 State of Texas vs Dick Mc Laren et al. Continued to await mandate.

4246 H. G. Burland Guard. vs. Carlo Cunio et al. Defts. & C. P. Phillips Intervr. Upon motion it is ordered that Joseph Urbisinas have leave to make himself a party to this suit.

4248 John B. Rector vs. W. M. Walton. Continued to await mandate.

4269 Sampson & Henricks vs. C. S. Moore et al. This cause is ordered to be continued generally

4277 M. C. Hamilton vs. Richard Flume et al. Continued to await mandate.

4285 Orlando Caldwell vs. W. A. Oatman. Continued to await mandate.

4293 Charles L. Tannell vs. Ira M. Breedlove et al. Continued to await mandate

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4297 H. H. Wimsr vs. Phil. Abraham & Bro. Continued to await mandate.

4320 A. J. Barrager vs H. & T. C. R. R. Co Continued to await mandate.

×4326 John H. Conner vs H. & T. C. R. R. Co. And now comes Plff. by his Attorney when upon motion it is ordered that Plff have leave to amend. (entered on page 124)

4329 Loomis & Christian vs. Dyer & Brooks et al. Continued to await mandate.

× 4336 G. M. Bass vs. L. B. Perry. And now comes Plff by his Attorney, when upon his motion, it is ordered, that this cause be dismissed; and it is further ordered, that Plff pay all costs in this behalf expended, and that execution may issue against him and his securities on his cost bond to collect the same.

4348 John O Ford vs. H. & T. C. R. R. Co Continued to await mandate.

4371 × Emma Lee et al vs Jones et al. Comes now Plffs by their Attorneys when upon their motion it is ordered, that this cause be dismissed, and that Defendants recover of and from the Plffs all the costs in this behalf expended; and it is further ordered that execution may issue against said ~~Plaintiffs~~ to collect said costs.

4375 Jesse N. Northcutt et al vs. C. R. Johns et al. This cause is ordered to be continued.

4392 Jennie Cook vs. John Cook. Upon motion it is ordered that Plff have leave to amend, & cause continued.

4401 R. D. Cude vs. M. A. Morris Admx et al. Continued to await mandate.

4407 G. H. Booth vs. Richard Walsh. Continued to await mandate.

4426. G. W. Irwin vs. Hollingsworth & Dodge. It is ordered that this cause be transferred to the County Court, and that the Clerk shall certify to the Clerk of the County Court of Travis County all papers in this cause and a copie of all orders and statement of costs in this cause incurred.

4430 James M. Long vs. Geo L. Robertson et al. Continued to await mandate.

4445 James Monroe Swisher vs. John Milton Swisher et al. This cause is ordered to be continued.

4450 Drayton A. Teague vs. Frank Brown clerk. Continued to await mandate.

4459 John A. Adams vs. T. T. Pendley et al. Upon motion it is ordered that Plff has leave to amend.

4577. L. C. Edwards vs. Francis Burlage Deft. Wilday Intervr. Upon motion it is ordered that the Intervenor in this cause have leave to amend

4744 John R. Gorley vs. City of Austin. Upon motion it is ordered that E. Davis, Dennis Corpin and C. Hallum have leave to intervene in this cause.

4791 × James P. McKinney vs. John Ash. This cause having been settled, it is ordered by agreement of parties that this suit be dismissed, and that each party pay half the costs in this behalf incurred.

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4810 Hannah Conley vs. Lewis Conley. Upon motion it is ordered that Pff have leave to amend.

4242 Jesse Earl vs. Francis Earl. This cause is ordered to be continued.

4359 Anna P. Lurey vs. W. C. Lurey et al. Upon Pffs motion it is ordered that this cause be dismissed as to John H. Robertson & Son.

4562 E. C. Bartholomew vs. T. E. Carter et al. Upon motion it is ordered that Pff have leave to amend.

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

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Court met according to adjournment. Present same as yesterday. And thereupon the following proceedings were had, to wit:

4563 J. Sheehan vs. C. M. Jackson. Upon motion it is ordered that Defendant has leave to amend.

4567 Joseph Mayer vs Sarah Mayer. Upon motion it is ordered that Pff have leave to amend.

4593 James B. Morris et al. vs. Fred. Carleton et al. Comes now the E. T. Moore Esq. the Guardian at litem of E. T. Townes and M. C. Townes and upon his motion it is ordered that said minors E. T. and M. C. Townes have leave to amend their pleadings and make themselves parties plaintiffs instead of parties defendants to this suit.

4635 Jacob Cates vs. Andrew Jackson and Lucy Jackson. Upon motion it is ordered that Defendant has leave to amend.

4674 The Republican Insur. Cop. vs. E. W. Shands. Upon motion it is ordered that Pff. have leave to amend.

4692 Loomis & Christian vs. H. C. Tumey & C. F. Jones. This cause is ordered to be continued to perfect service on C. F. Jones.

4715 Duke Terry & Peele vs. A. J. Haber & Co. Comes now the Pffs, when upon their motion it is ordered that this suit is dismissed and that the Pffs pay all the costs in this behalf expended and it is further ordered that execution may issue to collect said costs of and from the Pffs and their sureties on their cost bond, to wit: John Dowell.

4744 John R. Gorley vs. City of Austin. Come now the parties to this suit, when it is ordered that the previous orders, made and entered in this cause are hereby set aside, and that this cause be dismissed and that the Defendants pay all costs by them incurred, and that execution may issue to collect the same.

4780 J. S. Willings vs. Missouri R. Willings. Upon motion it is ordered that Pff. have leave to amend.

4802 Michael D. Miller vs. W. A. H. Miller & John Dowell. Upon motion

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it is ordered that Defendants have leave to amend.

4390 Frances Willis vs. Henry B. Willis. And now come the parties by attorneys and it appearing to the court that at a former therm of this court a decree of divorce was duly rendered in this cause; and it further appearing to the court that the case has been kept on the docket on a question of property between said parties and it further appearing to the court that said parties have compromised all disputes between them as to property and that the only question now remaining undisposed of is as to the costs, and the court being of opinion that the defendant should pay the costs: It is therefore ordered and adjudged by the court that Plaintiff recover from Defendant all the costs of this suit for which execution may issue. 44

And thereupon Court adjourned till to morrow morning 9 oclock.

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit.

4440 Le Pierre & Co vs. John W. Taylor Deft. & Charles Carleson, Wm Smith, Swan & Bonner & Emil Lundgreen Garnishees. This day come on to be heard the above cause upon the answer of the Garnishees Charles Carleson, Wm Smith, Swan & Bonner, Emil Lundgreen and the said Garnishees having admitted in their said answer that they are indebted to the defendant John W. Taylor in the sum of Two hundred and fifty one $\frac{25}{100}$ Dollars, it is considered by the court that the said Plffs L. Le Pierre and M. Lasker under their firm name of L. Le Pierre & Co do have and recover of the said garnishees Charles Carleson, Wm Smith, Swan & Bonner and Emil Lundgreen the sum of Two hundred and fifty one $\frac{25}{100}$ Dollars, with interest at the rate of eight per cent per annum from the date of this judgment - And it appearing to the court that the said garnishees have depasited the said sum of money in the bank of Mssrs James H. Raym, and & Co of the City of Austin, to abide the result of this suit and of a certain other suit pending in the County Court of Travis County wherein one Nannie Taylor is plaintiff and the said garnishees are defendants, and in which said suit the said Nannie Taylor is seeking to recover from said garnishees the same indebtedness to said John W. Taylor, it is therefore ordered that no execution shall issue upon this judgment against the said garnishees, and that said sum of two hundred and fifty one $\frac{25}{100}$ dollars shall remain on deposit in the bank of James H. Raymond & Co untill said suit in the County Court shall be determined.— And if the said Nannie Taylor shall recover from said garnishees the said sum of money in said suit in the said County Court, then theese garnishees shall be fully discharged from the judgment herein rendered against them.— And if the said Nannie Taylor shall fail in said suit then upon payment of said sum to the plaintiff

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Le Pierre & Co the said Garnishees shall have their indebtedness to said John W. Taylor extinguished in said amount.— It is further ordered that the plaintiffs pay all costs of this garnishment proceedings, for which execution may issue.

4431 J. A. Goodhue vs. J. S. Stewart, Jack Jones & J. B. Jones. This day came the parties by their attorneys, and then came on to be heard the defendants plea to the jurisdiction of the court— and after argument of counsel thereon being heard it is the opinion of the court that the law is for the plaintiff.— It is therefore considered by the court that the said plea be overruled.— And then came on to be heard the defendants demurrer to the plaintiffs petition, and after argument of consul thereon being heard, it is the opinion of the court that the law is for the defendant in so far as said petition alleges fraud on the part of the defendant J. S. Stewart in procuring the judgment against Jordon Goodhue & Bro in cause No 3949, but as to all other matters that the law is for the plaintiff.— It is therefore considered by the court that said demurrer be sustained as to so much of the plaintiffs petition as alleges fraud on the part of said J. S. Stewart in procuring said judgment in cause No 3949, but that as to all other matters therein, the said demurrer be overruled. And thereupon the parties by their attorneys submit the matter in controversy as well of fact as of law to the court— And the evidence and argument of counsel having been heard and fully understood it is considered by the court, that the plaintiff is entitled to the relief prayed for in his said petition.—

And it appearing to the court that a mistake was made by the Sheriff of Robertson county in the description of a certain tract of land in said county levied on by him by virtue of a writ of attachment issuing out of this court in cause No 3949 in which J. S. Stewart was plaintiff, and J. N. Jordon, J. A. Goodhue and J. Goodhue, comparing the firm of Jordon, Goodhue & Bro, were defendants.— Said tract of land being levied upon and described as twenty acres when the same contained seventy acres as appeares by the field notes given by said Sheriff in his return upon said attachment— And it further appearing to the court that the said J. S. Stewart proceed in said cause to foreclose his attachment lien upon said tract of land and to obtain a decree for the sale of the same to satisfy the judgment rendered in said cause No 3949, and that in said decree of sale said tract of land is described & directed to be sold as twenty acres, when the field notes given therein show that same really containes seventy acres.— And it further appearing to the court that an order of sale of said tract of land, was to wit: on the 25th day of November 1874 issued out of this court in said cause No 3949, directing the Sheriff of Robertson county to seize and sell said tract of land as under execution to satisfy the judgment in said cause, and that in said order of

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sale the same is described as a tract of twenty acres, when as is shown by the field notes thereof given in said order of sale, the same really contained seventy acres- And it further appearing to the court that the said Sheriff of Robertson County did on the 9th day of December 1874 proceed to advertise said seventy acres of land for sale under said decree and order of sale as a tract of twenty acres, and that he did on the 5th day of January, sell the same at public sale under said decree and said levy & did offer the same to purchasers as a tract of twenty acres, and did offer for sale and sell the same by the acre.— And it further appearing to the court that at said Sheriffs sale the Defendant T. B. Jones, though the defendant Jack Jones, bid for said tract of land the sum of Three dollars and thirty cents per acre, and that the same was struck off to him at said price- he the said Jones buying the same as a tract of twenty acres- and paying therefor the sum of sixty six dollars, or three dollars and thirty cents per acre.— And it further appearing to the court that after paying to said Sheriff the said sum of sixty six dollars for for said tract of seventy acres of land described and sold as twenty acres, that the said Sheriff delivered to him the said T. B. Jones a deed to said tract of land, in which deed the same is also described as a tract of twenty acres. And it further appearing to the court that service of citation in said cause No 3949 was made by publication, and the proceedings had therein and trial thereof were ex parte, and that the said Defendants therein Jordan, Goodhue & Bro had no actual notice of the pendency thereof until after the sale of said seventy acre tract of land was made under said order of sale.

And it further appearing to the court that the said tract of seventy acres was the property of the plaintiff herein T. A. Goodhue and that immediately after he learnt of said sale he tendered to the defendant Jack Jones the sum of seventy dollars, being the amount paid therefor at said Sheriffs sale including interest and all the expenses thereof, which tender the said defendant refused.— And it further appearing to the court that said Plff. at the February Term A.D. 1876 of this court tendered to all the defendants in open court the sum of seventy five dollars being a sum sufficient to reimburse said defendants for the sum paid at said sale for said tract of land together with interest and all expenses growing out of said purchase, which sum still remains in the hands of the clerk of this court— all of which said tenders have been declined and refused by said defendants.— And it further appearing to the court that said tract of land was sold at a grossly inadequate price, the real value thereof being at least seven hundred dollars.— And it further appearing to the court that there was manifest error, irregularity and mistake in all the proceedings in said cause No 3949 in describing and decreeing the sale of said seventy acre tract of land as a tract of twenty acres, which error,

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irregularity and mistake has wrought great injury and injustice to said plaintiff J. A. Goodhue, and that the said judgment and proceedings should to that extent be revised and corrected — And it appearing further to the Court that in the settlement and compromise of said judgment made between said J. S. Stewart and said J. A. Goodhue the right of said J. A. Goodhue to have said judgment and proceedings revised and corrected and said sale cancelled, annulled and vacated was left open to suit future proceedings as said J. A. Goodhue should see proper to institute.— And it further appearing to the Court that the tender made by said plaintiff is amply sufficient to remunerate and reimburse said purchaser for all moneys paid out and expended by said defendants in the matter of the purchase of said tract of land, and that no injustice can be done said defendants by granting the relief prayed for by plaintiff— It is therefore considered adjudged and decreed that said judgment in cause No. 3949 in so far as it effects said seventy acre tract of land be corrected, set aside and vacated and that the sale of said tract of land made by the Sheriff of Robertson County, State of Texas, to the defendant T. B. Jones, on the 5th day of January A. D. 1875 be set aside, vacated and held for naught, and that the Sheriffs deed made to the defendant T. B. Jones by the said Sheriff of Robertson County F. M. Hall, by his deputy W. A. Wyser dated the 5th day of January A. D. 1875 and recorded in the records of deeds of Robertson County in Book Y pages 132 & 133 be cancelled, vacated and held for naught. — It is further ordered, adjudged and decreed that the defendant T. B. Jones be and he is hereby divested of the title in and to said seventy acre tract of land, which is described as follows: A part of the John Fisher survey of one quarter league near Calvert, in Robertson County, State of Texas, Beginning at the North East corner of a fifty acre survey made for A. W. Terrell a stake from which a post oak bears N. 75° W. 11 varas— Thence with the North line of said 50 acre survey S 60° W. 615¼ varas to a stake from which a post oak bears N 28½° E 9 varas — Thence N 30° W 642½ varas to a stake on the North line of Wright's survey from which a black jack bears S. 89½ W. 18 varas and another black jack bears S. 35° W 15 varas; Thence N 60° E with Wrights line 615½ varas to a stake, his N. E. corner from which a post oak bears N 45° W. 8 varas to a black jack bears N 65° E. 9 varas — Thence S. 30° E. 642½ varas to the beginning, containing seventy acres — And it is further ordered, adjudged and decreed that the title to said tract of ~~land~~ seventy acres of land be and the same is hereby reinvested in the said J. A. Goodhue— It is further ordered, adjudged and decreed that the defendant T. T. B. Jones within twenty days from the date of this decree make execute and deliver to the plaintiff J. A. Goodhue a full and complete conveyance

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of all his right, title and interest in and to said tract of seventy acres of land by virtue of his purchase thereof at said Sheriffs sale, and upon compliance with this order it shall be the duty of the Clerk of this court to deliver to said defendant the sum of seventy five dollars now on deposit as a tender in this court – But if the said defendant shall fail and refuse to deliver said conveyance as herein ordered and described within twenty days from the date of this decree then the plaintiff shall be entitled to withdraw said sum of seventy five dollars now on deposit with said clerk, and the title of said plaintiff in and to said seventy acres of land shall become absolute. — It is further ordered, adjudged and decreed that the defendant J Byfields be and he is hereby perpetually enjoined from selling, transferring, incumbering, or in any manner claiming, using or occupying said seventy acre tract of land, or in any manner asserting or claiming title thereto under said Sheriffs deed. — It is further considered that the plaintiff have and recover of said defendants all his costs by him in this behalf expended, for which execution may issue — It is further ordered that execution issue in behalf of the officers of court against each party respectively for the costs by him in this behalf incurred.

4249 D. L. Compton vs. Radwick Bayee. In this cause upon application of Plffs Attorney made under oath, asking that the last will and testament of John Reynolds now on file in the General Land Office of the State of Texas, which is one of the papers in file No 1146 Fannin first class may be delivered to one of the officers of this court, that the same may be placed on file in this cause and used as evidence therein, It is ordered that J.J. Grey Commissioner deliver on demand to the Sheriff of this County Dennis Corwin the aforesaid Last will and testament, the same to be filed with the papers of this cause and there remain untill after the trial of this cause & then to be by the said Sheriff returned to the said J.J. Greys & a certified copy thereof left on file in this court

4392 Jennie Cook vs. John Cook. This day came the plaintiff by her attorney and the defendant having failed to appear and answer in this behalf, but wholly made default, and it appearing to the court that the said defendant had been duly cited by publication according to law, James B. Shephard Esq. a practicing Atty. of this Court was appointed counsel to represent the said absent defendant; and the evidence and the argument of counsel having been heard, and it appearing to the Court that the material allegations of the plaintiffs petition are true; It is therefore considered, adjudged and decreed by the court, that the bonds of matrimony heretofore existing between the said plaintiff Jenny Cook and the said defendant John Cook, be and the same are hereby dissolved. — It is further ordered by the Court that the costs of all the proceedings in this

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cause be taxed against the plaintiff; and that she have judgment over against the defendant John Cook, for all costs by her in this behalf incurred and expended, for which execution may issue.

3627 Louis P. Cook, et al vs. Joseph Lee et al. Upon motion it is ordered that Defendants Grooms and Walker have leave to amend.

4661 Sampson & Hendricks vs. Jno G. James. Come now the Plffs. by their Attorneys when upon their motion it is ordered that Plffs have leave to amend their pleadings.

4664 Briggs Payne & Co vs. C. M. Booth. And now upon motion of Plffs' Attorneys it is ordered that Plaintiffs have leave to amend.

4733 Heckt Bro & Co vs. A. J. Faber & Co. Come now the parties by their Attorneys, and the defendants' motion for a new trial coming on to be heard, the same is duly considered by the Court, whereupon it is ordered, that a new trial in this cause be granted. And this cause being by agreement of parties now open for a final disposition, the same is upon Plffs. motion ordered to be dismissed. And it is further ordered and adjudged that the Defendants pay all costs in this behalf expended, for which execution may issue.

4740 M. J. Bachelder vs. Ed Sorm, Trustee. This cause is ordered to be continued to perfect service.

4543 (Exec. docket No 5 page 10.) S. H. Miller vs. R. B. Renick et al. And now this day came on to be heard the above stated and numbered cause, and the plaintiff appeared by his attorneys Carleton & Robertson, but the defendants, though duly served with process, came not but wholly made default; and it appearing that Plffs cause of action is founded upon a liquidated demand evidenced by an instrument in writing, the cause was submitted to the Court, who after hearing the evidence and pleadings, it is ordered adjudged and decreed, that the plaintiff S. H. Miller do have and recover of and from the defendant R. B. Renick the sum of $1695.00 in gold, the amount of the principal debt & interest, with interest from this day at the rate of 10% per annum together with all the costs in this behalf expended. — And it further appearing to the Court that the said claim of plaintiff constitutes a lien upon certain tracts of land described as follows to wit: An undivided three hundred and twenty acres of land the same being a portion of 640 acres of land granted to John W. Embree and John T. Flint as the assignees of James M. Manning by Patent from the State of Tenes of date the 20th day of April 1855 which said 640 acres of land is described in the Patents as situated in Milan Land District Carroll County on the North side of Beaverhouse Creek, bounded and described as follows to wit: Beginning at a stake and mound in prairie the N. E. corner of W. B. Hawkins Survey No 46 then N 19° E. 2125 vrs. to a stake, then N. 71° W. 1700 vrs to a mound. Thence S. 19° W. 2125 vrs. to a stake and mound

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the N. W. corner of Survey No 46. thence S. 71° E. 1700 varas to the place of beginning. ——

Also the undivided two thirds 2/3 portion of a tract of land containing 320 acres being the same that was conveyed by the State of Texas to Charles Fisher, assignee of A. T. M. Monroe, by patent bearing date 14th April 1847 situated and described as follows: In Bexar District known as survey No 163 in Section No 9 on the waters of Indian Creek a branch of the Colorado river and about 130 miles N. of the City of San Antonio. Beginning at a stake in the S. corner of survey No 138 of 1280 acres for the W. corner of this Survey from which a Mesquite bears N. 22° W 10 vrs. a P. O. bears East 8 vrs, thence N. 45° E. 950 varas with the S. E. boundary of Survey No 158 to a stake the West corner of Survey No 162 of 320 acres for the N. corner of this survey from which a mesquite bears S. 25° W. 10 vrs. and other bears S. 75° W. 9 vrs. thence S. 45° E. 1901 vrs with the S. W. boundary line of survey No 162 to a stone corner in S. corner of Survey No 162 for the E. corner of this survey thence S. 45° W 950 varas to a stone corner for the S. of this Survey, thence N. 45° ~~E~~ W. 1901 vrs to the place of beginning, bearings marked X

Also the undivided two thirds (2/3) portion of a piece or parcel of land containing 426 2/3 acres, being the same tract that was conveyed to Geo W. Harper by the State of Texas by patent bearing date 17th day of July 1846, and which said tract of 426 2/3 is situated & described as follows: In Bosque County on Spring or the principal fork of the Meridian, a tributary of the Bosque. Beginning at the N. W. corner of a survey made for Hugh H. Pamela for the S. W. corner of this Survey from which a live Oak mkd A. bears N 60 W. 20 vrs. another mkd B bears N 77½ W 16 vrs thence N. 60° E. 115 vrs. a branch 630 vrs. Spring, or 2402 vrs S. E. corner a mound thence N. 30° W. 1000 vrs to a mound for the N. E. corner, thence S. 60° W. 2042½ varas Spring, or 2125 vrs and ~~after~~ the creek 2402 vrs N. W. corner from which an Elm mkd E. bears S. 88° E. 115 thence S. 30° E. 650 vrs a branch 770 vrs and another 1000 vrs to the beginning. —— ——

It is therefore considered, adjudged and decreed that the plaintiffs lien be and the same is hereby foreclosed upon said tracts of land, and that the clerk of this court issue orders of sale directed to the Sheriffs of the counties where the lands lie, directing them to sell said lands in satisfaction of said debt, interest and costs of suit. — And if the same shall not bring the amount of the debt, interest & costs, then execution shall issue against the defendant R. B. Renick for the balance found due and all costs of suit. —

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

October 30th 1876. Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

October 30th 1876.

3546 J. N. Hannig vs. H. & T. C. R. R. Co. This cause is ordered to be continued.

3950 M. C. Culver & J. F. Scott vs. R. N. Lane et al. Upon motion it is ordered that the Plaintiffs and the Defendents in this cause have leave to amend.

4359 Anna P. Lurry vs M. C. Lurry et al. Upon motion it is ordered that Plff. have leave to amend.

4505 Joel N. Combs vs. Payton W. Rowlin et als. And now on the 26th day of October A. D. 1876 this cause was regularly and peremtorily called for trial, and all of said defendants having been duly served with citation, and having filed written pleadings; and the above parties plaintiffs & defendants appeared in Court by themselves and their attorneys, and announced themselves ready for trial, and a jury not being demanded, the case was submitted to the Court, when came on to be heard defendants demurrer to plaintiffs petition, and the same being considered by the Court, the same is overruled, to which ruling defendants excepted. Then came on to be heard plaintiffs motion to strike out defendant Rowlins special answer and set off and the same being considered by the court, the same is overruled, to which ruling plaintiff excepted. Then came on to be heard plaintiffs demurrer to defendants amended answer, and the same being considered by the Court, the same is overruled to which ruling the plaintiff excepted; whereupon the evidence of plaintiff and defendants were submitted to the court; and after due consideration, on the 30th day of October A. D. 1876 in open court, it is therefore ordered, adjudged and decreed by the court, that the Plaintiff Joel N. Combs do have and recover of and from the defendants Payton W. Rowlin, David Robinson, Joseph H. Dickens, John Randolph, Jesse Malony, Charles Creighton and Edward Norwood the sum of fourty eight dollars and thirty seven cents and all costs of this suit, for which execution may issue.

Judgment entered — full
30th day of December 1876
D. Lewis atty for Plff

4793 Whitefield Chalk vs. Stephen H. Darden. Compt. And now on this day this cause being called for trial, the Plaintiff came in person and by attorney and the Defendant came by his Attorney and both parties announced ready for trial. When after hearing the evidence and the arguments of counsel and after duly considering the same the court ordered, adjudged & decreed, that the writ of peremtory mandamus, as prayed for in Plffs petition be and the same is hereby refused, and that the defendant go hence without day. And it is further ordered, adjudged and decreed, that the plaintiff Whitefield Chalk and his securities on his costs bond John Carbur and H. Greys pay all costs in this behalf incurred, and that execution may issue to collect the same.

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

October 31st 1876

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit:

October 31st 1876

Samuel Stauffer. Declaration of Intention to become a Citizen

The State of Texas
County of Travis } Samuel Stauffer being duly sworn according to law in the District Court of said County, doth declare that he was born in the year A. D. 1828 in the republic of Switzerland whence he emigrated, in the year 1873, 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 is bona fide his intention to become a citizen of the United States, of the State of Texas, and renounces forever all alligance and fidelity to every Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Republic of Switzerland. of whom he was a subject.

(signed) Samuel Stauffer

Sworn to and subscribed before me this 31st day of October A. D. 1876 in open court. T Allen Clerk.

Attachments. And now it is ordered by the Court that the Clerk of this Court may issue attachments for witnesses in term time the same as in vacation without special order of the Court.

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

November 1st 1876.

Declaration of intention to become a citizen

Gustave Greifskopf The State of Texas
County of Travis } Gustave Greifskopf being duly sworn according to law in the District Court of said County, doth declare that he was born in the year A. D. 1847 in the empire of Germany, whence he emigrated, in the year 1872, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or sovereignty whatsoever, and particularly to the emperor William of Germany of whom he is a subject. (sign) Gustave Greifskopf.

Sworn to and subscribed before me, this 1st day of November 1876 in open court. T Allen Clk.

4508 W. E. Risher & wife vs. Gustave M. Braes & wife. Upon motion of Pffs' Attorneys it is ordered, that Plaintiffs have leave to amend.

Ex parte Bob Sneed and John Smart. And now comes on to be heard the writ of Habeas Corpus issued and returned herein, the said Sneed and Smart appearing in person and by Attorneys, and the State appearing by its Attorney. And the Court having heard the evidence & argument of counsel and duly considered the same, it is ordered that the relator Sneed go hence discharged from the custody of the said Sheriff of Williamson County

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by virtue of the proces under which he is held. And it is further ordered that the said John Smart be required to enter into recognizance in the sum of $5000 five thousand Dollars for his appearence at the next term of the District Court of Williamson County to answer the charge under which he was held by said sheriff.

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

November 2nd 1876.

Court met according to adjournment. Present same as yesterday. Thereupon the following proceedings were had to wit:

3950 M. S. Culver, & F. Scott vs. R. N. Lane et al. And now upon motion of Plffs Attorneys it is ordered that the Defendants have leave to amend.

Ex parte. J. P. Lester vs. Sheriff Travis County. And now comes on to be heard the writ of Habeas Corpus, issued and returned herein, and the application of the relator J. P. Lester to reduce the amount of bail required of him, and the County Attorney agreeing to take bond in the sum of five hundred dollars it is ordred and decreed by the Court, that Defendant J. P. Lester be required to enter into recognizance in the sum of five hundred dollars before the District Court of Travis County now in session for his appearence on the 14th Day of November A.D. 1876 before the District Court of Bexar County to answer the charge under which he was held by the Sheriff of Travis County, and it is further ordered that said Sheriff might take bond in said amount in this cause in vacation. —

And now on this day came into open Court the Grand jury of Travis County empannelled at this term, and through their foreman J. Mebasky presented to the Court fourty seven indictments, which were by the Clerk docketed and numbered respectively from 4709 till 4756. And said jury suggesting to the Court, that their is further business before them, they were ordered to retire upon a discharge of the same.

3590 John H. Conner et als vs. Ella R. Carter, Elvira Rust Intervr et als. Now on this day came and appeared the parties to the above entitled cause in person and by attorneys, and the defendants James F. Johnson and John M. Swisher having their Disclaimer in said cause, the Plaintiffs dismissed said cause as to them; and the parties having announced themselves ready for trial; and then came on to be heard the general and special demurrer of defendant to plaintiffs petition, and after argument of counsel and due consideration of the same by the Court, the same were overruled by the Court, to which ruling of the Court the defendant excepted; and thereupon came a jury of twelve good and lawful men, viz: E. W. Poller and eleven others, who being duly elected, tried, empannelled and sworn according to law, and after hearing the evidence, the argument of counsel and receiving the charge of the court

November 2nd 1876.

retired to consider of their verdict, and after due deliberation returned into open Court the following verdict, to wit: John H. Conner et als vs. Ella Carter et als. No 3590. We the jury find for plaintiffs heirs one half interest in all the lots in controversy except lots 1. 4. 7. 8. in Block (65) sixty five, which was sold to Cress, and assess the damages for rent at two hundred dollars, E. W. Holler, Foreman." And thereupon in open Court, Plaintiffs counsel suggested to the Court that said verdict was informal in this, that from the pleadings in this cause it appeared that the heirs of Mrs. Salina A. Conner are Co-plaintiffs with the plaintiff John H. Conner. Whereupon at the instance and suggestion of said jury the Court wrote the following: "John H. Conner et als. vs. Ella Carter et als, Elvira Rust Intervr No 3590 We the jury find for the heirs of Mrs. Salina Conner, who are plaintiffs herein, one half interest in all the lots in controversy except lots 1. 4. 7. 8. in Block 65, which were sold to Cress, and assess the damages for rent at two hundred dollars E. W. Holler "foreman" And said above specified writing being by the Court read to the jury, and each and every one of the jury being by the Court asked if the last above specified writing was his verdict, said it was. Whereupon E. W. Holler on the part of himself and his fellow jurors signed the same in open Court as foreman of the jury, as appears in said last above specified writing. — It is therefore ordered, adjudged and decreed by the Court, that the heirs of Mrs Salina A. Conner who are plaintiffs in this cause, viz: Juliet G. Hicks whose maiden name was Juliet G. Conner, and who has intermarried with E. A. Hicks; Cora E. Shepherd whose maiden name was Cora E. Conner, and who has intermarried with William D. Shepherd; Mattie V. Fahey, whose maiden name was Mattie V. Conner, and who has intermarried with Cornelius Fahey; Carrie I. Conner, whose maiden name was Carrie I. Conner, and who has intermarried with J. W. Cotton, Nina B. Mc Dowell, whose maiden name was Nina B. Conner, and who has intermarried with H. Mc Dowell; and Harry L. Conner, and Pearl A. Conner do have and recover of and from the Defendant Ella R. Carter and said Intervenor, Elvira Rust, one half undivided interest in and to the following described tracts, pieces and parcels or lots of land lying and being situated in the City of Austin, Travis County, Texas, to wit: Lots No (3 & 4) three and four in Block No (88) eighty eight, Lots No (1. 2. 3. & 4.) one, two, three and four in Block No (27) twenty seven, Lots No (5. 6. 7 & 8) five, six, seven and eight in Block No (35) thirty five, Lots No (8 9 & 11) eight, nine and eleven in Block No (43) fourty three; Lots No (4 & 5) four & five in Block No (123) one hundred and thirty three; Lots No (7 and 8) seven and eight in Block No (174) one hundred and seventy four; and Lot No (5) five in Block No (158) one hundred and

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fifty eight, and for which the said last above named heirs of said Mrs. Salina A. Conner may have their writ of possession. — And it is further ordered, adjudged and decreed by the Court, that the said Juliet G. Hicks, and her husband E. A. Hicks nee E. Shepherd and her husband William D. Shepherd, Mattie V. Fahey and her husband, Cornelius Fahey and her husband Cornelius Fahey, Carrie T. Cotton and her husband J. W. Cotton, Nina B. Mc Dowell and her husband H. Mc Dowell, Harry D. Conner, and Pearl A. Conner by and through his next friend and natural guardian, John H. Conner do have and recover of and from Elvira Rust guardian of person and estate of defendant Ella R. Carter the said sum of two hundred dollars and that the same be paid by and from the estate of said Ella R. Carter in due course of administration. And it is further ordered, adjudged and decreed by the Court, that the said Intervenor Elvira Rust do have and recover of and from the said heirs of Mrs. Salina A. Conner, and of John H. Conner and of the defendant Ella R. Carter the entire interest of the said John H. Conner, said interest being one half undivided in and to the above described lots of land, and for which said Intervenor Elvira Rust may have her writ of possession. — And it is further ordered adjudged and decreed by the Court that said Intervenor Elvira Rust recover all the costs incurred by her of the Plaintiff, John H. Conner for which execution may issue, and that the said heirs of Mrs. Salina A. Conner recover all their costs of Elvira Rust as guardian of the defendant Ella R. Carter and that the same be paid in due course of administration. And further that the said J. F. Johnson and John M. Swisher recover all their costs of said Plaintiff for which execution may issue.

4359 Anna P. Lurry vs. W. C. Lurry. This cause coming on to be heard on Wednesday the first day of November 1876 the day previously set for the trial of said cause the parties by their Attorneys answered ready for trial. Whereupon Plaintiff dismissed her suit against the defendants I. H. Robinson and A. H. Robinson. Thereupon the defendant by Attorney presented his demurrer to the plaintiffs original or amended petitions, which being heard and considered by the Court, that the law is with the plaintiff, and it was thereupon ordered that said demurrer be and the same was overruled. Thereupon the defendant having demanded a jury, a jury was called of good and lawful men of Travis County, to wit: H. Hirshfeld and eleven others, who being duly empannelled and sworn, who having heard the pleadings and evidence and received the charge of the Court, retired to consider of their verdict, and afterwards returned into Court the following verdict: We the jury find the allegations as stated in the petition of Plaintiff true. H. Hirshfeld foreman." It is thereupon considered by the Court upon the evidence heard by the Court and the jury that a divorce should be awarded to the plaintiff, and that the bonds of matrimony

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heretofore existing between the plaintiff Anna P. Lurry and the defendant W. C. Lurry should be dissolved. It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Anna P. Lurry and the defendant W. C. Lurry be and the same is hereby dissolved and annulled. It is further considered by the Court upon the evidence heard as to the fitting of the parties respectively to have the care and custody of the child of said parties, named Roy, that the Mother of said child Roy, the plaintiff is the most suitable person to have the care, custody and rearing of said child of said parties (Roy). It is therefore ordered adjudged and decreed by the Court, that the said plaintiff, Anna P. Lurry, do have the care, custody, management, control, rearing and education of said child Roy, and that the said defendant W. C. Lurry be and he is hereby enjoined and restrained forever from interfering or meddling with the care or custody of said child Roy. It is further ordered, adjudged and decreed by the Court that the said plaintiff do have and recover possession of all of the property belonging to said plaintiff in the possession of the said defendant, including all of the land set apart to the said plaintiff in the partition of the estate of A. B. Slaughter deceased. former husband of the said plaintiff, together with rents and profits of the cultivated land on said premises for the year eighteen hundred and seventy six, and also all of the farming implements and utensils, plows, wagons, harness, cornsheller &c Also all of the live stock of horses, and cattle, including two milch cows and calves; also all of the Books in the possession of defendant, which belonged to the estate of A. B. Slaughter deceased; together with all other personal property on the premises belonging to said plaintiff. — It is further ordered, adjudged and decreed by the Court, that the said defendant be and he is hereby forever enjoined and restrained from disturbing or interfering with the possession of any part or portion of said property in said plaintiff. It is further ordered, adjudged by the Court that the plaintiff have and recover of the defendant all of the costs in and about this suit expended, and that a writ of possession be issued, commanding the sheriff to place this plaintiff in possession of all said property; and that execution issue against the property of the defendant for the costs of this suit.

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

November 3rd 1876.

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

3927 M. Wear vs. Geo B. Zimpelman. This cause is ordered to be continued.

4700 D. Clander vs. Stephen H. Darden Compt. Comes now the plain-

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tiff in this cause by his attorneys Messrs Cropwood & Stewart and moves the Court to dismiss this suit; It is therefore ordered and decreed, that this suit be dismissed and that the defendant do have and recover all costs in this behalf expended of and from the plaintiff C. Clander and his securities on his cost bond to wit: I. L. Wren, M. D. Miller and T. B. Tullis, and that execution issue to collect the same.

4815 Charles Krohn vs. Thomas F. Purnell. Comes now the plaintiff by his attorneys, when upon motion it is ordered that the plaintiff have leave to amend.

3814 John A. Burditt et al vs. M. C. Burditt et al. This cause is ordered to be continued.

3815 J. A. Burditt et al vs. John A. Green. This cause is ordered to be continued.

3950 M. L. Culver & S. F. Scott vs. R. N. Lane et al. Upon motion it is ordered that Pff. have leave to amend.

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

November 4th 1876

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

3950 M. L. Culver & S. F. Scott vs. R. N. Lane et al. And now come the parties in this cause by their Attorneys and announce themselves ready for trial, and thereupon came a jury to wit A. A. Hughes foreman and eleven others, twelve good and lawful men of Travis County, who being duly elected, tried, empanneled & sworn according to law after hearing the evidence & argument of 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 the plaintiff and assess the damages at five thousand dollars gold. A. A. Hughes Foreman". It is therefore ordered adjudged and decreed by the Court, that the plaintiffs S. F. Scott and M. L. Culver do have and recover of and from the defendants R. N. Lane and W. A. Saylor as principals and against defendant John H. Robinson as the security of the said Lane and Saylor the sum of five thousand ~~($5000)~~ dollars in gold, being the amount so found due by the jury with interest on said sum from this date at eight per cent per annum together with all the costs of this suit for which execution may issue. —

Grand jury And now on this day came into open Court the Grand jury of Travis County empanneled at this term, and through their foreman J. Melarky presented to the Court sixty six indictments, which were by the Clerk docketed and numbered respectively from 4757 till 4824. And the Grand jury suggesting that there is no further business before them, they were ordered to go hence discharged.

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The following named persons constituted the regular jury pannel for the 3rd week of the present Term of this Court 1st G. S. Gordon, 2nd W. H. Caldwell 3, C P. Norwood 4, D. C. Sandle 5, Chas. McCormack 6 S. Patosky, 7 H. Hirshfield, 8 W. R. Beckett 9. A. H. Whitten, 10

November 6th 1876

Court met according to adjournment. Present same as above. Whereupon the following proceedings were had.

1317 State of Texas vs S. H. Esmond

1352 State vs. C. W. Edwards, J. H. Caperton, Jesse Graham, Wm Caperton

1382 State vs A. Chamberlain

1468 State vs John Martin

1691 State vs Nora Alexander

1929 State vs Green

1931 State vs Ira Carpenter & J. H. Carpenter

1941 State vs C. W. Bryant

1942 State vs Gatlin & Gatlin

1944 State vs Jim Hamilton

2008 State vs J. M. Neal

2090 State vs. Charley Moore

2104 State vs David Lane

2120 State vs Wm Lofson

2126 State vs Geo W. Allen

2134 State vs Thomas Barnes

2139 State vs Miller

2142 State vs Peter Kemmer

2150 State vs Wade Harrison & Charles Watson

2153 State vs C. Wimberly

2187 State vs. Pole Carinero

2252 State vs Andrew Davis & Geo Gage

2365 State vs W. W. Leggett

2432 State vs James Kellow

2447 State vs Wm Clark

2448 State vs. Wm Schuchard

2458 State vs. Isaac D. Barefoot

2465 State vs. Wm Glascock

2467 State vs. Bill Piper

2555 State vs. Thomas Blair

2568 State vs. James Kirk

2570 State vs. Sam Harris

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2602 State vs. Z. Ishner
2620 State vs. Jack Mahony
2625 State vs Tom Raine
2638 State vs. Charley Black
2700 State vs. Ben Butler
2790 State Bennis & Harry Bennis al. Wild Harry
2819 State vs. Gen. James Davidson
2820 State vs. James Davidson
2821 State vs. James Davidson
2822 State vs. James Davidson
2823 State vs. James Davidson
2971 State vs. Robert Martin
2979 State vs. Thomas Fraser
2984 State vs. Stephen Pound
2989 State vs A. Stone al. A. Craft and —— Galloway
3010 State vs. Wm Whittington
3011 State vs. Wm Whittington
3013 State vs Wm Whittington
3111 State vs. Eugen Robinson
3120 State vs. John Scott
3130 State vs Jose Anteres.
3157 State vs. James Fuller
3159 State vs. Thomas Davis
3293 State vs. D. M. Ozell & John Every Iray & bart.
3397 State vs. A. Garner
3398 State vs. Andrew Coleman
3419 State vs. Hill
3425 State vs. Rhodes Whitis
3430 State vs. Maj. Vandegraff
~~3428 State vs. D. J. O'Brien~~ (error)
3528 State vs. Isaiah Johnson & Jim Johnson
3529 State vs. B. K. Stewart
3548 State vs. N. P. Larsen
3549 State vs. W. H. Green
3562 State vs. W. H. Green
3572 State vs. E. T. Duff
~~3646 State vs. Tom Johnson~~ (error)
3669 State vs. P. K. Wynn
3670 State vs. Geo W. Miller
3733 State vs Thomas Cree

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3738 State vs. Bill Wells
3742 State vs. Thomas Cree
3792 State vs. Lem Middleton
3800 State vs. Jacob Snipes
3811 State vs. Jas. A. Burns
3814 State vs. Montgomery Ruble
3821 State vs. Squire Puckett
3823 State vs John Scott
3825 State vs. Isaac Morgan
3827 State vs. P. W. Wynn
3829 State vs. P. W. Wynn
3833 State vs. Geo W. Miller
3834 State vs. Geo. W. Miller
3835 State vs. Geo W. Miller
3837 State vs Geo W. Miller
3838 State vs Geo W. Miller
3846 State vs John Ames
3875 State vs J. M. Woods & J. M. Woods.
3914 State vs. Dan. Daniels & James House
3976 State vs. Wm Benton
4000 State vs. Finley
4008 State vs. Jim Smith et al
4009 State vs. John Thomas
4026 State vs. John Bennett
4031 State vs. Huddleston and Lazy Jim
4040 State vs. Jack Romirez
4047 State vs. James Cain
~~4049 State vs. Moses Steiner~~ error
4053 State vs Frank Mathewsen
4054 State vs. Julius Van Velde
4056 State vs. Buck Roberts
4057 State vs. Geo Walker
4063 State vs. Green Ridgway, John Rogers, & John Nelson
4061 State vs. Green Ridgway, John Rogers, & John Nelson
4068 State vs D. C. Mathews et. ux. Mathews
4069 State vs John P. Powers.
4074 State vs. Burt Nelson
41511 State vs. John Monroe
4158 State vs. Jim Chapman
4159 State vs. Bob Hamilton

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4168 State vs. Mary Mitchell & John Mitchell
4169 State vs. Mark T. Durst
4194 State vs. Wm Brown & Mrs. Wm Black
4195 State v John Griffin
4202 State vs T. D. Wardlow
4208 State vs. J. J. Sullivan
4209 State vs. J. J. Sullivan
4229 State vs. J. J. Sullivan
4231 State vs. W. H. Barrett
4233 State vs. J. J. Sullivan
4240 State vs. Warren Davis
4241 State vs. Joe Brown
4244 State vs. Manley Turner
4245 State vs. G. M. Turner
4246 State vs G. M. Turner
4247 State vs. G. M. Turner
4248 State vs. G. M. Turner
4274 State vs. Tom Crawford
4302 State vs Lewis Williams
4348 State vs. George Jones
4349 State vs. O. Butimans
4350 State vs. John Framan & Joseph Framan. It is ordered by the Court that the last above named one hundred and thirty three cases be continued for service.
2366 State vs. R. A. Brown
2374 State vs R. A. Brown
2375 State vs R. A. Brown. The death of R. A. Brown having been suggested to the court, it is ordered that the last above named cases be dismissed from the docket.
2394 State vs. Albert Tobler. The death of Albert Tobler the defendant herein being suggested to the Court, it is ordered that this cause be dismissed.
3399 State vs. Ira J. Cox. It appearing to the Court, that Ira J. Cox, the defendant herein is now confined in the penitentiary of the State of Texas, it is ordered that this cause be dismissed.
3438 State of Texas vs. L. C. Biers. It is ordered that this cause be continued.
3556 State of Texas vs. Powell & Gatlin. Upon motion of the County Attorney it is ordered by the Court that this cause be continued as to Gatlin, and that alias capias be issued vs. Powell.
3606 State of Texas vs. Tom Johnson. It appearing to the Court, that the defendant herein is now confined in the penitentiary, it is ordered that this cause be continued.

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3639 State of Texas vs. Tom Johnson. It appearing to the Court that the defendant in this cause is now confined within the penitentiary, it is ordered that this cause be continued.

3830 State vs. Joe Fowler. Upon motion of the County Attorney it is ordered that this cause be continued.

4049 State of Texas vs. Moses Steiner. It appearing to the Court that the defendant herein is now confined within the penitentiary it is ordered that this cause be continued

4160 State of Texas vs. Joe Burlage. Upon motion of defendants attorney it is ordered that this cause be continued.

4161 State of Texas vs. Joe Burlage. Upon motion of defendants attorney it is ordered that this cause be continued.

4162 State of Texas vs. Joe Burlage. Upon motion of defendants attorney this cause is ordered to be continued.

4237 State of Texas vs. Joe Burlage. Upon motion of defendants attorney, it is ordered that this cause be continued.

4238 State of Texas vs. Joe Burlage. Upon motion of defendants attorney this cause is ordered to be continued.

4308 State of Texas vs. Booker Griffith. By agreement of parties this cause is ordered to be continued.

4340 State of Texas vs. Jake Cain

4700 State of Texas vs F. Seimers

4702 State of Texas vs. Sam Young

4703 State of Texas vs. Eugen Hardkopf, Fritz Hardkopf, & Frederick Hardkopf.

4704 State of Texas vs. W. N. Zively

4706 State of Texas vs. Edward Lawrence

4714 State of Texas vs. Wade Foster

4715 State of Texas vs. Reinhard Rabbleschool

4716 State of Texas vs. Reinhard Rabbleschool

4729 State of Texas vs. Joe Harris

4737 State of Texas vs. Israel Williams

4745 State of Texas vs. Louis Vankant

4750 State of Texas vs. Al. Reiney & Taylor Smith

4778 State of Texas vs. Juan Traviano

4780 State of Texas vs. W. W. Turner

4781 State of Texas vs. Henry Hemmick

4790 State of Texas vs. Rev. J. B. Akers

4795 State of Texas vs. Beverly Clark

4797 State of Texas vs. — Carter

4802 State of Texas vs. Bill Tong

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4803 State of Texas vs — Lorraine
4807 State of Texas vs. Al. Rainey
4808 State of Texas vs. Dan Givens (col)
4817 State of Texas vs. Al. Rainey
4818 State of Texas vs. Newell Burdett
4819 State of Texas vs Ben Thompson
4820 State of Texas vs. Charles Fugett.
4821 State of Texas vs. John Boughe
4825 State of Texas vs. Bud Cotton
4826 State of Texas vs. Wat Goods. It appearing that this court has no jurisdiction to try the last above named thirty causes, it is ordered, that the same be transferred to the County Court of Travis County, and that the clerk of this court do deliver to ~~said~~ the clerk of said County Court the indictment and all the papers relating to said cause together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.
4308 State of Texas vs. Rob Sprout. Upon motion of Defendants Attorney It is ordered ~~It is ordered~~ that this cause be continued. (error)
4756 State vs. Wiley Craft. Fug.
4758 State vs. John Arguin
4760 State vs. Ike Jones
4783 State vs. W. M. Turner
4785 State vs. G. W. Turner
4787 State vs. Jim Moore
4789 State vs. John Organ
4792 State vs. Dan Middleton
4794 State vs. Billy Thompson
4798 State vs. Alf Scroggins
4800 State vs. Geo Washington (col)
4804 State vs. Billy Simms
4806 State vs. Buck Walton
4810 State vs. Gip Dishay
4812 State vs. Charles Clinger
4814 State vs. Dr. W. S. Moore
4816 State vs. Willie "Reno"
4822 State vs. Robt B. Smith
4824 State vs. Joe Burbage. It appearing that this court has no jurisdiction to try the last above named nineteen causes, it is ordered, that the same be transferred to the Justice Frith Segener's court of Travis County

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and that the clerk of this court do deliver to said justice the indictments and all the papers relating to said causes together with a certified copy of all the proceedings taken in this court in regard to the same, & also a bill of costs showing what costs have accrued that such proceedings may be had therein as may be provided by law.

4757 State vs. George Pierce
4759 State vs. Tom Bowles
4761 State vs. Dan Hornsby
4782 State vs W. W. Turner
4784 State vs. R. E. Turner
4786 State vs. William Moore
4788 State vs. Willie Reno
4791
4793 State vs. Frank Cotton
4796 State vs. L. B. Edwards
4799 State vs Maroney
4801 State vs. Frank Britton
4805 State vs. Fred Beck
4809 State vs. Charley Givens
4811 State vs. Taylor
4813 State vs. John Condon
4815 State vs. Fred Beck
4823 State vs. Chip Burlage. It appearing that this court has no jurisdiction to try the last above named (18) eighteen causes, it is ordered that the same be transferred to justice James Neill's Court of Travis County and that the clerk of this court do deliver to said justice the indictments and all the papers relating to said cause together with a certified copy of all the proceedings taken in this court in regard to the same and also a bill of costs, showing what costs have accrued, that such proceedings may be had therein, as may be provided by law.

4166 State vs. Rueben Murphy. In this cause it is ordered, that alias capias be issued against the defendant and that this cause be continued for service.

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

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Court met according to adjournment. Present same as yesterday.
Whereupon the following proceedings were had, to wit:

4720 State vs. Joe Simms. Comes now the County Attorney and enters a nolle prosequi in this case with the permission of the Court.
Whereupon it is ordered, that the said cause be dismissed, and that

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the defendant go hence discharged.

C. A. Bodega In parte

C. A. Bodega having filed in open court his petition praying to be admitted a citizen of the United States and the court being fully satisfied by the affidavit of petitioner and by the introduction of a certificate issued by a clerk of a court of record and showing that said C. A. Bodega had made his declaration of intention to become a citizen of the United States, and by the evidence of two good and lawful citizens of the United States, that the said C. A. Bodega has been a bona fide resident of the United States for more than five years last past, and that he has shown himself during that time a a law abiding man and attached to the principels of the Constitution of the United States and of the State of Texas, and the said C. A. Bodega having taken the oath of alligiance as provided & required by an act of Congress, It is considered ordered and decreed by the court that the said C. A. Bodega 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.

Joseph Maden Ex parte

Joseph Maden having filed in open court his petition, praying to be admitted a citizen of the United States and the court being fully satisfied by the evidence introduced, that said Joseph Maden has been a bona fide resident of the United States for more than five years last past, and that he the said Joseph Maden has made his declaration of his intention to become a citizen of the United States before M. Hopkins, clerk of the Circuit Court of the U. S. for the West. District of Texas, on the 2nd day of November A. D. 1872, and the court being further satisfied by the evidence of two good and lawful citizens of the United States, that the said Joseph Maden is a law abiding man and attached to the principels of the Constitution of the United States, and the oath of alligiance, as required and provided for by act of Congress, having been administered to said Joseph Maden in open court; It is ordered and adjudged and decreed by the court, that the said Joseph Maden be and the same is hereby admitted a citizen of the United States of America, and that the clerk of this court issue to him a certificate accordingly.

2553

State vs. Chas Slinger. A sworn affidavit of Ambrose Duty being introduced to the court, stating that he the said Duty is the alleged owner of the stallion alleged to be stolen from him by the defendant in this cause and further stating, that the defendant did not steal from affiant or from his possession said stallion at the time mentioned in the indictment or at any other time, It is ordered by the court that a nolle prosequi be entered in this cause, and that this cause be dismissed.

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and that the defendant go hence discharged.

3867 State vs. George Crawford. In this cause it is ordered, that attachments be issued against C. C. Cock of Travis County and I. W. Lacy & L. L. Miller of Burnett County; and it is further ordered upon motion of defendants attorneys that this cause be continued.

4242 State of Texas vs. Daniel James. And now on this day comes the State by her Attorney and the defendant comes in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of James Hart and eleven others duly tried empanneled and sworn, heard the indictment, plea of "not guilty" evidence argument of counsel and being charged by the court as to the law, returned from their seats the following verdict, to wit: "We the jury find the defendant not guilty. James Hart, Foreman". It is therefor ordered and decreed by the court that the defendant Daniel James go hence discharged.

4390 State of Texas vs. R. R. Hamilton. Continued for service and alias capias to be issued to any County.

4391 State of Texas vs. R. R. Hamilton. Continued for service and alias capias to issue to any County.

4393 State of Texas vs. Joe Jones and Bob Strange. Attachments ordered to be issued vs. Moses Mitchell, Henry Gardner, P. Gordon material witnesses for the State, and it is further ordered upon motion of the County Attorney that this cause be continued.

4398 State of Texas vs. Joseph Van Wee. Continued to await mandate.

4403 State of Texas vs. John Webb and Morgan Hamilton. Continued for service on Webb.

4404 State of Texas vs. James West. Continued to await mandate.

4412 State of Texas vs. George Gorst. Continued ~~to await mandate~~ for service.

4414 State of Texas vs. L. G. Britton. Continued for service.

4417 State of Texas vs. M. J. Mattison. Alias capias ordered to be issued and cause continued for service.

4512 State of Texas vs. Leach. Continued for service

4513 State of Texas vs. Martin Harris. Continued for service

4516 State of Texas vs. Henry Cook. Continued for service and alias capias to be issued to any County.

4523 State of Texas vs M. J. Mattison. Alias capias to be issued and this cause continued.

4524 State of Texas vs. Antonio Rodriquez and Ben Perry. These defendants being now under sentence confined within the penitentiary, this cause is ordered to be dismissed.

4539 State of Texas vs. Charles E. Barnard. Al. Capias to be issued vs.

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defendant to any County and cause continued.
And thereupon Court adjourned till to morrow morning 9 o'clock

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Court met according to adjournment. Present same as first day.
Whereupon the following proceedings were had to wit:

4540 State of Texas vs. Booker Griffith. Upon motion of the County Attorney this cause is ordered to be continued.

4541 State of Texas vs. Theodore Rueger. Continued for service.

4543 State of Texas vs C. Hicks. Attachment vs. Lane McCoy ordered to be sent to Bexar County, and cause continued generally.

4545 State of Texas vs. John Golden & Webb Townsly. And now on this day came the State by her Attorney and came also John Golden one of the defendants herein and both parties announced ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of J. B. Rainey and eleven others duly tried, empanneled and sworn heard the indictment, plea of "not guilty" evidence, argument of counsel and retired, ~~after being~~ charged by the Court as to the law, to consider of their verdict. And thereupon the jury returned into open Court the following verdict, to wit: "We the jury find the defendant guilty of a simple assault, and assess his fine at Twenty five $\frac{00}{100}$ Dollars. J. B. Rainey. Foreman." It is therefor ordered, adjudged and decreed by the Court, that the State of Texas do have and recover of and from the defendant John Golden the sum of Twenty five Dollars as a fine and all costs of this suit, and that said defendant John Golden stand committed to the County jail until said sums are paid. — And it is further ordered that this cause be continued for service on the defendant Webb Townsly.

4546 State of Texas vs. Bates. Continued for service.

4696 State of Texas vs Charles Monroe Sawyer. Continued for service.

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

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Court met according to adjournment. Present same as first day.

4064 State vs. Wm Isbell. Al. Capias to be issued vs. the defendant and cause continued for service.

4073 State of Texas vs. Mark Tiner. Continued generally.

4071 State of Texas vs. John Isbell. Attachments vs. Felix Galten & Thomas McCushen ordered to be issued and the cause continued upon motion of defendants Attorney.

4154 State of Texas vs. Charles Cannon. Upon motion of the County At-

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Norpen This cause is ordered to be continued.

4355 State of Texas vs. Mack Horst. Attachments ordered to be issued vs Alexander Sylvester, Sylvon Gentenden, Trinidad Lara, Sylvester Saldera, and this cause continued generally.

4381 State vs. L. G. Britton. Continued for service & alias capias to issue

4550 State of Texas vs. Charles Mathens. Comes on to be heard the motion of defendants attorney to quash the indictment in this cause; and said motion being duly considered by the Court, it is ordered that the indictment in this cause be quashed, the cause dismissed and that the defendant go hence without day discharged.

4554 State of Texas vs. James Mc Gowan. Comes now the State by her attorney and comes also the defendant in person and by attorney and both parties announce themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County consisting of J. D. Raney and eleven others duly tried empanneled and sworn, heard the indictment, the plea of not guilty, the evidence argument of counsel and after being duly charged by the Court as to the law in this cause, retired to deliberate of their verdict. Whereupon said jury returned in to open Court the following verdict, to wit: "We the jury find the defendant guilty of an aggravated assault, and assess the fine at One hundred ~~00~~ Dollars. J. D. Raney. Foreman." Whereupon it is ordered adjudged and decreed by the County, that the State of Texas do have and recover of and from the defendant James Mc Gowan the sum of One hundred dollars and all costs in this behalf incurred. And it is further ordered & decreed that said defendant Mc Gowan stand committed to the County Jail until said fine and costs are paid.

4555 State of Texas vs. Joe Simms. And now on this day comes the County Attorney on behalf of the State and comes also the defendant in person and by attorney, and both parties announce themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of R. A. Rutherford and eleven others, who after being duly sworn, empanneled heard the indictment, the plea of not guilty, the evidence and argument of counsel, and after being duly charged by the Court as to the law in this case, retired to consider of their verdict. And thereupon said jury returned into open Court the following verdict, to wit: We the jury find the defendant guilty and assess the punishment at 3 years in the penitentiary. R. A. Rutherford Foreman." It is thereupon considered ordered and decreed that said defendant Joe Simms stand committed to the County Jail of Travis County to await judgment and sentence.

4549 State of Texas vs. Charles Conio et. al. Charles Cooney. It is ordered that this cause be continued and that et. capias do issue vs. defendant.

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4556 State of Texas vs. M. Rainey. Continued by the State.
And thereupon Court adjourned till to morrow morning 9 oclock.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

3120 State of Texas vs. John Scott. The order continuing this case, as entered at a previous day of this term, is hereby set aside.

4387 State of Texas vs. Henry Hawkins. Comes now the County Attorney on behalf of the State and comes also the defendant in person and by attorney and both parties announce themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County consisting of Tom Murrah and eleven others, who after being duly tried, empanneled and sworn, heard the indictment, plea of not guilty, the evidence and argument of counsels and the charge of the Court as to the law in this case, and after retiring to consider of their verdict, returned in to open Court the following verdict, to wit: We the jury find the defendant guilty and assess the punishment at five years in the penitentiary. Tom Murrah. Foreman." Whereupon it is ordered that the verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed that the defendant be and he is hereby declared guilty of the offense of theft of a gelding, and that he be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of five years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution.

4755 State of Texas vs. Joe Simms. And now on this day comes the County Attorney on behalf of the State and comes also the defendant in person and by Attorney, and both parties announce themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, duly elected, tried, empanneled and sworn, consisting of R. A. Rutherford and eleven others, heard the indictment, the plea of not guilty, the evidence and argument of counsel, and after being duly charged by the Court as to the law in this case, retired to consider of their verdict. And thereupon said jury returned into open Court the following verdict, to wit: "We the jury find the defendant guilty and assess the punishment at three years in the penitentiary. R. A. Rutherford, Foreman." Whereupon it is ordered by the Court that the verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed, that the defendant be and he is hereby declared guilty of the offense of burglary and that he be condemned to be punished by confinement in the

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State penitentiary to hard labor for the full term of three years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution.

4706 State of Texas vs. Edward Lawrence. The order transferring this cause to the County Court of Travis County, as entered on a previous day of this term. is hereby set aside, and this cause is hereby reinstated on the docket of this Court according to its number.

4532 State of Texas vs. George Platt al. George Bell.- In this cause it is ordered that the County Attorney have leave to substitute the last indictment.

4788. Hancock & Cutler vs. G. T. Allen & wife. Be it remembered that on the 7th day of November 1876 came the plaintiffs in this cause in person and by attorneys and with their witnesses and a jury having been waived by the said plaintiffs, and it appearing to the court that a judgment by default had been entered herein against the defendants in this cause on a previous day of this term, and it further appearing to the court, that the said plaintiffs had furnished the material and completed the improvements as set out in the complaint, on Lots No 5 & 6 in Block No 32 in the City of Austin Travis County, Texas, and that they had on the 4th day of March 1876 filed for registration in the office of the District Clerk of Travis County Texas as required by law notice of their intention to rely upon their mechanics lien, and that the said improvements on said lots had been completed on the 9th day of September 1875 and it appearing further to the court, that on the said 7th day of November 1876 there still remained due & unpaid to the said plaintiffs from the said defendants on said material and improvements the sum of $124 45/100 One hundred and twenty four 45/100 Dollars, and that they the said plaintiffs have their mechanics lien on the said Lots No 5 & 6 five & six in Block No 32 in the City of Austin, Travis County, Texas. It is therefore ordered, adjudged and decreed by the court that the said H. A. Hancock and G. T. Cutler partners as aforesaid under the firm name and style of Hancock & Cutler shall have and recover of the said defendants George T. Allen & Mary Allen his wife the said sum of $124 45/100 One hundred and twenty four 45/100 dollars with interest from the said 7th day of November 1876 at the rate rate of 8 per cent per annum together with all costs in this behalf expended. — It is further ordered adjudged and decreed by the court, that the said mechanics lien on the said Lots No 5 & 6 in Block 32 in the City of Austin, Travis County, Texas be and is hereby foreclosed and that the Sheriff of Travis County Texas be and he is hereby empowered & ordered to sell said Lots No 5 & 6 in Block No 32 in the City of Austin, Travis County, Texas to the highest and

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best bidder for cash at the time & place and after having advertised said described property for sale, the same and in all respects as he is required by law to do for sales under execution & that from the proceeds arrising from said sale he pay off discharge and satisfy this judgment and all the costs in this behalf incurred, & the balance if any pay over to the said defendants George T. Allen and Mary Allen his wife. If however the proceeds of said described property be not sufficient to satisfy this judgment & costs, then execution may issue against the said defendant George T. Allen for the balance then due and unpaid.

3814 John A. Burditt et al v. M. C. Burditt et al. Be it remembered that on the 26th day of October 1876 the defendants demurrer to plaintiffs petition in this cause came on to be heard, which was after being duly considered by the court overruled.

3814 John A. Burditt et al. vs. M. C. Burdit et als. It is ordered that this cause be continued.

3815 John A. Burditt et al vs. John A. Green. This caus is ordered to be continued.

Jury Commissioners. It is ordered by the court that Geo. B. Zimpelman, John H. Tively and John T. Haynes be summoned to appear at the next term of this court to serve as jury commissioners at said term.

4820 It is ordered by the court, that Messrs. Wm M. Walton, Thomas E. Sneed,
C. D. Johns. David Sheeks and Samuel Wilby be appointed a committe to examine in open court C. D. Johns touching his application to practice as an attorney and counseller at law.

4505 Joel C. Combs vs. P. W. Rawlins et al. And now on this day comes on to be heard the motion of defendants attorney to grant a new trial in this cause; which motion after being duly considered by the court is overruled. Whereupon the defendant gives notice in open court of appeal to the Supreme court.

3551 State of Texas vs. James P. Newcomb. This cause is ordered to be continued.

3120 State of Texas vs. John Scott. And now on this day comes the County Attorney of Travis County on behalf of the State, and comes also the defendant in person and by Attorney, and both parties announce themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of R. A. Rutherford and eleven others duly elected tried empannelled and sworn, heard the indictment, the plea of not guilty, the evidence, and argument of counsel, and after being duly charged by the court as to the law in this case, retired to consider of their verdict. And thereupon said jury after due consideration retur-

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into open Court the following verdict: "We the jury find the defendant guilty of an assault with intent to kill and murder and apess the punishment at 2 years in the penitentiary." R. A. Rutherford. Foreman." Whereupon it is ordered, that the verdict be and the same is hereby approved and it is further ordered, adjudged and decreed by the Court, that the defendant John Scott be and he is hereby declared guilty of the said offence of "Assault with intent to kill and murder", and that he be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of two years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution.

4733 State of Texas vs. John Lindsay and John Brown. And now comes the County Attorney on behalf of the State and also come the defendants in person and by Attorney. Whereupon on motion it is ordered that a severance be granted. And thereupon the said plaintiff and the defendant John Brown announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of J. C. Raney and eleven others, duly tried, elected, empanneled and sworn, heard the indictment, plea of not guilty, the evidence and argument of counsel, and after being duly charged by the Court as to the law in this case, retired to consider of their verdict. And thereupon said jury after due consideration returned into open Court the following verdict, to wit: "We the jury find the defendant guilty and apess the punishment at five years confinement in the penitentiary. J. C. Rainy. Foreman." Whereupon it is ordered that the verdict be and the same is hereby approved, and it is further ordered, adjuged and decreed by the Court that the defendant John Brown be and he is hereby declared guilty of the said offence of "Theft of a gelding"; and that he be condemned to be punished by confinement in the penitentiary to hard labor for the full term of five years in accordance with the finding of the jury in this case, and that he pay all cost of this prosecution.

4064 State of Texas vs. Wm Isbell. The order declaring the recognizance of the defendant Isbell forfeited and continuing this cause, as made & entered on a previous day of this term, is hereby set aside.

C. D. Jones Ex parte And now it is ordered by the court that Robert Ward Esq. be appointed a member of the committee in place of David Sheeks Esq. for examination of C. D. Jones touching his application to be admitted an attorney of this Court.

4533 State of Texas vs. Si Jackson. Comes now the County Attorney and presents to the Court his statement, that he is unable to prosecute this cause for want of evidence against the defendant Si Jackson, and moves the Court that he be allowed to enter a nolle prosequi in this cause.

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Whereupon it is ordered by the Court, that said motion be granted and that this cause be dismissed and that said defendant go hence without day.

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

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

A. P. Valls & Grace Valls vs. Eveline A. Minter et al's.

3666 And now on this day comes John W. Patton, commissioner appointed at a former day of this Court to make sales of certain real estate and personal property for distribution among the parties to this suit, heirs at law of Edward Linn deceased and makes the following report, to wit: "Austin, Texas, October "23d 1876. To the Honorable District Court of Travis County.— Your pet"itioner J. W. Patton who at the June term 1873 of this Hon. Court was appoin"ted commissioner to sell for distribution the personal property and lands bel"onging to the estate of Edward Linn decd has now to report and to ask the ap"proval of the Hon. Court the sale of the interest of said estate in the fol"lowing described tract or parcel of land. Said interest being the undivided "one half of said Land: heretofore patented to F. A. Sherman Patent No "797 Vol. 12. Situated on the Lavacca river in Lavacca County Texas 18 miles "below the town of Palletsville. Beginning at the S. E. corner of a survey of "1/3 of a League for R. Morgan a stake from which a Live Oak marked * bears "S. 10 W. one vr. a Post Oak mkd * bears S. 9 E. 8 vrs. Thence N. 45 W. with "Morgans N. E. line 2129 vrs. to the South corner of a survey made for J. J. "May a stake from which a Post Oake mkd M. bears S. 26 E. 16 vrs. and a "Post Oak mkd B bears S. 9 E. 8 vrs. Thence N. 46¼ E. with Mays S. E "line 3775 vrs a stake on the bank of the Lavacca river from which a "Live Oak two feet in dia. mkd M. brs N. 78 W 80 vrs. Thence across the river "with its meanders S 25° 15 E 558 vrs S. 4.65 W. 341 vrs. S. 39 E. 533. S. 3 W. 269 "vrs N 83 W 223 vrs. S. 26. 15 W. 513 vrs. S. 18° 45 W 212 vrs S 23 E. 539 vrs. S. 3 E. "404 vrs S. 62° 30 W. 220 vrs S. 71° 30' W. 246 vrs. S 42° 45 W. 160 vrs S. 52 W. "403 vrs. S. 53 W. 313 vrs S 56° 45' W. 286 vrs, S. 30 W. 84 vrs. to the beginning "containing 1166 acres. The sale has been made at 90 cents per acre and "is said by the County Surveyor to be a good price, the terms are $150 "cash and $376 70/100 payable the first of November next.—The confirmation "of the sale and an order to make a deed upon the payment of the purchase "money is respectfully asked. The purchaser of the land is T. J. Livergood of "Lavacca County Texas (sign) Jno W. Patton. Sworn to and subscribed before "me in Austin City on this Nov. 4th 1876 (sign) Oscela Archer. Notary "Public Travis County, Texas." Whereupon it is ordered and adjudged, that the said sale, made by the said John W. Patton to the said T. J. Livergood

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be and the same is in all things approved and confirmed, and that the said Patton, commissioner, do execute and deliver to said Livergood a good and sufficient deed of conveyance to the land described in said report, upon said Livergood paying to the said Patton the amount of money for which said sale was made and that said commissioner do account for said funds to this court as soon as the same may come into his hands.

No. 4105 & 4265 consolidated

M. C. Hamilton vs. Juliet G. Hicks, M. J. Fabrey et alais.

On this day comes the plaintiff by his Attorney and come also the Defendants Juliet G Hicks and her husband E. A. Hicks, Martha J. Fabrey whose husbands death since the institution of this suit has been suggested of Record, Carrie F. Cotton and her husband J. W. Cotton, Nina McDowell with her husband H. McDowell and Cora E. Sheppard with her husband W. D. Sheppard, all by their respective Attorneys and Pearl Connor by her special Guardian J. A Posey and the above entitled and numbered cause being regularly reached and called for trial, said Parties Plff. and Defendants announced themselves ready for trial and no jury having been demanded by any of said Parties the same is submitted to the Court, who after having heard the Evidence and argument of the respective Counsel and Considered the same, is of opinion that the law and the facts are with the Plaintiff.

It is therefore considered, ordered, adjudged and decreed by the Court that the Plaintiff do have Partition of the following Lands being the same described in his Petition and amended Petitions viz: Lot No. Seven (7) in Block No. (43) Forty three in Austin City; Lots Nos. Four (4) Five (5) and Six (6) in Block No two (2) Nos. Seven (7) and Eight (8) in Block No Three (3) and Lots Nos. one (1) two (2) three (3) Four (4) and Five (5) in Block No Four (4) of the subdivision of Out Lot No one (1) in Division A of the Government Tract adjoining the City of Austin said subdivision being known as, Connors Addition to Austin City". It is further ordered, adjudged and decreed by the Court that the said Plaintiff do have and recover of and from the Def. Defendants the Proportion of Nine fourteenths (9/14) of each and every of the above named Lots, that said Defendant Juliet G. Hicks do have and recover of and from said Plaintiff, and her Co. Defendants one fourteenth (1/14) of each and every of the above named lots: that said Defendant — Martha J. Fabrey do have and recover of and from said Plff and her Co-Defendants one fourteenth (1/14) of each and every of said Lots; that Nina McDowell do have and recover of and from said Plff and her Co-Defendants one fourteenth (1/14) of each and every of said Lands; that said

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Defendt. Cora E. Sheppard do have and recover of and from said Plff. and from Each of the said 6 Defendants one fourteenth (1/14) of each and Every of above named lands; that Defendant Perl Connor do have and recover of and from said Plff and from Each of the 6 Defendants one fourteenth (1/14) of each and every of the above lands; that as it appears from judgements of this Court in favor of the State of Texas and against Jack Connor and Executions issued thereunder and a Deed from the Sheriff of Travis County to said Plaintiff for all the interest of Jack or David H. Connor in and to said Lands, made by virtue of said Execution that the Plff is the owner of the interest of said Jack or David H. Connor in the said lands, this suit is dismissed as to the said Jack alias David H. Connor and it appearing from a Deed from Carrie T and J. W. Cotton to M. C. Hamilton Plff put in Evidence by the Plaintiff, that he is the owner of all the right title and interest of Mrs Carrie T. Cotton in and to the above described lands, it is ordered adjudged and decreed by the Court that said Carrie T and J. W Cotton take nothing by their suit, but go hence without day.

It is further ordered adjudged and decreed by the Court that Joseph Spence, P. De Cordova and Wm Walsh be and are hereby appointed Commissioners and are hereby empowered and directed to partition the said lands in accordance with this decree having regard chiefly to the value of the respective shares set apart to the respective Parties; that in the part of this cause numbered 7105 the Plff pay nine fourteenths (9/14) of the Costs and Each of the Defendants, viz: Juliet S. Hucks, Martha J. Fahey, Nina McDowell, Cora E. Sheppard and Perl Connor pay one fourteenth (1/14) of the Costs; that in the case of Hamilton vs. M. G. Fahey No 7265, said Defendant Martha Fahey _____ pay all the Costs expended or incurred and that Execution issue against the respective parties for the proportion of the Costs adjudged against Each in this decree; that said Commissioners report their action to the Court at its present term for confirmation.

It is further ordered adjudged and decreed that the sale of Lot No Seven (7) in Block No Forty three (43) in Austin City, made by the Sheriff of Travis County on the 5th day of January 1875 to Martha J. Fahey is annulled and held for nought and the Sheriff of Travis County is hereby forever enjoined from delivering his deed of date _____ day of January 1875 to said Martha J. Fahey for said Lot No Seven in Block Forty three in Austin City and the said Deed is hereby declared cancelled; is null and void and shall hereafter

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be forever held for naught and that the Clerk of Court repay to the Plff. the sum of Eighteen Dollars heretofore deposited in Court. To all of which rulings Deft excepts and give notice of an appeal to the Supreme Court in open Court. And thereupon Court adjourned till Monday Morning 9 o'clock A. M.

November 13th 1876

Court met according to adjournment. Present same as first day and adjourned till the 15th inst. 9 o'clock A. M.

November 15th 1876

William Thompson. Ex. parte. This cause coming on to be heard on the return of the Sheriff of Travis County to the writ of Habeas corpus as also on the motion of the relator to be turned over to the Sheriff of Kansas County for trial on the charge of murder alleged to have been committed by relator in said County of Kansas: as also on motion of the Attorney General that said writ of Habeas corpus be dismissed and that the relator be turned over to the custody of J. B. Sparks as the agent of the State of Kansas to be transported to said State as a fugitive from justice: And said writ of Habeas corpus, the petition therefor together with the documents thereto attached the return of the Sheriff and the exibits thereto attached, as also the motion of the relator and the motion of the Attorney General together with the documents thereto attached, and proof submitted and agreed as to certain facts, having been submitted to the court and fully argued by counsel and fully understood by the court: It is therefore ordered, adjudged and decreed by the court: First that the motion of the relator that he be delivered to the Sheriff of Kansas County for trial is overruled— Second that the motion of the Attorney General so far as it askes a dismissal of the writ of Habeas corpus and these proceedings is sustained, and said writ and these proceedings be and the same is hereby dismissed. And thereupon the relator excepts to all these rulings of the court and gives notice in open court of appeal to the Court of Appeals of the State of Texas. ——

4718 State of Texas vs. Charles Wilson. Be it remembered, that on the 8th day of November 1876 it was ordered by the court, that the clerk of this court draw a special venire of 40 jurors returnable on the 20th day of November 1876 to try this cause.

4720. State of Texas vs. Henry Burton. Be it remembered, that on the 8th day of November 1876 it was ordered by the court, that the clerk of this court draw a special venire of 40 jurors returnable on the 21st inst. to try the above said cause.

4722 State of Texas vs. George Carpenter & William Robertson. Be it remembered that on the 8th day of November it was ordered by the court that

the clerk of this court draw a special venire of 40 jurors returnable on the 22nd inst. to try the aforesaid cause.

4764 State of Texas vs Jim Cain alias Jim Jones. Be it remembered that on the 9th day of November 1876 it was ordered by the court that the clerk of this court draw a special venire of 40 jurors returnable the 23rd inst. to try the aforesaid cause.

And thereupon court adjourned till the 20th inst. 9 o'clock A.M.

November 20th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had. to wit:

Jury Commissioners. This day came into open court the jury commissioners and presented to the court the lists of jurymen as selected & drawn by said commissioners for the 7th 8th & 9th week of this term of this court.

C. D. Johns Ex parte. And now comes on to be heard the report of the committee, appointed at a former day of this term to examine the applicant C. D. Johns touching his qualification to practice as attorney and counsellor at law; which report is in substance as follows, to wit: That the committee have discharged the duty required of them and being satisfied as to the legal attainments of the applicant, recommend that a permanent license issue to him upon his taking the required oath. It is thereupon ordered and decreed by the court that the clerk of this court do issue to the said C. D. Johns a license to practice as an attorney and counsellor at law in the several District and inferior courts of this state, upon his taking the oath prescribed by law and on filing evidence of his good moral character; And the said C. D. Johns having appeared in open court and subscribed to and taken the necessary oath, and having filed the required evidence of his good moral character, this license is accordingly issued.

4621 America H. Parker vs. Thomas W. Parker. And now on this day this cause being called for trial came the plaintiff by her Attorney and the defendant though duly served with citation came not but wholly made default, whereupon the court appointed Terrell Esq. as attorney for the defendant T. W. Parker, and both parties then announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of R. H. Smith and eleven others duly tried empanneled and sworn heard the evidence, argument of counsel and the charge of the court and retired to consider of their verdict, and returning rendered the following verdict to wit: "We the jury find the material allegations in the plaintiffs petition to be true R. H. Smith" It is thereupon ordered, adjudged and decreed by the court that the rites of matrimony as celebrated between the plaintiff America H. Parker

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and the defendant Thomas W. Parker on, about the 13th day of December A. D. 1871, be vacated set aside and held for naught and that the bonds of matrimony between said plaintiff and defendant be and the same are hereby dissolved; and it is further ordered that said defendant Thomas W. Parker pay all costs in this behalf incured.

And thereupon Court adjourned till to morrow morning 9 oclock

November 21st 1876

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had, to wit:

4326 John H. Conner vs. H. & T. C. R. R. Co. Upon motion it is ordered that defendant have leave to amend.

4718 State of Texas vs. Charles Wilson. This day came the State by the County Attorney and came also the defendant in person and by Attorney, and both parties announced themselves ready for trial. Whereupon the defendant Charles Wilson was arraied at the bar and the indictment was then and there read to him, and the defendent then announced his plea of not guilty. Whereupon came a jury of twelve good and lawful men of Travis County consisting of James H. Shaw and eleven others, duly elected, tried empannelled and sworn, heard the indictment the plea of not guilty, the evidence, the argument of counsel and after being duly charged by the court as to the law in this case, retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict, to wit: "We the jury find the defendant Charles Wilson guilty of the murder of J. J. Barton as charged and that the murder was and is murder in the first degree. James H. Shaw. Foreman." Whereupon it is considered adjudged and decreed by the court, that the verdict be and the same is hereby approved, and it is further ordered adjudged and decreed that the defendant Charles Wilson be and he is hereby declared guilty of the crime of murder in the first degree as charged in the indictment, and it is further ordered that the said defendant be remanded to the County Jail of Travis County to await final sentence.

4719 State of Texas vs. Burrel Golden. Comes now the County Attorney and files his statement that he cannot maintain the prosecution in this cause for want of evidence, and moves the Court, that he be allowed to nolle prosequi this cause. Whereupon it is ordered that this cause be dismissed and that the defendant go hence discharged.

4536. State of Texas vs. Frank Hardeman. Comes now the County Attorney on behalf of the State and comes also the defendant in person and by

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attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawfull men of Travis County consisting of R. H. Smith and eleven others, duly tried empannelled and sworn, heard the indictment the plea of not guilty, the evidence, the argument of counsel and after being duly charged by the court as to the law in this case and after retiring to consider of their verdict, returned into open court the following verdict, to wit: We the jury find the defendant not guilty. R. H. Smith Foreman" It is thereupon ordered & decreed by the court, that the defendant Frank Hardeman go hence discharged.

4064 State of Texas vs. Wm Isbell. It is ordered that this cause be continued according to agreement of parties.

4532 State of Texas vs. George Platt alias George Bell. The County Attorney having filed a statement showing that there is no evidence to sustain this charge, It is ordered by the court that this cause be dismissed and that the defendant go hence discharged.

4560 State of Texas vs Moses Organ. It appearing that this court has no jurisdiction to try the above named cause it is ordered that the same be transferred to the county court of Travis County and that the clerk of this court do deliver to the clerk of said county court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

And thereupon court adjourned untill to morow morning 9 o'clock.

November 22nd 1876

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had:

4569 State of Texas vs. Bill Smith. continued for service.

4582 State of Texas vs Jas Stroud. Continued for service.

4587 State of Texas vs George F. Gage. Continued for service.

4592 State of Texas vs E. A. Hicks. Continued by the State.

4697 State of Texas vs. Charles Wagner. Comes now the County Attorney on behalf of the State and comes also the defendant Charles Wagner in person and by Attorney and both parties announce themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of R. W. Smith and eleven others, duly elected tried empannelled and sworn, heard the indictment, the plea of not guilty, the evidence and the argument of counsel, and after being duly charged by the court as to the law in this case, retired

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to consider of their verdict. Whereupon after due consideration said jury returned into open court the following verdict, to wit: We the jury find that Charley Wagner did make an assault with a bowie knife upon W. R. Brown with intent to kill and murder and place the punishment at twelve years in State penitentiary R. H. Smith Foreman. Whereupon it is ordered and adjudged that the verdict be and the same is hereby approved, and it is further ordered adjudged and decreed that the defendant be and he is hereby declared guilty of the offence of assault with intent to kill and murder as charged in the indictment and that he be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of twelve years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution.

4711 State of Texas vs. Israel Williams. Comes on this day the State by her attorney and comes also the defendant in person and by attorney and both parties announce themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of James H. Shard, eleven others duly elected tried empanneled and sworn; and in response to the indictment the defendant Israel Williams entered the plea of guilty and invoked the clemency of the court And thereupon said jury under the charge of the court returned from their seats the following verdict to wit: "We the jury find the defendant Israel Williams guilty as charged and asses his punishment at two years in the State penitentiary. James H. Shard. Foreman." Whereupon it is ordered and adjudged by the court that the verdict be and the same is hereby approved and it is further ordered, adjudged and decreed that the defendant be and he is hereby declared guilty of the offence of theft of seven pigs of the aggrate value of fourty two dollars and that he be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of two years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution.

4722 State of Texas vs. George Carpenter and William Robertson. It is ordered that this case be continued for service and that al. capias issue for the defendants.

4733 State of Texas vs. John Lindsay and John Brown. Comes now the defendant John Lindsay by his attorney and submits to the court his affidavit and application for a continuance; Whereupon it is ordered that a continuance of this cause as to the defendant John Lindsay be granted

4740 State of Texas vs. Henry Burton. Continued by the State on act. of absence of Penelope Harris a wife Stab vic

4744. State of Texas vs. Joseph Higgins. Continued by the defendant as on his affidavit.

4746 State of Texas vs Neal Cain, L. M. Cain & Jim Burdit. Continued

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by the Sterke.

4747 State of Texas vs. Neal Cain, S. M. Cain and Jim Burditt. Continued by the Sterke.

4765 Sterke of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Continued by the State

4766 Sterke of Texas vs Neal Cain, S. M. Cain & Jim Burditt. Continued by the Sterke.

4767 State of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Continued by the Sterke.

4768 State of Texas vs Neal Cain, S. M. Cain & Jim Burditt. Continued by the State

4769 Sterke of Texas vs Neal Cain S. M. Cain & Jim Burditt. Continued by the Sterke.

4770 State of Texas vs. Neal Cain S. M. Cain & Jim Burditt. Continued by the Sterke.

4738 State of Texas vs. Bob Nixon and James Nixon. And now on this day came the State by her attorney and came also the defendants in person and by their attorneys and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of R. H. Smith and eleven others, duly tried empannelled and sworn, heard the indictment the plea of not guilty, the evidence & argument of counsel and after being duly charged by the court as to the law in this case retired to consider of their verdict. And said jury after due consideration returned into open court the following verdict, to wit: We the jury find the defendants not guilty. R. H. Smith. Foreman. Whereupon it is ordered and adjudged by the Court that the verdict be and he is hereby approved, and that the defendants Bob Nixon and Jas. Nixon go hence discharged.

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

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3446 Sterke of Texas vs. Eb Stewart and Gilbert Stewart. Continued by the Sterke.

3445 State of Texas vs. Eb Stewart & Gilbert Stewart. Continued by the Sterke.

3447 State of Texas vs. Eb. Stewart & Gilbert Stewart. Continued by the State

4637 State of Texas vs. J. B. Heard and Allen. Comes now the County Attorney and presents to the court his statement showing that he cannot prosecute this cause, whereupon it is ordered, that a nolle prosequi be entered in this cause and that the defendants J. B. Heard and Allen go hence discharged.

4709 State of Texas vs. S. R. Yates. Comes now the defendant by his attorney & presents to the court his affidavit and asks that this cause be continued, whereupon it is ordered that this cause be continued.

4742 Sterke of Texas vs. Sparling Young. Continued by the Sterke

4743 State of Texas vs. Fred Keller. On this day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of James H. Shaw and eleven others, duly tried empannelled and sworn

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and in responce to the indictment the defendant Fred Keller entered the plea of guilty and invoked the clemency of the court. And thereupon said jury after being duly charged by the court as to the law in this case, returned into open court the following verdict to wit: "We the jury find the defendant Fred Keller guilty as charged in the indictment and assess his punishment at five years in the State penitentiary. James H. Shaw. Foreman." Whereupon it is ordered and adjudged by the court that the verdict be and the same is hereby approved and it is further ordered, adjudged and decreed by the court, that the defendant be and he is hereby declared guilty of the offence of theft of a gelding, and that he be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of five years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution.

4561 State of Texas vs. Tie Peter. Continued for service.

4723 State of Texas vs. Peter Hardeman. And now on this day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of James H. Shaw and eleven others, duly elected, empannelled and sworn, heard the indictment the plea of not guilty the evidence & the argument of counsel, and after being duly charged by the court as to law in this case retired to consider of their verdict. Whereupon said jury after due consideration returned into open court the following verdict, to wit: "We the jury find the defendant Peter Hardeman guilty as charged and assess his punishment at five years in the State Penitentiary. James H. Shaw Foreman." Whereupon it is ordered that the verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed by the court that the defendant Peter Hardeman be and he is hereby declared guilty of the offence of theft of a mare, and that he be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of five years, in accordance with the finding of the jury in this, cause, and that he pay all costs of this prosecution.

4741 State of Texas vs. John Williams. This day came the State by her Attorney and came also the defendant in person and by Attorney, and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of R. H. Smith and eleven others duly elected, tried, empanneled and sworn, heard the indictment the plea of not guilty, the evidence and the argument of counsel and after being duly charged by the court as to the law in this case, ret

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ired to consider of their verdict. Whereupon after due considration said jury returned into open court the following verdict to wit: "We the jury find the defendant not guilty. R. H. Smith. Foreman" Whereupon it is ordered and adjudged by the court that the verdict be and the same is hereby approved, and it is further ordered that the defendant John Williams go hence discharged.

Whereupon court adjourned till to morrow morning 9 o'clock

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4534 State of Texas vs. Frank Hardeman. Comes now the County Attorney and presents to the court his statement showing his inability to prosecute this cause for want of evidence, whereupon it is ordered that a nolli prosequi be entered and that this cause be dismissed and that the defendant Frank Hardeman go hence discharged.

4708 State of Texas vs. Jim Nixon and Joseph Polvidore. - It appearing to the court, that R. L. Polvidore has been arrested as the defendant in this cause and that he is not the defendant, it is ordered that he be discharged, and it is further ordered that alias capias vs. the defendant Joseph Polvidore be issued and that this cause be continued for service.

4789 W Angela N. Cooke et al. vs. William Simpson et al. This day came the parties and filed their agreement, in writing, stipulating that a judgment shall be rendered in this cause in favor of the said Plaintiffs Angela N. Cooke and William N. Cooke against the said defendants William Simpson and Cornelia Simpson for the recovery of the lot or parcel of land, in controversy in this suit and hereinafter described, and that judgment shall be rendered in favor of the said defendants for the use of the officers of the court against the said plaintiffs for all costs in this behalf expended. It is therefore, considered by the court that the said plaintiffs Angela N. Cooke and William N. Cooke do have and recover of the said defendants William Simpson and Cornelia Simpson the said lot or parcel of land in controversy in this suit, which lot or parcel of land is situated in the city of Austin, county of Travis and State of Texas and described as follows: Being lot ~~No. forty (40)~~ Number six (6) in Block number forty (40) in the City of Austin fronting on Cedar and Trinity Streets. The same being one hundred and twenty eight feet long and forty six feet wide as it appears on the plan of said City: for which they may have their writ of possession. And that the said defendants do have and recover against the said plaintiffs, for the use of the officers of the court all costs in this behalf expended for which

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execution may issue

3844 G. R. Freeman vs. R. M. Lewis et al } In the District Court of Travis County. The 11th day of November A. D. 1876. This day the above entitled cause came on to be heard upon the report of the commissioners appointed by the decree in the same on the eleventh day of October 1875 and the parties came by their attorneys. Whereupon the report of the commissioners was submitted to the court in words and figures as follows to wit: "The undersigned commissioners appointed in said cause respectfully report to the court that they have proceeded to ascertain the character quality and value of the several tracts of land the partition of which they were required to make by the decree in said cause and have had the same carefully surveyed and divided by an experienced surveyor Mr. C. C. Powell Surveyor the county of Hamilton County (as shown by the accompanying plat) with special reference to their character quality and value and in accordance with the decree appointing them commissioners and have set apart to the several parties respectively to each the land designated or marked on the plat by his her or their names respectively – That is to G. R. Freeman we set apart a tract of 958 45/100 acres out of the 1920 acre survey, one of 377 66/100 acres out of the 640 acre survey and one of 838 acres out of the 1476 acre survey. The first of which tracts is bounded as follows – Beginning at the S. W. corner of the 640 acre survey from which a P. O. bears N 38 E. 16 5/10 varas. Thence S. 19 W. 2850 varas to the South line of the 1920 acre survey to a stone mound – Thence S. 71 E. at 1751 varas a branch running N. E. & at 1900 varas the S. E. corner of the 1920 acre survey – Thence N. 19 E. 2850 varas to the N. E. corner of the same in prairie – Thence N 71 W. 1900 varas to the place of beginning, and the second of which is bounded as follows: Beginning at the S. E. corner of subdivision for Mrs Stanford in the South line of 640 acre survey, from which a live Oak marked x bears S. 81 W. 83 1/2 varas – Thence S. 71 E. 1123 varas to the S. E. corner of the said 640 acre survey – Thence N 19 E. 1900 varas to the N. E. corner of the same thence N 71 W 1123 varas to the N. E. corner of the Stanford subdivision, from which a live oak marked x bears N 1 3/4 W 145 vrs and another marked x bears N 1° W 144 1/3 vs. Thence S 19° W. 1900 varas to the beginning and the third of which is bounded as follows to wit: Beginning at a stone mound 1211 1/2 varas S. 71° E. from the N. W. corner of the 1476 acre survey in the name of Turbeville – Thence S. 19 W 2974 varas to a corner in the South line of the said 1476 acre survey – Thence S. 71 E. 1590 varas to the S. E. corner of the 1476 acre survey – Thence N 19 E. 2974 varas to the N. E. corner of the same & Thence N. 71 W. 1590 varas to the beginning. — To Mrs. Martha J. Penn we set apart a tract of 190 45/100 acres of the 1920 acre survey and a tract of 152 97/100 acres of the 1476 acre survey – the former

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of which is bounded as follows Beginning at the S. W. corner of the 1920 acre survey from which a P. O. bears S. 26 E. 28 varas - thence N. 19 E. 850 varas a corner from which a live Oak bears S. 66 W. 87 varas - thence S. 71 E. 1266 varas a corner from which a live Oak bears S. 88 1/2 E 120 1/2 varas thence S. 19 W. 800 vs cross Partridge creek & at 850 vs the S. W. corner of Subdivission for Freeman & thence N. 71 W. crossing - Partridge creek 1266 vs to the beginning, and the latter tract is bounded as follows to wit: Beginning at the S. W. corner of the 1476 acre survey - thence N. 19 E. 760 vs to the N. W. corner of this tract a stone mound thence S. 71 E. 1211 1/2 vs to a corner thence S. 19 W. 760 vs. to the S. E. corner of this tract & S. W. cor. of Subdivision for Freeman & thence N. 71 W. 1211 1/2 vs to the beginning. ——

To Mrs. Mary J. Sanford we set apart a tract of 261 3/10 acres of the 640 acre survey and a tract of 100 1/10 acres of the 1476 acre survey - the boundary of the former being as follows - Beginning at the N. W. corner of the 640 acre survey - thence S. 71 E. 777 varas to the N. W corner of the tract allotted to Freeman whence a live Oak marked x bears N. 1 3/4 W 145 vrs. a another marked x bears N 1 W. 144 1/3 vs thence S. 19 W. 1900 vrs to the S. W. corner of said Freeman tract whence a live Oak bears S. 81 W. 83 1/2 vs. thence N. 71 W 777 vs to the S. W. corner of the 640 acre survey whence a Post Oak bears N. 53 E. 16 7/10 vs. thence N. 19 E. 1900 vs to the beginning and the boundary of the latter being as follows: Beginning at the N. W. corner of the 1476 acre survey, thence S. 71° E. 1211 1/2 vs. to the corner of subdivision for Freeman - thence S. 19° W. 512 vs. to a corner - thence N. 71 W 1211 1/2 vs. to the S. W. corner of this tract - thence N. 19 E. 512 vs. to the beginning. ——

To Wm Proctor and the unknown heirs of Elizabeth Proctor we set apart a tract of 318 17/100 acres of the 1920 acre survey and a tract of 143 1/4 acres of the 1476 acre survey - the former of which is bounded as follows. Beginning at the N. W. corner of subdivision for Ella T. Gattis on the West line of the 1920 acre survey thence N. 19° E. 1412 vs to a corner from which a live Oak bears N 20 E. 6 vs - thence S. 71 E. 1266 vs to corner in prairie. - thence S. 19 W. passing cor. of 640 acre survey at 1412 vs corner in prairie - and thence N. 71 W 1266 vs. to the beginning and the latter tract is bounded as follows. Beginning at the N. W. corner of subdivision of the 1476 acre survey for R. N. Lewis 1170 vs N. 19 E. from the S. W. corner of the 1476 acre survey, thence N. 19 E. 808 vs. to the N. W. cor. of this tract - thence S. 71 E. 1211 1/2 vs the N. E. corn of this tract - thence S. 19 W 808 vs to the S. E. corner & thence N. 71 W 1211 1/2 vs to the beginning. ——

To Ella T. Gattis we set apart 20 69/100 acres of the 1920 acre survey embraced in the following boundary - Beginning at the N. W. corner of subdivision for Cole in the W line of the 1920 acre survey from

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which a Post Oak bears N. 75¼ W. 5 vs Thence N. 19 E. 92 vs. the N. W. corner of this tract from which a Post Oak bears N. 56 W vs - Thence S. 71 E. 1266 vs. the N. E. corner in Prairie Thence S. 19 W. 92 vs to S. E. corn. in Prairie - Thence N. 71 W. 1266 vs to the beginning. - - - -

To Robert A. Cole we set apart 28 58/100 acres of the 1920 acre survey bounded as follows: Beginning at the N. W. corner of a subdivision for Robert N. Lewis in West line of the 1920 acre survey from which a Post Oak bears S. 28 E 2 vs Thence N 19 E. 128 vs to the N. W. corner of this tract from which a P. O. bears N. 75¼ W. 5 vs - Thence S. 71 E. 1266 vs cor. in prairie - Thence S. 19 W. 128 vs. to the S. E. corner of Thence N. 71 W 1266 vs. to the beginning. - - - -

To Robert N. Lewis we set apidet a tract of 71/100 acres of the 1920 acre survey and a tract 96¼ acres of the 1476 acre survey - the former of which is bounded as follows - Beginning at the N. W. corner of a subdivision for John K. Wrenn in the West line of the 1920 acre survey in the prairie - Thence N 19 E. 317 vs to the N. W. corner of this tract from which a P. O. bears S. 28 E. 2 vs. Thence S. 71 E. 1266 vs to the N. E. corner of this tract - Thence S. 19 W 317 vs. to the S. E. corner - Thence N. 71 W. 1266 vs. to the beginning - and the latter is bounded as follows; Beginning at the N. W. corner of a subdivision of the 1476 acre survey for John K Wrenn in the West line of said survey 933 vs. N. 19 E. from the S. W. corner of said 1476 acre survey - Thence N. 19 E 237 vs to the N. W. cor of this survey - Thence S. 71 E. 1211½ vs to the N. E. corner Thence S. 19 W. 237 vs to the S. E. corner of Thence N 71 W 1211½ vs to the beginning. - - -

To John K Wrenn we set apart a tract of 73½ acres of the 1920 acre survey and a tract of 34¼ acres of the 1476 acre survey - the former of which is bounded thus: Beginning at the N. W. corner of subdivision for Mrs M. J. Penn on the West line of the 1920 acre survey from which a live Oak bears S. 66 W. 87 vs - Thence N. 19 E. 328 vs. to the N. W. corner of this ~~tract~~ in prairie - Thence S. 71 E. 1266 vs. to the N. E. corner in prairie, Thence S. 19 W. 328 vs. to the S. E. corner from which a live oak bears S. 88½ E. 120½ vs & Thence N. 71 W 1266 vs to the beginning, and the latter is bounded as follows: Beginning N. 19 E. 760 vs from the South West corner of the 1476 acre survey at the N. W. corner of subdivision for Mrs. M. J. Penn - Thence N. 19 E. 173 vs to the N. W. cor. of this tract - Thence S. 71 E. 1211½ vs to the N. E. corner, Thence S. 19 W. 173 vs to the N. E. cor. of Mrs Pennins - Thence N. 71 W 1211½ vs. to the beginning. - - -

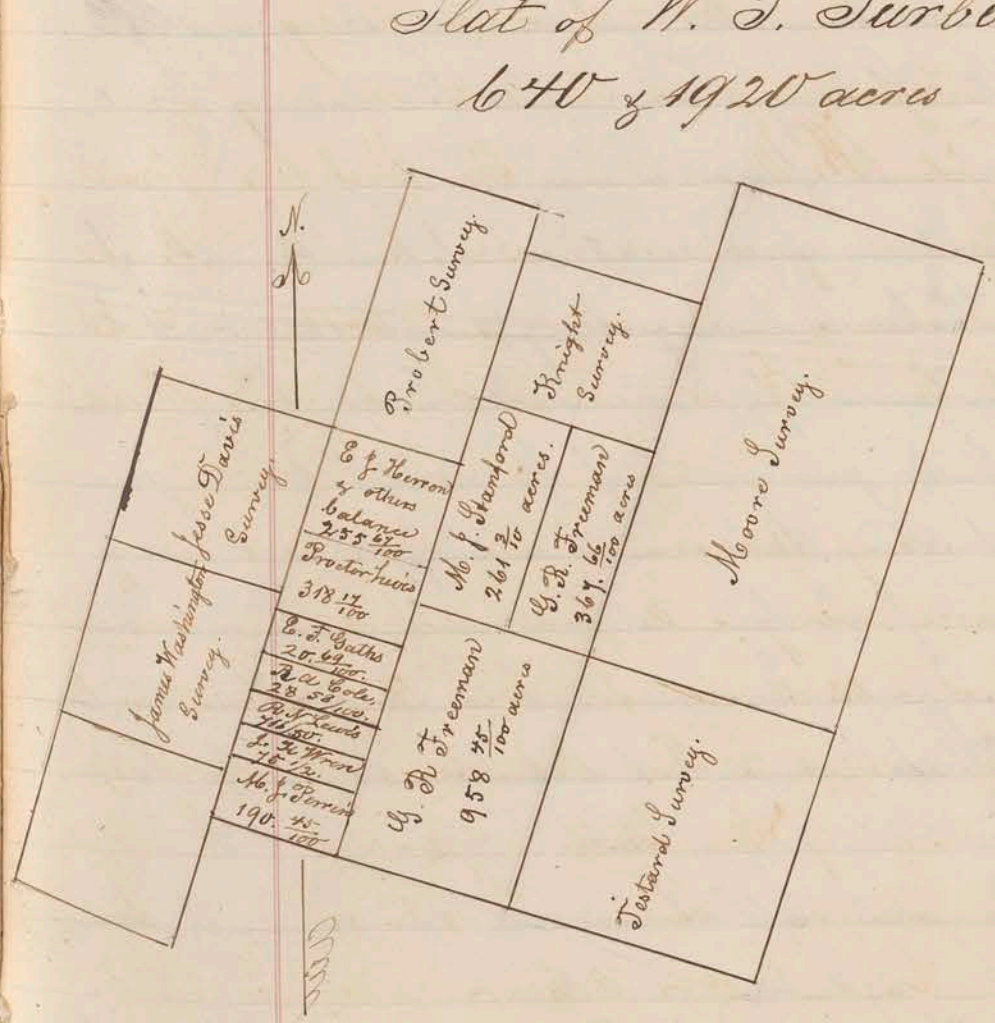
To E. J. Penon Mary A. Harris, W. L. Wrenn John A. Wrenn, James Wrenn, Martha A. Fen, Edward J. Gattis, Alice Chadwell, W. J. Harris on and Mary E. Mc Craugh we set apart the balance of said lands

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is two tracts one a tract of 255 67/100 acres of the 1920 acre survey & the other a tract of 120 59/100 acres of the 1476 acre survey, the former of which is bounded as follows, Beginning at the N. W. corner of the subdivision of the 1920 acre survey for the Proctor heirs from which a live Oak bears N. 20. E. 6 vs. thence N. 19 E. 1141 vs to a corner which is the N. W. corner of the 1920 acre survey in the prairie, - thence S. 71 E. 1266 vs. with the line of the 1920 acre survey to a N. E. corner of same - thence S. 19 W. with an east line of the 1920 acre survey 1141 vs. to the S. E. corner of this tract in prairie - thence N. 71 W 1266 vs to the place of beginning, and the latter of which is bounded as follows, Beginning at the N. W. corner of the subdivision of the 1476 acre survey for the Proctor heirs in the West line of said 1476 acre survey thence N. 19 E. 614 vs to the S. W. corner of the subdivision of the 1476 acre survey for Mrs Sanford - thence S. 71 E. 1211 1/2 vs to S. E. cor. of Sanford tract - thence S. 19 W 614 vs to N. E. corner of the Proctor tract & thence N. 71 W. 1211 1/2 vs. to the beginning. We here subjoine & embody the Plats of the subdivision of said three tracts of land referred to in the beginning of this report

Cow House Creek

Plat of W. S. Turberville 640 & 1920 acres & Plat of the 1476 acres survey





We further respectfully report that in order to identify said several tracts of land and property divide the same according to the decree we employed Mr. C. C. Powell the county surveyor of Hamilton county to survey and subdivide the several tracts, whose bill for the lines actually run by him at three dollars per mile amounts to $79 82/100 dollars - It is herewith presented and its allowance as part of the costs of this suit respectfully recommended. The commissioners L. W. Doom and J. A. Perry only have acted and respect

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fully suggest that fifteen dollars will be a reasonable allowance for the services of making the partition and preparation of this report which they ask shall be taxed and paid as costs of this suit. (sig) D. W. Doom. S. A. Posey. — And the court having fully considered said report it is ordered and decreed that the same be in all things approved and that the title to each of the several tracts of land set apart in said report, as the same is described therein, be vested in the party to whom the same has been set apart in said report and divested out of each and all the other parties to this suit; and that there be allowed and taxed as costs $79.00 to be paid to C. C. Powell and $15.00 to be paid to D. W. Doome and S. A. Posey as suggested in said report. And that the costs of this suit be paid by all the parties at interest in said lands except Ella T. Gattis and by each of them in proportion to his her or their share in the property respectively and that execution issue therefor.

J. A. Williamson. Ex parte. J. A. Williamson having produced in Court his license to practice as an atty. & counsellor at Law in the Courts of the State of Arcansas and being introduced by N. G. Shelly Esq. to the court as a man of good moral character and honorable department, and it is ordered that said J. A. Williamson be and he is hereby admitted to practice as an attorney and counsellor at law in the several District court and inferior courts of the State of Texas upon his taking the oath prescribed by law, and that license do issue to him.

Herrmann Gruman Ex parte. Herrman Gruman having appeared in open court and taken the oath of allegiance as a citizen of the United States & having brought with him into open court two respectable witnesses who certify under oath to his being a man of good moral character & attached to the principles of the constitution & government of the United States and of this State; and said applicant having complied with the several provisions of the law in such cases made and provided; It is ordered that said Herrmann Gruman be and he is hereby admitted a Citizen of the United States, and that a certificate issue to him accordingly.

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

November 25th 1876.

Court met according to adjournment. Present same as first days. Whereupon the following proceedings were had to wit:

3551 State of Texas vs. James P. Newcomb. And now on this day came the State by her Attorneys, and came also the defendant James P. Newcomb in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of A. L. Autrey, foreman and J. B. Sedgpeth, Ben D. Smith, J. C. Hamilton, C. M. Mayfield, Ben Van Zandt, Wm Ligon, J. R. Ray, L. K. Burrough, Griffin, L. K. Goldstein and Winter Goodloe, who after being duly elected, tried empannelled &

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sworn, heard the indictment, the plea of not guilty, the evidence, argument of counsel, and being duly charged by the court as to the law in this case, retired to consider of their verdict. Whereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant not guilty. A. L. Autrey Foreman." Whereupon it is ordered, adjudged and decreed by the court, that said verdict be and the same is hereby approved. And it is further ordered that the defendant James P. Newcomb go hence discharged and fully aquitted of the accusation.

Whereupon court adjourned till Monday morning 9 o'clock.

November 27th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4764. State of Texas vs. Jim Cain alias Jim Jones. Came on this day the County Attorney on behalf of the State and came also the defendant Jim Cain alias Jim Jones in person and by attorney, and both parties announced themselves ready for trial; and the defendant being arraigned at the bar, the indictment was then & there read to him, when the defendant in person entered the plea of not guilty. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of J. H. Dinkins and eleven others, who after being duly elected, tried, empanneled and sworn, heard the indictment, the plea of not guilty, the evidence and the argument of counsel, and after being duly charged by the court as to the law in this case, retired to consider of their verdict. Whereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant Jim Cain alias Jim Jones guilty of murder in the second degree and assess the punishment at confinement in the penitentiary for the term of ninety nine years. J. H. Dinkins Foreman." Whereupon it is ordered, adjudged and decreed by the court that the verdict be and the same is hereby approved, and it is further ordered and adjudged and decreed that the defendant be and he is hereby declared guilty of the crime of murder in the second degree, and that he be punished by confinement in the State penitentiary for the full term of ninety nine years in accordance with the finding of the jury in this cause, and that he pay all costs of this prosecution.

Thereupon Court adjourned until 9 o'clock to morrow morning.

November 28th 1876.

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had:

4707 State of Texas vs. Edmond Lawrence. On this day came the County Attorney

November 28th 1876.

on behalf of the State and came also the defendant Edmond Lawrence in person and by Attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Isaac V. Jones, foreman, and eleven others, duly tried elected empanneled and sworn, and then the defendant in responce to the indictment entered the plea of guilty and invoked the clemency of the court. And thereupon said jury under the charge of the court returned from their seats the following verdict. to wit: "We the jury find the defendant guilty as charged in the indictment and fix his punishment at five years in the State penitentiary. Isaac V. Jones, Foreman." Whereupon it is ordered, adjudged and decreed by the court that said verdict be and the same is hereby approved, and it is further ordered and adjudged that said defendant be and the same is hereby declared guilty of the offence of theft of a mare and that he be condemned to be punished by confinement in the State penitentiary for the full term of five years in accordance with the finding of the jury in this cause, and that he pay all costs of this prosecution.

4736 State of Texas vs. George Douglass. And now on this day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of J. D. Shepherd, Jno. W. Rose, F. Johnne, A. D. Duty, John Price, Robt Barr, C. P. Haigler, W. H. Price M. W. Townsend Frank Hamilton, Sam Billingsly, Joe Blum, duly tried, elected, empanneled and sworn, heard the indictment, the plea of not guilty, the evidence, the argument of counsel, the charge of the court and retired for deliberation. Whereupon said jury returned into court and stated that they are unable to agree upon a verdict. Whereupon it is ordered that the case be withdrawn from the jury, a mistrial granted awarded and cause continued.

4735 State of Texas vs. Isaac Houston. came on this day the County Attorney on behalf of the State and came also the defendant Isaac Houston in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Isaac V. Jones and eleven others, who after being duly tried elected empanneled and sworn heard the indictment the plea of not guilty, the evidence, and the argument of counsel, and being duly charged by the court as to the law in this case retired to consider of their verdict. Whereupon said jury after due consideration returned into open court the following verdict to wit: We the jury find the defendant guilty of a misdemeanor and assess his punishment to confinement in jail for three months. Isaac V. Jones, Fore-

November 28th 1876.

man." Whereupon it is ordered, adjudged and decreed by the court, that said verdict be and the same is hereby approved, and it is further ordered and adjudged, that that said defendant be and he is hereby declared guilty of theft of the grade of misdemeanor, and that he be condemned to be punished by confinement in the county jail of Travis county for the full term of three months, and that he pay all costs of this prosecution.

4708 State of Texas vs. Jim Nixon and Joseph Polvidore. And now on this day came the State by her Attorney and came also Jim Nixon, one of the defendants, in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county consisting of W. W. Deen, J. M. Topping, Wm. Alexander, A. L. Autrey, Reuben Wells, D W. Jones, D. A. J. Powell, T. L. Saunders, F. D. Jones, Jno. Jordan, Jas Paag, J. H. Dishkins, who after being duly tried, elected, empannelled and sworn, heard the indictment, the plea of not guilty, the evidence, the argument of counsel, and being duly charged by the court as to the law in this case retired to consider of their verdict. Whereupon said jury returned into Court and stated that they are unable to agree upon a verdict in this cause. Whereupon it is ordered by the court that this case be withdrawn from the jury, and a mis-trial awarded.

4734. State of Texas vs. Isaac Houston. It is ordered by the court that this cause be dismissed, the County Attorney having filed his statement that he cannot persecute this cause for want of evidence.

Thereupon Court adjourned till to morrow morning 9 o'clock

November 29th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4728 State of Texas vs. Gustave Lohman. Came on this day the County Attorney in behalf of the State and came also the defendant Gustave Lohman in person and by Attorney, and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county consisting of P. C. Taylor and eleven others, duly tried, elected empannelled and sworn, heard the indictment the plea of not guilty, the evidence and argument of counsel, and being duly charged by the court as to the law in this case, retired to consider of their verdict. Whereupon said jury after due consideration returned into open Court the following verdict to wit: "We the jury find the defendant not guilty". P. C. Taylor, foreman. Whereupon it is ordered, adjudged and decreed by the court, that said verdict be and the same is hereby approved, and

November 29th 1876

that the defendent Gusterve Lohman go hence discharged and fully acquitted of the accusation. —

4362 State of Texas vs. Jno Jackson. Came on this day the County Attorney in behalf of the State and came also the defendent Jno Jackson in person & by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of L. O. Jones foreman and eleven others, duly tried empanneled and sworn, heard the indictment the plea of guilty of a simple assault, and being charged by the court as to the law in this case returned after due consideration the following verdict, to wit: We the jury find the defendant guilty of a simple assault and assess his ~~punishment~~ fine at Fifty dollars. L. O. Jones Foreman: Whereupon it is ordered, adjudged and decreed by the court, that said verdict be and the same is hereby approved, and it is further ordered and adjudged, that the defendant John Jackson be and he is hereby declared guilty of a simple assault, and it is further ordered and adjudged that the State of Texas do recover of and from said defendant the sum of Fifty dollars and all the costs in this behalf expended, and it is further ordered that said defendant stand committed to the county jail of Travis County untill said fine and costs are paid.

4365 State of Texas vs. John Jackson. The County Attorney having filed his statement that he cannot prosecute this cause, the witnesses having gone to Mexico, it is ordered that this cause be dismissed.

4708 State of Texas vs. Jim Nixon and Joseph Polvidore. By agreement of parties this cause is ordered to be continued as to Jim Nixon.

4717 State of Texas vs. Frank Caldwell. On this day came the State by her attorney and came also the defendant by attorney; and the defendant entered his plea of guilty of a simple assault, and says that the facts are true as to a simple assault and waives a jury and submits his plea and confession to the court. And the State not asking for a verdict for a grater offence, It is ordered by the court that the defendant Frank Caldwell be declared guilty of a simple assault, and it is further ordered and adjudged that the State of Texas do recover of and from the defendant the sum of fifty dollars and all costs of this prosecution, and that he stand committed to the County Jail of Travis County untill said fine and costs are paid.

4724 State of Texas vs. W. W. Tannehill. Came now J. H. Bennet and Byrus Smith the prosecuting witnesses in this cause and filed their sworn affidavit stating that they have become satisfied of the innocence of the accused defendant, Whereupon it is ordered by the Court that this cause be dismissed and that the defendant W. W. Tannehill go hence discharged of this accusation.

November 29th 1876.

4725 State of Texas vs. W. W. Tommehill. Come now G. H. Burdett and Cyrus Smith the prosecuting witnesses in this cause and submit to the court their sworn statement, saying that they have become certified of the innocense of the defendant W. W. Tommehill; Whereupon it is ordered by the court that this cause be dismissed and that the defendant go hence discharged of this accusation.

4748. State of Texas vs. Ambrose Steele. Comes now the County Attorney and submits to the court his statement, showing that he cannot maintain this prosecution for want of evidence; It is thereupon ordered by the court that this cause be dismissed and that the defendant go hence discharged.

And thereupon court adjourned till the first day of December 1876.

December 1st 1876.

Court met according to adjournment. Present same as on first day. Whereupon the following proceedings were, had, to wit:

4046 State of Texas vs. Lewis White. Comes now the County Attorney and submits to the court his statement, showing that he cannot make out this case for want of evidence, Whereupon it is ordered that this cause be dismissed and that the defendant go hence discharged.

4279 State of Texas vs. Sylvester Lockwood. Upon statement of the County Attorney that there is no evidence to maintain this cause, It is ordered by the court, that this cause be dismissed, & that the defendant go hence discharged.

4417 State of Texas vs. M. J. Mattison. The papers in this cause being lost, it is ordered that this cause be continued.

4559 State of Texas vs. Sam Williams. The escape of the defendant being suggested to the court, and this cause having been appealed to the Court of Appeals, it is ordered that this cause be continued.

4585. State of Texas vs. George Platt alias Gorge Bell. And now on this day came the State by her Attorney and came also the defendant in person and by Attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of W. W. Townsend and eleven others, who after being duly elected tried empannelled and sworn heard the indictment the plea of not guilty, the evidence and the argument of counsel, and after being duly charged by the court as to the law in this case, retired to consider of their verdict. Whereupon said jury after due consideration returned into open court the following verdict, to wit: "We the jury find the defendant not guilty. W. W. Townsend Foreman" Whereupon it is ordered, adjudged and decreed that said verdict be and the same is hereby approved, and it is

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further ordered that the defendent George Platt alias George Bell go hence discharged and fully acquitted of the accusation.

4619 State of Texas vs. Garland. Continued for service.

4635 State of Texas vs. Sam Williams an an unknown person. This cause is ordered to be dismissed the County Attorney having filed his statement that there is no evidence to sustain this cause.

4644 State of Texas vs. Webb Kissam. This cause is ordered to be continued generally.

4698 State of Texas vs. F. Siemers. Continued by the State.

4699 State of Texas vs. F. Seimers Continued by the State.

4701 State of Texas vs. F. Seimers Continued by the State.

4705 State of Texas vs. Bill Mc Ginnis and John Fields. Continued for service.

4712 State of Texas vs. Henry Mc Cleary. The defendant having escaped, It is ordered that this cause be continued for service.

4713 State of Texas vs. John Mc Donald. Continued for service.

4727 State of Texas vs. Two unknown white men. Continued for service.

4732 State of Texas vs. Rufus Furgeson. The defendant having plead guilty to another charge against him and having been sentenced to imprisonment in the penitentiary. This cause is ordered to be dismissed.

4749 State of Texas vs. Ambrose Steele. Continued by the defendant.

4754 State of Texas vs. Gip Dishon. Continued by the defendant

4771 State of Texas vs. Johnson Harris. Continued for service.

4773 State of Texas vs. Joe Higgins. Continued on affidavit of defendant.

4731 State of Texas vs. Rufus Furgeson. And now on this day came the County Attorney on behalf of the State and came also the defendant in person and by attorney, and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of F. L. Shephard, foreman, and eleven others who being duly tried, empannelled and sworn, heard the indictment the plea of guilty, and being duly charged by the court as to the law in this case, returned after due consideration the following verdict to wit: "We the jury find the defendant guilty as charged and assess his punishment at confinement in the penitentiary for the term of two years. F. L. Shephard. Foreman" Whereupon it is ordered, adjudged and decreed that said verdict be and the same is hereby approved and it is further ordered and adjudged by the court, that the defendant Rufus Furgeson be and he is hereby declared guilty of the crime of Burglary & Theft, and that he be condemned to be punished by confinement in the State penitentiary at hard labor for the full term of two

December 1st 1876.

years in accordance with the finding of the jury in this cause and that he pay all costs of this prosecution. And said defendant having requested the court to pass final sentence upon him, It is ordered by the court that said defendant Rufus Burgeson, be taken by the Sheriff of Travis county and by him safely conveyed to the Superintendent of said penitentiary & be there confined at hard labor for the full term of two years. he and he is hereby sentenced to confinement at hard labor in the penitentiary of the State of Texas for the full term of (5) five years and that he

4767 J. J. Boone vs. C. M. Booth et al. Comes now the plaintiff by his attorney whereupon his motion It is ordered by the court, that this cause be dismissed and that the plaintiff J. J. Boone and his surety on his cost bond J. Farrel pay all cost in this behalf expended for wich execution may issue in behalf of the officers of court.

4178 Christian Fisher vs. W. W. Archer. And now upon Biffs motion It is ordered that Biff. be allowed to prosecute this cause in forma pauperis.

4755. State of Texas vs. Joe Simms. Comes now the defendant by his attorney and submits to the court his motion for a new trial. Which motion being fully understood by the court is overruled.

4723. State of Texas vs. Peter Hardeman. And now comes on to be heard the motion of defendants Attorney to set aside the verdict in this cause and to grant a new trial to defendant, which motion after being argued by counsel and fully understood by the court is overruled.

Ex party. State of Texas vs. Barney Fowler. And now comes on to be heard the motion of Barney Fowler, to discharge him and his securities from a bond for his appearence before this court, there to answer a charge of murder, And it appearing to the court that no indictment has been found against said Fowler by the Grand Jury of Travis county, empannelled at this term of this court, It is ordered by the court that said motion be granted, and that said Fowler and his sureties on said bond are hereby discharged from all obligations of said bond.

3627 Louis P. Locke et al vs. Joseph Lee et al. And now on this day came on to be heard the motion of the defendants in said cause for leave to deposit moneys into court, and the parties appearing by their attorneys, and the court having heard the motion and considered the same, and said defendants having paid into court the sum of seventeen hundred and fifty currency dollars and deposited the same with the clerk of this court, It is ordered that said clerk do seal up the said identical funds and that he keep and preserve the same by depositing the same in the First National Bank of Austin and keeping the same at all times accessible and subject to the orders of the court.

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

December 2nd 1876.

December 2nd 1876.

Court met according to adjournment, and adjourned till Monday the 4th inst. at 9 o'clock A. M.

December 4th 1876

Court met according to adjourn. and Present same as first day. Whereupon the following proceedings were had:

4258 Wren & Fuling vs. John E. Campbell. Upon motion of defendants Attorney, Defendant has leave to amend.

4100 John Willie vs. The Houston and Texas Central Railway Company. And now on this day came the parties to this cause by their Attorneys and announced themselves ready for trial. And the general demurrer of defendants being submitted to the Court, the same is overruled; to which ruling defendant excepts. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of J. H. Walker and eleven others, being duly impanneled and sworn according to law, heard the pleadings, evidence & argument of counsel, and being duly charged by the court as to the law in this case retired for deliberation. And thereupon said jury returned into Court the following verdict to wit: "We the jury find for the plaintiff and assess damages Two thousand dollars. J. H. Walker foreman" Whereupon It is ordered and adjudged by the court that said verdict be and the same is hereby approved, and it is further ordered and adjudged, that the plaintiff John Willie do have and recover of and from the Houston and Texas Central Railway Company the said sum of Two thousand dollars and all costs of this suit, for which execution may issue.

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

December 5th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4706 State of Texas vs. Edward Lawrence. It appearing that this court has no jurisdiction to try the above named cause, It is ordered that the same be transferred to the County Court of Travis County and that the Clerk of this Court do deliver to the clerk of said County Court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

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

December 6th 1876.

December 6th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

3627 Louis P. Cooke, Mary L. Hardy and John F. Hardy her husband, Virginia B. Talbot, Virginia Bennett and Louis P. Bennett the last two by W. A. H. Miller their duly appointed special guardian, vs. Joseph Lee, Ed Finnin C. P. West, A. B. Moore, E. P. C. Robertson, John Hancock, L. M. Bradley, Ed Burleson N. Merrill, John T. Miller, W. M. Long, G. B. Zimpelman, N. S. Hutchinson, C. C. Allen, J. W. Flanagan, James Lee otherwise called H. J. Lee, A. P. Walker, Alfred Evans, Ernst Krohn, Wayman F. Wells and his wife Mary E. Wells and their children Amanda La Rue, Peter K. Wells, Wayman T. Wells. -- And now at this day came the parties to the above entitled and numbered cause and announced themselves ready for trial, the plaintiffs by their attorneys Walton Green and Fill, Wheeler & Montgomery, and Champ Carter and Miller & Dowell, and the defendants by their attorneys Hancock West & North and Terrell & Walker and it appearing that the matters in controversy in said cause have been settled and compromised as per an agreement in the following words, to wit: Cooke et als vs. Lee et als } 3627 District Court Travis County. October Term 1876.

The above cause having been settled upon the basis that a judgment shall be entered in favor of the defendants, the latter to pay plaintiffs $2000 00/100 within 30 days from date; a judgment for the defendants may be drawn up and entered in said cause and court at any time, the costs of court being charged to defendants / Austin November 2nd 1876. (signed) Champ Carter, Atty for Cooke & Hardy; Hancock West & North for defendants, T. B. Wheeler Atty for the L. P. Cooke Hrs. ——. And it appearing to the satisfaction of the court from the pleadings, ipues and evidence that the terms of said agreement are just and equitable and beneficial to the minor plaintiffs in said cause to wit: the said Virginia Bennett and Louis Bennett who are the children of Sarah Rice deceased, who was the daughter of said Louis P. Cooke deceised and his wife Mary A. Cooke and who are herein represented by their guardian W. A. H. Miller; and it appearing that the defendants have complied with the terms of said agreement and paid to the plaintiff the sum of Two hundred and fifty currency dollars and deposited and paid into this court the further sum of seventeen hundred and fifty dollars subject to the orders and disposition of the court. Now therefore it is ordered adjudged and decreed that the plaintiffs as heirs at law of Louis P. Cook, deceised, recover nothing of and from the defendants in this cause, and it appearing to the satisfaction to the court

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that the said L. P. Cooke the plaintiffs ancestor did in his lifetime for a valuable consideration agree and bargain to sell and convey to said Joseph Lee and did verbally sell and transfer to him the land described in plaintiffs petition by an executed contract, Lee having performed his part of said contract, and said Joseph Lee having thereupon entered into the possession of said land in the life time of said L. P. Cooke, deceased, under said contract and dwelt upon and improved the same, and that he and his vendees have had continuous possession thereof. It is ordered adjudged and decreed that the title of said Louis P. Cook deceased to said land described as follows: In Travis County on East side of Colorado River about 35 miles above Bastrop and 3 miles N. of the river beginning at the N. W. corner of 1/3 league S. Goucher No. 4, Stake mesquit 6 in. in Da. bes S. 8° E. 4 vrs; Thence N. 60° W. 1357 vrs. Stake, misquit 4 in. in Da bes S. 73° W. 51 vrs; Thence S. 30 W. 864 vrs, Stake, Post Oak 24 in Da mkd. X S 15° W. 79 vrs; Thence S 60° E 587 vs Stake; Thence S 30 W. 1821 vs. Stake Hackberry 8 in N. 2 vs Cedar 4 in Da N. 25° W. 4 vs; Thence S. 60° E. 500 vs intersecting W. line of Survey No. 14 for Goucher a stone corner; Thence N. 30° E. 2685 vs. with line of No. 4 to place of beginning and patented to Thos Gray on the 20th of April A. D. 1841 — be and is hereby quieted and vested in said Joseph Lee and divested out of said plaintiffs as the heirs at Law of said L. P. Cook deceased. —— And it appearing that said Joseph Lee has heretofore conveyed to some of the other defendants herein portions of said land which they claim by, through and under him, to wit the defendants John Hancock, Leo. B. Zimpelman, Charles P. West (together with George Hancock, Charles W. Whitis, F. Everett, Ed. Christian, John Ireland,) claiming the following described tract of land being a portion of said Gray survey and known as the Lee homestead and lying and being about two miles N. of Austin, beginning at a stake 276 feet N. 30° E. from an old corner for Grooms and Lee; Thence N. 60° W 947 feet to a stake; Thence S. 30° W. 276 feet a stake on a line of Grooms and Lee; Thence N. 60° W. 414 feet a stake being the N. W. corner of the Grooms tract; Thence N. 60° W. 32 feet to a stake; Thence N. 60° W. 1288 feet to a stake; Thence S. 30° W. 276 to a stake; Thence N. 60° W. 276 feet to an established corner of the two streets; Thence N. 30° E. 3364 feet to the N. W. corner of this tract; Thence S. 60° E. 2411 feet to a stake; Thence S. 30° E. to a point in the center of Waller creek; Thence following the channel of said creek with its meanders to the Goucher and Gray line Thence S. 30° W. with the said Goucher and Gray line Thence S. 30° W. with the said Goucher and Gray line to the point of beginning containing Two hundred and six and one fourth acres. And it appearing that the defendants Wayman S.

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Wells, Mary E. Wells, Amanda La Rue, Peter K. Wells, and Wayman F. Wells claim and own a portion of said land under the estate of Horatio Grooms decd. And it appearing that the defendant Alfred Grooms claims and owns the following described portion of said land; being 100 acres off the South end of said Thos Gray survey of 369 acres and beginning at the original most S. W. corner of said Thomas Gray survey a stake from which a Hackberry 8 in in dia bears N 2 vs. and a cedar 4 in in dia bear N 25° W 4 vrs. Thence S. 60° E. 500 vs. Thence N 30° E 1129 vrs Thence N. 60 W 500 vrs; Thence S 30° W 1129 vrs to the beginning (less about 3½ acres sold to Defts. A. P. Walker off the North end of the said 100 acres.) ——— And it appearing that the defendant A. P. Walker claims and owns the following described tract of land & to wit: six acres by purchase of Defts Joseph Lee & his wife & of H. G. Lee & being bounded E. by the E. line of said Thos Gray survey and adjoining & North of the 100 acres tract off the S. end of the Gray survey sold by Lee to Grooms; & being 99 & $\frac{36}{100}$ vrs wide & 340 $\frac{9}{10}$ vrs in length as described in the answer of said Walker and also another tract of about 3½ acres being 50 vrs in width & off the North end of said Alfred Grooms 100 acres by him bought of said Joseph Lee adjoining the six acres by Walker bought of Lee and others as aforesaid. — It is thereupon by the court further ordered adjudged and decreed that the respective titles of said defendants John Hancock, Geo. B. Zimpelman and Charles P. West and of the defendant A. P. Walker and of the defendants Wayman F. Wells, Mary E. Wells, Amanda La Rue, Peter K. Wells and Wayman F. Wells and of the defendant Alfred Grooms, in and to the respective portions of said land described in plaintiffs' petition as above set forth be confirmed and quieted unto and fully vested in them. —— And it is further ordered adjudged and decreed that said sums of two hundred and fifty dollars and seventeen hundred and fifty dollars, the latter being in the custody of the clerk of this court, be paid by said clerk so that said plaintiffs Louis P. Locke will get and receive the sum of 500^{00}, said Plaintiffs Mary L. Hardy will get and receive the sum of (500^{00}) five hundred dollars, said plaintiffs Virginia B. Talbot get and receive the sum of (500^{00}) five hundred dollars, said plaintiffs Virginia Bennett and Louis P. Bennett, as the heirs at law of said Lora K. Rice deceased, represented by their special guardian W. A. H. Miller will get and receive the sum of 500^{00} five hundred dollars as their common share. — And it is further ordered adjudged and decreed that the defendant Joseph Lee pay all costs for which execution may issue; including the sum of 25^{00} twenty five dollars, to be taxed as costs in favor of said W. A. H. Miller in compensation of his services on behalf of his said wards

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and said W. A. H. Miller shall also be entitled to receive out of the
shares of his said wards a further commission of five per cent.

4710 State of Texas vs. George Winters. And now on this day came the
State by her Attorney and came also the defendant George Winters in per-
son and by attorney and both parties announced themselves ready for
trial. Whereupon came a jury of twelve good and lawfull men of Travis
County, consisting of Wm J. Cloud, foreman and eleven others, duly
tried elected and sworn, heard the indictment, the plea of not guilty
the evidence & argument of counsel, and being duly charged by the
court as to the law in this case, retired for deliberation. And there-
upon said jury returned into Court the following verdict, to wit:
"We the jury find the defendant guilty of a misdemeanor and
assess the penalty at twelve month in County Jail and fine
of One hundred Dollars. Wm J. Cloud. foreman." Whereupon
it is ordered adjudged and decreed by the court that said verdict be
and the same is hereby approved, and it is further ordered & adjudged
by the court that the defendant George Winters be and he is hereby de-
clared guilty of the offence of Theft of the grade of a misdemeanor
and that he be punished by confinement in the County Jail of
Travis County for the full term of twelve months and it is further ordered & adjudged that the State
of Texas do have and recover of and from the defendant George
Winter the penal sum of One hundred dollars and all the costs
of this prosecution. And it is further ordered by the court that said
defendant after having been confined as above adjudged and ordered, shall
stand committed to the County Jail of Travis County untill said
fine and costs are paid.

S. S. Papp. Ex parte. S. S. Papp Esq. having produced in Court his license to practice as an
attorney and counsellor at law in the several courts of the State of
Alabama and being by M. W. Walton Esq. introduced to the court
as a man of good moral character and honorable department; It
is ordered by the court that said S. S. Papp be and he is hereby admitted
to practice as an attorney and counsellor at law in the several District
Court and inferior courts of this State upon his taking the oath
as prescribed by law, and that license do issue to him accordingly.

4178. Christian Fisher vs. W. W. Archer. And now on this day came the
parties to this suit by their attorneys and announced themselves ready
for trial. Whereupon came a jury of twelve good and lawful men of
Travis County consisting of J. H. Walker and eleven others, who being
duly tried elected empanneled and sworn, heard the pleadings, evidence
and argument of counsel; and being duly charged by the court as to the law

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in this case retired for deliberation. And thereupon said jury returned into Court the following verdict to wit: "We the jury find for the plaintiff and assess damages at nine dollars. J. H. Walker Foreman." Whereupon it is ordered, adjudged and decreed by the Court, that said verdict be and the same is hereby approved and it is further ordered and adjudged that the plaintiff Chris Sivan Fisher do have and recover of and from the defendant W. W. Archer the sum of $9.00 nine dollars; and it is further ordered by the court that the parties to this suit pay all costs in this behalf incurred by them respectively and that execution may issue to collect the same.

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

December 7th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4246 H. G. Burland & Guar. vs. Carlo Cunio et al. J. P. Phillips Interv. Upon affidavit of Defendant Cunio, this cause is ordered to be continued.

4249 E. L. Compton vs. Shadrick Cayce et al. Upon motion of Plaintiffs Attorney it is ordered that Plaintiff have leave to amend.

4249 E. L. Compton vs. Shadrick Cayce et al. Upon motion of Defendants Attorney it is ordered that Defendants have leave to amend.

4326 John P. Conner vs. H. & T. C. R. R. Co. Upon motion of intervenors attorney it is ordered that the intervenor have leave to amend.

4356 J. S. Stewart vs. L. K. Miller. Comes now the plaintiff by his attorney when upon his motion it is ordered that this cause be dismissed and that defendants recover all costs in this behalf expended of & from the plaintiff J. S. Stewart, and that execution may issue to collect the same.

4357 J. S. Stewart vs. L. K. Miller. Comes now the plaintiff by his attorney when upon his motion it is ordered that this cause be dismissed, and that the defendants recover all costs in this behalf expended of & from the plaintiff J. S. Stewart and that execution may issue to collect the same.

4508 W. E. Risher and wife vs. Gustave M. Briggs & wife. Upon motion of Plffs Attorney it is ordered that Plffs have leave to amend.

4747 William Brown vs Nancy Scott. Upon motion of Defts Atty, it is ordered that Defts have leave to amend.

4803 F. W. & J. A. Chandler vs. Silas Roberts. And now come the plaintiffs when upon their motion it is ordered that this suit be dismissed and that plaintiffs pay all costs in this behalf expended, for which execution may issue in behalf of officers of court.

4804. F. W. & J. A. Chandler vs. Bell Watkins. In this case appeared the

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plaintiffs by their attorney and it appearing to the court that the defendant has been legally served with process and that he has failed to appear and file his answer within the time prescribed by law, but wholly made default, and it further appearing to the court that this suit is brought upon a liquidated demand; It is therefore ordered, adjudged and decreed by the court, that the plaintiffs F. W. and J. A. Chandler do have and recover of and from the defendant, Bell Watkins the sum of one thousand and eighty nine & 45/104 Dollars Gold for their principal debt and interest up to this date with ten per cent interest from this date until paid, together with all the costs of this suit.— And it further appearing to the court that the notes sued on in this case were given for the purchase money of the following described tract or piece of land; viz: All that tract or parcel of land, lying & being in the County of Travis & State aforesaid, being a part of the Applegate Survey situated on Little Walnut Creek about seven miles North and East of the City of Austin Travis County Texas, Beginning at a stake twenty feet N 30° E. of L. B. Moores north west corner. Thence S. 60° E within Twenty feet of L. B. Moores North boundary line and parallel with said line 502 varas crossing Little Walnut creek to the South west corner of Silas Roberts tract. Thence North 30° E. with Silas Roberts west boundary line 566 varas to his north west corner in Burdett's South boundary line. Thence with said line N. 60° W. 502 varas to Burdett's South west corner. Thence S. 30° W. 566 varas crossing Little Walnut creek to the place of beginning containing Fifty and Thirty six hundredth acres more or less. That in the deed from Plaintiffs to defendant, they retained a vendors lien on said land and that said land is liable to be sold in satisfaction of this judgment. It is therefore ordered, adjudged and decreed by the court that said vendors lien be and the same is hereby foreclosed, that an order of sale of said land as under execution do issue, that the proceeds of said sale be applied first to the satisfaction of this judgment, interest and all costs in this behalf expended, and the remainder if any, be paid over to the defendant. In the event that the said land does not sell for enough to pay this judgment, interest and all costs, then it is ordered that plaintiffs have execution for the amount that remains unpaid,— And by consent of plaintiffs that no order of sale shall issue before the first day of December 1877.

And thereupon court adjourned till to morrow morning 9 o'clock A. M.

December 8th 1876.

Court met according to adjournment. Present same as first day.

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Whereupon the following proceedings were had. to wit:
Court adjourned till to morrow morning 9 oclock A. M.

December 9th 1876

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had. to wit:

3030 Giles H. Burdett vs. W. B. Burdett et al. In this case it appearing that the partition ordered by this court March 3rd 1876 had not been made, it is ordered, adjudged and decreed that J. C. Perry W. A. Sewell and J. M. Harrison all residents of Van Zandt county be appointed commissioners of partition in said case, any two of whom may act in making the same, and that they proceed without delay to set apart and partition the lands mentioned in said decree of March 3rd 1876 among the persons named therein, and as therein directed, giving to said parties a fair devision of the same in value, and that the said commissioners make their report at as early a day as may be practicable.

4302 Michael D. Miller vs. W. A. H. Miller & John Dowell. Upon motion of Plff's Atty. it is ordered that Plff. have leave to amend.

4073 State of Texas vs. Mark Tiner. Comes now the County Atty. and presents to the court, that he is reliably informed, that the recognizance given by the Defendant in this case is not sufficient to hold said Defendant, and that said Defendant is preparing to leave and abandon the country. Whereupon it is ordered by the court, that said Deft. be required to give additional security for his appearence before this court there to answer to a charge of murder preferred against him by the Grand Jurors of Travis County at the June Term 1875, and it is further ordered that al. capias do issue against said Defendant Mark Tiner for that purpose.

3951 Culver and Scott vs. Lane and Sayler did come now the defendants by their Attorneys and submit to the court their motion for a new trial in this cause, which motion being considered and fully understood by the court is overruled, to which ruling defendants except and give notice of appeal to our Supreme Court.

And thereupon court adjourned till Monday morning 9 oclock A. M.

December 11th 1876.

Court met according to adjournment. Present same as first day.
Whereupon the following proceedings were had. to wit:

4258 S. L. Wren & B. Puling Atty's vs. John D. Campbell. And now came the parties to the above entitled and numbered cause and announced themselves ready for trial, the plaintiffs by Carleton & Robertson their

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Attorneys, the defendant by Hancock, West & North and thereupon came on to be heard the defendants demurrer and exceptions to the plaintiffs pleadings, and the same having been considered by the court, because it is the opinion of the court that the law is for the defendant, It is ordered, adjudged and decreed that plaintiffs take nothing by their said suit, that defendant have and recover all his costs in this behalf expended and that he go hence without day and that plaintiffs pay all costs of court for which let execution issue; to which rulings of the court the plaintiffs then and there except and in open court give notice of an appeal to our Supreme Court.

4472 James H. Raymond vs Geo. W. Glascock et al. Come now defendants' Attorneys and suggest to the court the death of Hall one of the defendants, and they further suggest the marriage of Mrs. Hall, also one of the defendants in this suit, with W. C. Allen, when upon motion it is ordered that W. C. Allen have leave to make himself a party to this suit.

4472 James H. Raymond vs Geo. W. Glascock et al. Comes now the plaintiff by his attorney, when upon motion it is ordered that plaintiff have leave to amend.

4473 M. C. Hamilton vs. Geo. W. Glascock et al. Comes now defendants' Attorneys and suggest to the court the death of Mr Hall one of the defendants, and the marriage of Mrs Hall also one of the defendants in this suit, with W. C. Allen, when upon motion. It is ordered that W. C. Allen have leave to make himself a party to this suit.

4473 M. C. Hamilton vs. Geo. W. Glascock et al. Comes now the plaintiff by Attorney when upon motion it is ordered that plaintiff have leave to amend.

4546 C. W. White vs. J. B. Barron Exc. et al. Upon motion of defendants Attorney it is ordered that defendants have leave to amend.

4741 Jane Kennedy vs. D. A. Kennedy et al. Upon motion of plaintiffs Attorneys it is ordered that plaintiff have leave to amend.

4751 A. J. Wynne et al. vs. W. A. Taylor. Continued by agreement of parties.

4621. America F. Parker vs Thomas W. Parker. Comes now America F. Parker the plaintiff in this case by her Attorney and moves the court that the sole custody and control of her minor son Benjamin F. Parker be given to her; And the court after due consideration being fully satisfied by the testimony introduced, that the plaintiff America F. Parker is the most suitable person to have the care, custody and rearing of said Benjamin F. Parker the minor child of America F. Parker and Thomas W. Parker; It is ordered, adjudged and decreed by the court that the plaintiff Amer-

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ica H. Parker do have the care, custody management, control, rearing and education of said child Benjamin F. Parker, and that the defendant Thomas W. Parker be and he is hereby enjoined and restrained from interfering or medling with the care or custody of said child Benjamin F. Parker.

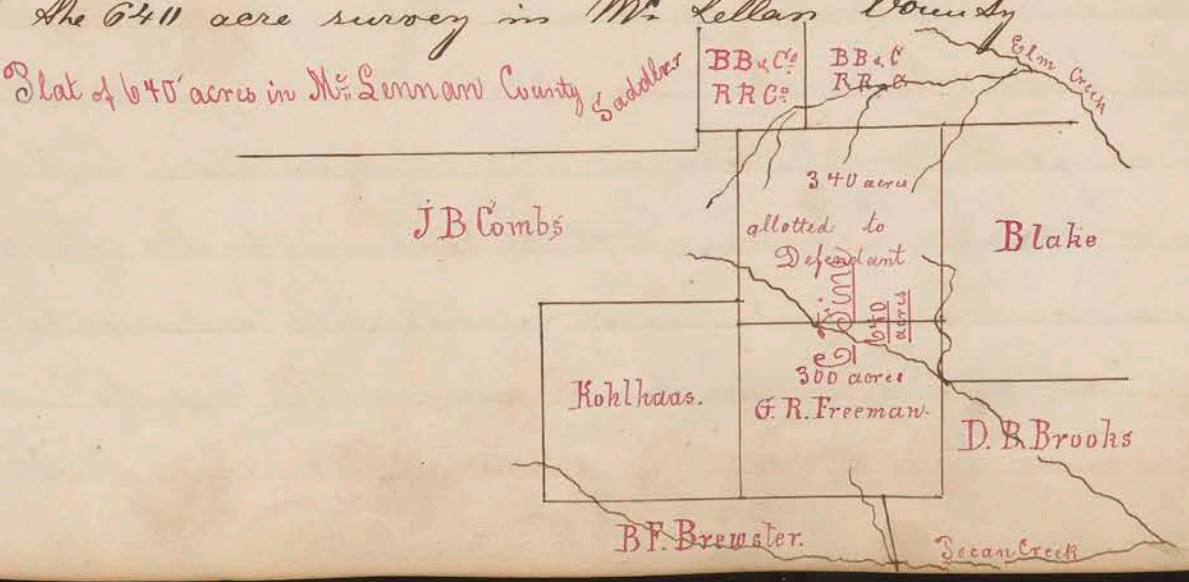
Thereupon Court adjourned till to morrow morning 9 o'clock A. M.

December 12th 1876.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had. to wit:

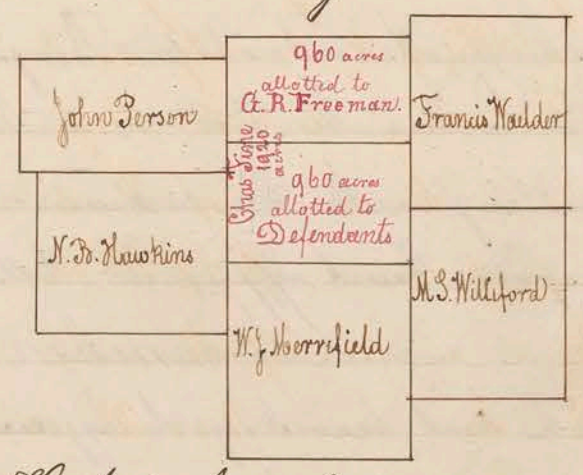
4326 John H. Connor Plaintiff and Juliet D. Hicks and her husband B. A. Hicks, Carrie T. Cotton and her husband J. W. Cotton, Cora C. Shepherd joined by her husband Willie O. Shepherd and Nina B. Connor and Pearl Connor and Jack Connor and M. J. Fahey Intervenors vs. Houston and Texas Central Railway Company. And now at this day this cause being called for trial the parties announced themselves for trial, the plaintiff by Chandler Carleton & Robertson, the intervenors by E. T. Moore and the defendant by Pancock, West & North and W. M. Walton, and thereupon came a jury of twelve true and lawful men composed of J. M. Burns and eleven others who after being duly empannelled and sworn and having heard the pleadings read, the evidence, charge of the court and argument of counsel, retired to consider of their verdict and after due deliberation returned into court the following verdict to wit: We the jury find for the defendant J. M. Burns. Foreman; Whereupon it is ordered, adjudged and decreed that plaintiff and intervenors take nothing by there said suit, that defendants go hence without day and recover all his costs from plaintiff and intervenors and that plaintiff and intervenors pay all costs of court for which let execution issue.

AP/3739 G. R. Freeman vs. Joshua Fine et al. This day came on to be heard the report of the commissioners in the above entitled cause and the parties being present by their attorneys in court, the commissioners reported to the court that they had set apart to G. R. Freeman the plaintiff in accordance with the decree of the court one half in value of each of the several tracts of land described therein as shown by the following plats, the name of said Freeman designating in each case the half of the tract set apart to him — Plat of the 640 acre survey in McLellan County

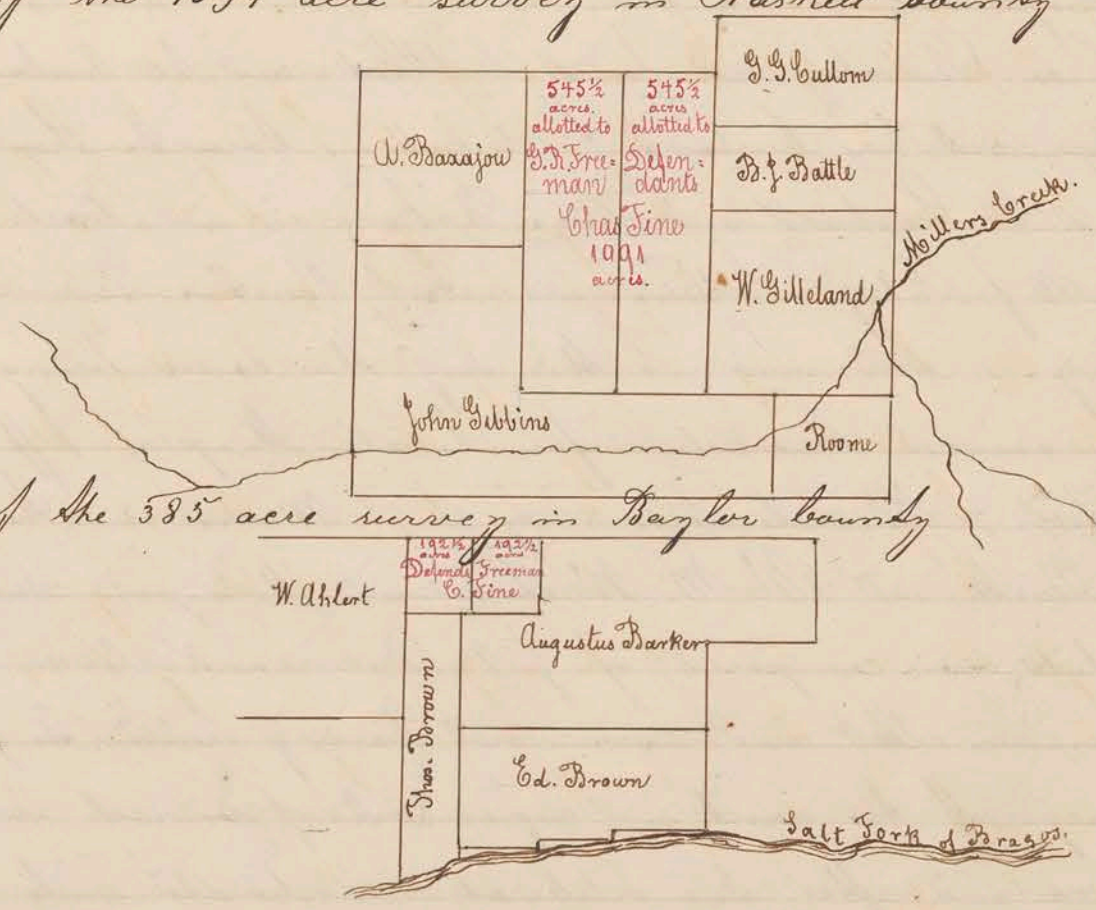


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Plat of 1920 acres Survey in Hamilton County



Plat of the 1091 acre survey in Haskell County



Plat of the 385 acre survey in Baylor County

That is to say. That they set apart to G. R. Freeman the south half in value of the tract of 640 acres in Mc Lennan County containing 300 acres and embraced within the following boundary to wit: Beginning at the N. E. corner of B. F. Brewster at a large planted rock marked C F 1876 and a mound of earth & rocks - Thence N 60 E 303 varas a pile of rocks, the corner of D. B. Brooks, Thence N. 30 W with Brooks West line at 870 vs crossed two branches at their junction, at 890 vs. recrossed one of them at 913 vs. passed Brooks N. W. corner at 912, 1240, 1262 and 1288 vs. crossed same branch and at 1301 vs. a planted Stone for N. E. corner - Thence S 60 W. at 399 and 1020 vs crossed branches and at 1302 varas a planted rock for N. W. corner - Thence S. 30 E. 1301 vs. a planted Stone marked G. R. F for the S. W. corner & Thence N. 60 E 680 vs a branch and at 999 varas the beginning — Also the North half in value of the tract 1920 acres in Hamilton County containing 960 acres and embraced within the following boundary to wit: Beginning at a point on the West line of said tract, the Charles Fine 1920 acre survey, N 19 E. 1711 3/4 varas from the S. W. corner thereof. Thence N. 19 E. 1711 3/4 vrs to the N. W. corner of the original survey.- Thence S. 71 E. 3166 vrs to the N. E. corner of the original survey - Thence S. 19 W. 1711 3/4 vrs to a Rockmound on the East line of the original survey equidistant from the N. E. & S. E. corners of the same and thence N. 71 W. 3166 vrs through the centre of the original

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survey to the beginning. Also the West half in value of the 1091 acre survey in Haskell County containing 545 1/2 acres and embraced within the following boundary to wit: Beginning at the S. W. corner of the original survey of 1091 in the name of Charles Fine being the Ell corner of John Gibbins, where a mesquite bears N. 77 W. 8 vrs, Thence North at 1243 vs a branch & at 3243 vs the N. W. corner of the original survey, whence a mesquite bears S. 33 W 15 vrs and another bears N 44 W. 22 vrs - Thence East 950 vrs the N. E. corner of this survey at a point equidistant from the N. E. & N. W. corners of the original survey.— Thence South through the centre of the original survey to a point in the South line equidistant from the S. E. and S. W corners of the original survey and Thence West 950 vrs to the beginning :— And also the East half in value of the 385 acre survey in Baylor County containing 192 1/2 acres and embraced within the following boundary to wit: Beginning at the S. E. corner of the said 385 acre survey in the name of Charles Fine or the Ell corner of Augustus Barker, Thence W. 990 1/2 vrs to a point equidistant from the S. E. & S. W. corners of the original survey — Thence North through the centre of the original survey 1097 varas to a point in the North line of the original survey equidistant from the N. E. & N. W. corner of the same. Thence East 990 1/2 vrs to the N. E. corner of the original survey from which a Mesquite bears N. 10 E. 8 vrs. and Thence South crossing branch at 1097 varas the beginning.— And that to the defendants they had set apart the other half of each of said tracts. — And the Court having fully considered said report it is ordered and decreed that the same be in all things approved and confirmed and that the title to each of the several tracts set apart to the plaintiff by the commissioners as aforesaid, be vested in him and divested out of the defendants and that the title to each of the several tracts set apart as aforesaid to the defendants be vested in them and divested out of the ~~plaintiff~~.— And that twenty dollars be allowed the commissioners W. J. Montgomery and J. W. Lawrence for their services and that the sum of twenty six & 10/100 dollars be allowed C. K. Bell as surveyors fees and fourty three dollars be allowed W. R. Fitch as surveyors fees — said several sums to be taxed as costs in this cause and paid by the defendants as heretofore decreed in this cause, and that execution issue for all the costs of this cause And thereupon the defendants by their attorneys excepted to the foregoing decree and order and gave notice in open court of appeal to our Supreme Court

4249 C. L. Compton vs. Shadrick Cayce et al. And now at this day this cause being called for trial came the parties by their attorneys and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Jas. Sewell,

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J. C. Petmecky, Chas Walsh, T. Anderson, W. J. Cloud, J. H. Woods, Wm Risher, Geo Harrison, C. Dornblke, S. C. Gremsbury, J. D. Campbell, & H B. Wells who after being duly empannelled and sworn according to law, heard the pleadings, the evidence, the argument of counsel and the charge of the Court and retired to consider of their verdict. Whereupon said jury after due consideration returned into Court and stated that they were unable to agree upon a verdict. Whereupon it was ordered by the court, that the case be withdrawn from the jury as a mistrial entered and this cause continued.

4793 Whitefield Chalk vs Stephen H. Darden Compt. Comes now the plaintiff by his Attorney and presents to the court his motion for a new trial; which motion being fully understood by the court is overruled, to which ruling plaintiff excepts and gives notice in open court of appeal to our Supreme Court.

4387 State of Texas vs. Henry Hawkins. And now comes on to be heard the defendants motion for a new trial in this cause, which motion after being argued by counsel and fully understood by the court is overruled, to which ruling defendant by his attorney excepts and gives notice of appeal to the Supreme Court of Appeals.

4741 Jane Kennedy vs David A. Kennedy & A. M. Cochran. In this case came the parties by their attorneys and a jury being waived the matters in controversy were submitted to the court, — and the court having heard the evidence and argument of counsel, it is considered, ordered adjudged and decreed that the bonds of matrimony heretofore existing between the plaintiff Jane Kennedy and David A. Kennedy be and they are hereby dissolved. — And it appearing that there was issue of the marriage between the said Jane Kennedy and David A. Kennedy one child a daughter by name Mary Ella Kennedy, now about sixteen years of age, and the court being satisfied that it is for the interest of said child that she shall remain under the care and custody of her mother; it is adjudged and decreed that the said Mary Etta Kennedy be placed in the case and custody of the plaintiff Jane Kennedy free from any interference on the part of the said David A. Kennedy. — And it further appearing that the plaintiff had obtained leases upon certain real estate in the City of Dallas, Dallas County, Texas, upon which valuable improvements were placed by the said plaintiff during her marriage with said David A. Kennedy which property is described as follows — 1, The north half of lot number one in Block Number thirty three and lot No in Block being the property known as Mrs. Newell property and which were sold to one Siner situated east of Wheat's store in the City of Dallas and fronting fifty feet on Main Street of

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said City. — 2 Also a brick house, and two story frame house upon lots described as follows, commencing at Randals East line fronting Elm Street running in a northerly direction to a cross fence, thence West 28 feet — thence in a southerly direction to Elm Street, thence easterly to the place of beginning. — And it appearing that the plaintiff and David A. Kennedy by deed dated May 19th 1875 conveyed the aforesaid property with the power of managment thereof to the defendant A. M. Cochran, to be held in trust for the benefit of said parties, It is adjudged and decreed that the said trust shall now cease and the said deed shall be no longer operative and it is further adjudged and decreed that the said lease is the property of the plaintiff Jane Kennedy, and that the posession of the said premises be delivered to her by the defendant A. M. Cochran together with all rents received by him for the same. — And the said A. M. Cochran having exibited his account of the managment of the said property It is adjudged and decreed that the said account be in all things confirmed as to the matters of debit and credit therein stated, and it is further adjudged that the plaintiff Jane Kennedy be entitled to receive from the said Cochran all money that may be due for rent not accounted for to this time, as well as to collect and receive all unpaid amounts of rent from all persons whatever. With the exception that the said Cochran is required out of the moneys in his hands to pay and discharge the costs of this suit. It is further ordered adjudged and decreed that the said David A. Kennedy be enjoined from in any way interfering with the said plaintiff in respect to the child mentioned, as well also as the property described in this decree.

4737 Julia Kendall vs. Antonio Kendall. This day the above cause coming on to be heard, came the plaintiff in person and by attorney; but the defendant failed to appear though duly cited by personal service; and no jury having been demanded, the ipues of fact as well as of law were submitted to the court, and the court after hearing the evidence and argument of counsel being of the opinion that the material allegations of plaintiffs petition are true as therein alleged, It is therefore considered ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between plaintiff and defendant be cancelled and annulled and dissolved — and it is further ordered adjudged and decreed that the care and custody of the minor children of plaintiff and deft to wit: Grace, Mary Eliza, and Araminta Kendall be given and awarded to the plaintiff — And it is further ordered and adjudged by the court that the plaintiff pay all costs in this behalf incurred, for which execution may issue.

4823 State of Texas vs. August Pflueger. Comes now the defendant August Pflueger and moves the court to remit the fine imposed on him as a defaulting witness in cause No 4556 of the State of Texas vs. Al. Rainey

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Whereupon after due consideration of all the facts, it is ordered by the court that said fine be reduced to five dollars; And the defendant having appeared and answered without service of the writ of Scire facias It is ordered, adjudged and decreed that this judgment be made final and that the State of Texas do have and recover of and from the defendant the aforesaid sum of five dollars and all the costs in this behalf incurred. And it is further ordered and adjudged, that the defendant stand committed to the County Jail of Travis County, until said fine and costs are paid.

4105 & 4265 consolidated

M. C. Hamilton vs Juliet G. Hicks et al. Come now the defendants Martha J. Fahey and Juliet G. Hicks by their Attorneys and move the court to disapprove the report of the commissioners appointed to make partition of the property involved in this suit; Whereupon after hearing the evidence and argument of counsel, it is ordered by the court that said report be set aside; and it is further ordered that B. Berta E. W. Shands & W. A. A. Miller be appointed commissioners to partition said property as directed by a decree in this behalf made and entered on the 11th day of November 1876, and that said commissioners report their action to this court at as early a day as practicable.

3702

W. M. Walton vs. L E. Edwards. Defts & Geo. F Moore Garnishee Oct. 25/76

On this day this case came on to be heard: the said Walton & Moore appearing in person and the said Edwards making no defence & no objection to the relief asked. — And it appearing to the Court that the said W M Walton has heretofore recovered Judgment in this Court against the said L E. Edwards for a sum of money of which at least Eight Hundred dollars now remains unpaid. — And it further appearing that the garnishee Geo. F Moore in person and by answer replies to the writ of garnishment in this case & from this court, that he holds in his name and in his possession acres of land whereof acres belongs to and is the property of said L E. Edwards, the said property being described as follows. Two thirds undivided interest in outlot 18½ eighteen and one half in division B in the city of Austin Travis County Texas, said to contain thirty one and one half acres of land. These being the facts it is therefore ordered adjudged and decreed by the Court, that the said W. M. Walton do recover of the said L E. Edwards the sum of Eight Hundred dollars, and that he recover of the said Geo. F Moore the value (as it may sell at Sheriff sale) of the said two thirds of the afore described tract of land — And it is further ordered adjudged and decreed by the Court, that the Sheriff of Travis County be and he is hereby ordered to levy upon - take

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into his possession - advertise and sell two thirds interest in the afore-described premises for cash to the highest bidder & to pay over to the said W. H. Walton the proceeds of said sale pro tanto (if the same should be less than the amount of the judgement) in satisfaction thereof: if there should be more than enough, to satisfy the judgement, then such excess to be paid over to the said L. E. Edwards: and yet further, when the said land as afore described shall be sold as herein ordered, then the said Geo. F Moore is discharged & is hereby declared discharged from further & all responsibility in the premises. And it is further ordered that the defendant L. E. Edwards pay all costs in this behalf expended for all which the (substitute) substance of this decree) the proper order, process and executions may issue

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

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Court met according to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had to wit:

4514 F M Swisher et al vs. Thompson & Cunningham. Continued by agreement.

4521. W. R Davis vs Alfred Scott. Continued by consent.

4522. Miller & Dowell & Pendleton et al. vs. Alfred Scott. Continued by agreement.

4527 John S. Mills vs. Geo B. Zimpelmann & B M. Odom. Continued by agreement.

4530 F. De Cordova vs Maria Allen et al. Continued generally.

4534. First National Bank vs. Bethel Coopwood et al. Upon motion of Plffs Attorneys it is ordered that Plff leave leave to amend.

4718 R F Campbell vs. Mary E. Orr et al. And now on this day comes the Plaintiff by his Attorneys and moves the Court for judgement by default against the Defendant Mary E. Orr. And it appearing to the Court, that the said Defdt. Mary E. Orr has been legally cited by personal service to appear before this Court and answer plaintiffs petition, and it further appearing to the satisfaction of the Court, that said defendant has not answered herein but has wholly made default, it is ordered, adjudged and decreed by the Court that the Plaintiff R F Campbell do have and recover of and from the defendant Mary E Orr according to the prayer of his petition,

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And it is further ordered by the Court that this cause be continued for service as to the other defendants

4747 William Brown vs. Nancy Scott Upon motion of Plffs Attorney it is ordered that Plaintiff have leave to amend.

3867 State of Texas vs: McKee et al. And now come the Defendants by their Attorneys, and said Defts. motion for a new trial coming on to be heard and being fully argued by counsel and by the Court duly considered is overruled, to which ruling the said Defendants except and give notice in open court of an appeal to the Supreme Court.

4554. State of Texas vs. John McGowen. And now comes the Defendant by his Attorneys and said Defts motion for a new trial coming on to be heard and being fully argued by counsel and by the Court duly considered is overruled.

3120. State of Texas vs. John Scott. And now comes the Defts by Atty and said Defts motion for a new trial coming on to be heard and being fully argued by counsel and by the Court duly considered is overruled, to which ruling of the court the said Dft excepts and gives notice in open Court of appeal to the Court of appeal.

4172. F. B Wheeler vs. Cecil & Edwards. And now comes the Defendts. by their Attorneys and said Defts motion for a new trial coming on to be heard and being fully argued by counsel and by the Court duly considered is overruled, to which ruling of the Court the said Defts except and give notice in open Court of an appeal to the Supreme Court.

4264 M. C. Hamilton vs. R. M. Russell. And now comes the Plaintiff by Attorney and presents to the Court his motion to retax the bill of costs in this cause, which motion being fully argued by counsel and duly considered by the Court is overruled.

4178 Christian Fisher vs W. W. Archer And now comes on to be heard Defendts motion for a new trial, which motion, after being fully argued by counsel and duly considered by the Court is overruled

4784. C R Johns et al vs. B K Townsend et al And now come the Defts by their Attorneys and upon their motion it is ordered that the Plaintiffs be required to enter into bond and security for the payment of the costs in this suit & it is further ordered that, unless the plaintiffs comply with the above order on or before the first day of the next term of this Court, this suit will be dismissed. The plaintiffs attorney being notified

4506. Joel N. Combs vs. Joseph H Dinkins And now comes the Defts

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by his Atty and upon his motion it is ordered that the Plaintiff be required to enter into bond and security for the payment of the costs in this suit & it is further ordered that, unless the Plff complies with the above order on or before the first day of the next term of this Court, this suit will be dismissed whereof the plaintiffs atty. being notified.

4767. State of Texas vs Jim Cain alias Jim Jones. And now comes the County Atty. on behalf of the State and comes also the Defendt. by his Attys. and said Defdts. motion in arrest of judgement coming on to be heard and being fully argued by counsel and duly considered by the Court, it is ordered that said motion be sustained and it is further ordered that said Defdt. be required to give bond in the sum of one thousand dollars for his appearance before this court at the next term thereof, then & there to answer any indictment that may be prefered against him by the Grand Jurors of this county at that term.

Thomas B. Botts Ex parte — Thomas B. Botts having produced in open court his license to practice as an Attorney and counsellor at law in the several Courts of the State of Kentucky, and being introduced to the Court by Oscola Archer Esq. as a man of good moral character and honorable department; It is ordered by the Court that the said Thomas B. Botts be admitted as an attorney and counsellor at law in the several District Courts and inferior courts of this State upon his taking the oath as required by law, and that license do ipue to him accordingly.

4173 State of Texas vs. Mark Tiner. It appearing to the satisfaction of the Court that the amount of bail in this case as fixed at a previous term of this Court is sufficient, and it further appearing by an affidavit of W. M. Walton that the amount of the bail bond, to wit: the sum of $600.00 Six hundred Dollars is secured, the same being in the hands of said of said W. M. Walton Esq. and by him deposited in Bank to be paid by him in case of forfeiture, It is therefore ordered, that the order of this court of the 9th instant requiring additional security, be and the same is hereby set aside and vacated.

3914 Miller & Dowell vs. John E. Campbell. Come the parties and by consent the continuance herein is set aside and the parties announced themselves ready for trial and the defendant interposing no objection to judgment as prayed for, thereupon it is considered and ordered by the court that the said defendant be and he is hereby ordered and decreed to proceed forthwith to make the survey as prayed for upon the lands described in the pleading by virtue of the files & locations by virtue of the certificates described in the petition: And in the event said surveyor shall fail in 30 days thereafter, the fees and expenses being tendered, to make and record the said

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surveyo a perempstory mandamus shall issue requiring him to do so, and in the writ shall be described the certificates & files & location and field notes of the land so required to be surveyed as in the pleadings. And it is further ordered that all costs herein shall be taxed against the plaintiffs, for which execution may issue.

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

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4697 The State of Texas vs. Charles Wagner. The defendant Charles Wagner having been convicted of the crime of Assault to kill and murder, on a previous day of this term, was this day brought into court in charge of the Sheriff, and said defendant being asked in open court why he should not receive the sentence of the court in accordance with the verdict of the jury who tried this case, and the judgment of the court heretofore rendered, and said deft. giving no sufficient reason; It is ordered that said defendant Charles Wagner be and he is hereby sentenced to confinement at hard labor in the penitentiary of the State of Texas for the full term of (12) twelve years as aforesaid in accordance with the verdict of the jury trieing this case, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of said penitentiary there to be confined at hard labor for said term (12) twelve years.

4707 The State of Texas vs. Edward Lawrence. The defendant Edward Lawrence having been convicted on a previous day of this term of the crime of Theft of a mare, was this day brought into Court in charge of the Sheriff, and said defendant being asked in open court why he should not receive the sentence of the court in accordance with the verdict of the jury, and the judgment of the court heretofore rendered and the said Defendant giving no sufficient reason; It is ordered that said Edward Lawrence be and he is hereby sentenced to be confined at hard labor in the Penitentiary of the State of Texas for the full term of five years in accordance with the verdict of the jury who tried this case, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of said penitentiary there to be confined at hard labor for said term of five years.

4711 The State of Texas vs. Israel Williams. The defendant Israel Williams having been convicted of the crime of theft of 4 pigs in value of 4 2½, on a previous day of this term, was this day brought into court in charge of the Sheriff, and said Defendant being asked in open court why he should not receive the sentence of the court in accordance with the verdict of the jury and the judgment of the court heretofore rendered, and said defendant giving no sufficient reason why said sentence should not be passed upon him;

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It is ordered that said Defendent Israel Williams be and he is hereby sentenced to confinement at hard labor in the peritentiary of the State of Texas for the full term of two years in accordance with the verdict of the jury who tried this case and with the judgment heretofore rendered in this cause, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of said peritentiary there to be confined at hard labor for said term of two years.

4537. The First National Bank of Austin vs. Bethel Coopwood et alis

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Now on this day this cause coming on to be heard the Plaintiffs appeared by their Attorneys Smith & Blackburn and the Defendants Bethel Coopwood and George W Glasscock each in their own proper person and defendant F M. Chandler by his attorney James Burts Esqr. and the parties having announced themselves ready for trial the demurrers and exceptions of the defts to the petition of plaintiff coming on to be heared and the Court having heard the pleadings and the arguments of council doth order and adjudge that said demurrer and exceptions be overruled to which rulings of the Court defendants excepted. Whereupon the Court proceed to hear this cause upon its merits and the Court having heard the pleadings of the parties the evidence and arguments of Council doth order adjudge and decree that the plaintiff The First National Bank of Austin do have and recover of the defendants Bethel Coopwood George W. Glascock and F M. Chandler the sum of Nine Hundred and five Dollars and Sixty Six cents with interest thereon from this date at the rate of two per cent per month and the further sum of Sixty five dollars costs of Attorneys Fee for collecting and all costs in this behalf expended for which execution may issue. And it further appearing to the Court that the defendants George W. Glascock and F. M. Chandler were each sureties for the defendant Bethel Coopwood it is therefore ordered adjudged and decreed by the Court that said George W. G) the Sheriff shall first levy the execution issued in this cause upon the property of defts. Bethel Coopwood if sufficient amount be found in this County to satisfy the same before levying upon the property of said defts Glascock and (to) said Chandler, that said George W Glascock and F. M. Chandler do respectively have judgement over against the said Bethel Coopwood for any such sum of money as they or either of them shall have to pay on this judgement for which sum execution may issue. And it is further ordered adjudged

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and decreed that the Defendant George W. Glasscock do have and recover of the said F. M. Chandler one half of such sum of money as he shall be required to pay on this judgement as contribution. And it is further ordered adjudged and decreed that the defendant F. M. Chandler do have and recover of the said George W Glasscock one half of such sum of money as he shall be required to pay on this judgement as contribution and execution may respectively is= sue on each of said cases. It is further ordered that the plaintiff have leave to withdraw from the files of the Court its Organization certificate and certificate of Comptroller of currency authorizing the plaintiffs to do Banking Business.

4539 James E Bouldin vs. A B. Palm et alias And now this cause being called for trial, came the parties to this suit and announced themselves ready for trial, and a jury not being demanded, the matters of fact as well as of law were submitted to the court, and the Defts demurrers to plffs original petition ~~were overruled~~ and amended petition being heard and fully argued by counsel and considered by the Court, It appears to the satisfaction of the Court, that the law is with Defendants It is thereupon ordered that the said demurrer be sus= tained and it is further ordered adjudged and decreed that the Plff. take nothing in this behalf and that the Defts go hence without day and recover of and from the Plaintiff and the sureties on his cost bond all costs in this behalf expended, to which ruling Plff. excepts and gives notice in open Court of appeal to the Supreme Court

4556 E. S. West Exctr vs. F. M. Hanks et al. Continued generally.

4557 E. S. West Exectr vs. F. M. Hanks. Continued generally.

4558 E. S. West Exectr vs. F. M. Hanks. Continued generally.

4561 Lena De la Garza vs. Chas Conic. It is ordered that this cause be dismissed and that Plaintiff pay all costs in this behalf expended.

4567 Joseph Mayer vs. Sarah Mayer. It is ordered in this cause that W.M. Walton be appointed to represent the defendant Sarah Mayer.

4567 Joseph Mayer vs. Sarah Mayer. Upon motion of plaintiffs attorney it is ordered that plaintiff have leave to amend.

4567 Joseph Mayer vs. Sarah Mayer. It is ordered that Defendants Attorney do receive $10.00 ten dollars Attorney fee to be taxed as costs in this suit.

4577 L. E. Edwards vs. Francis Burlage. Upon motion it is ordered that Intervenor have leave to amend.

4577 L. E. Edwards vs. Francis Burlage. Upon motion of plaintiffs Attor= ney it is ordered that Plaintiff have leave to amend.

4577 L. E. Edwards vs. Francis Burlage. And now upon motion it is ordered that Robt. H. Ward be appointed special guardian for the minor chil

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Wm Joseph R. Chipley, C. and Alfred R. Burlage, and it is further ordered that said Robt. H. Ward be required to enter into a bond for the faithful performance of his duties as such special guardian.

4584 Mary Danse vs. George Danse. Continued by agreement.

4589 A. P. Walker vs. Mary W. Moore. Continued.

4591 Amalie Herzog vs. H. & T. C. R. R. Co. Continued generally.

4595 Alfred E. Townes vs. J. K. Warren Deft and E. T. Eggleston Cross Deft. Upon motion of Defendants Attorney it is ordered that Deft. have leave to amend.

4610 H. & T. C. R. R. Co. vs. M. W. Townsend. Continued generally.

4615 H. & T. C. R. R. Co. vs. F. W. Chandler. Continued generally.

4619 B. Bullock vs. Geo. W. Glascock et al. Continued generally.

4626 S. Jacobs & Beckhardt vs. F. Claus & Co. Continued generally.

4627 J. L. Warren vs. August Pfluger and Geo Nieman. By agreement of parties it is ordered that this cause be dismissed, and it is further ordered that the plaintiff do have and recover all costs in this behalf expended of and from the defendants and that execution may issue to collect said costs.

4629 C. M. Rhorington vs. T. B. Wheeler and The Board of Aldermen. Continued by request.

4635 Jacob Cates vs. Andrew Jackson and Lucy Jackson. Continued generally.

4641. Sampson and Hendricks vs. John G. Jones. And now come the parties by their attorneys and this cause coming on to be heard and the matters of controversy being submitted to the court, and the court having heard the evidence and argument of counsel and fully understanding the law and the facts of the case is of opinion that the law is with the plaintiffs.— It is therefore ordered, adjudged and decreed by the court that the plaintiffs Geo. W. Glascock and B. F. Hendricks under their firm name of Sampson & Hendricks do have and recover of the defendant John G. Jones the sum of One thousand seventy four $\frac{12}{100}$ dollars together with ten per cent interest thereon per annum until paid and also all the costs in this behalf expended. And it further appearing to the court that the said sum of money is secured by a lien on the following real estate and improvements thereon viz: A lot or parcel of land situated lying and being in the County of Travis State of Texas and described as follows: A certain lot described in the plan of the City of Austin as Out Lot Number five (5) in Division "D" of the Out Lots of said City: less a strip on the west side of the same dedicated as a street in lieu of the old street which was a ravine. Also about 20 feet off the old street between lots Nos 4. & 5 in said Division "D." Also an additional strip of land adjoining said lot No 5 to the North which is embraced by

Mch 4/87 This judgement is fully satisfied. Wm Greene Atty for Sampson & Hendricks

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by running a line from the North West corner of Lot No 5 S. 66½° E. 1355 ft. to the centre of Shoal creek and thence down the creek with its meanders to the North East corner of said Lot No 5 in Div. "Z" including in part the old street on the North boundary of said Lot No 5, together with all the improvements, buildings, fixtures and appurtenances thereon or thereunto belonging or appertaining, commonly known as the Texas Military Institute grounds, and that the same is subject to be sold to pay the notes sued on.— It is therefore further ordered, adjudged and decreed by the court that the lien resting on the lands aforedescribed, to secure the payment of the money aforesaid, be and the same is hereby foreclosed, and the same subjected and ordered to be sold for and in satisfaction of this judgment; and it is further ordered that all necessary process to execute this judgment be issued by the clerk of this court.

4665 James Pearlett & Co vs. B. M. Odom. This day the above cause coming on to be heard came the parties plaintiff and defendant and announced themselves ready for trial, and no jury having been demanded and the matters of fact as well as of law having been submitted to the court, and it appearing to the court that the defendant B. M. Odom is justly indebted to the plaintiffs James Pearlett and Charles E. Sickey in the sum of $1474.84/100 with ten per cent interest thereon, it is therefore considered, ordered, adjudged and decreed by the court that the plaintiffs James Pearlett and Charles E. Sickey do have and recover of and from the defendant B. M. Odom said sum of fourteen hundred and Seventy four dollars and eighty four cents with interest thereon at the rate of ten per cent per annum from date together with all costs in this behalf expended for which execution shall issue.

4667 Margaret White vs. Fred White. Continued generally.

4668. Tanner, Sykes & Billups vs. B. M. Booth. This day the above cause coming on to be heard, came the parties plaintiffs and defendants announced themselves ready for trial, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and it appearing to the court that the defendant B. M. Booth is justly indebted to the plaintiffs in the sum of $2692.46/100, It is therefore considered ordered adjudged and decreed by the court that the plaintiffs Benjamin Tanner, Augustus J. Sykes and Jacob P. Billups under their firm name of Tanner Sykes & Billups do have and recover of and from the defendant B. M. Booth the sum of Two Thousand Six Hundred and Ninety Two $\frac{46}{100}$ Dollars with interest thereon at the rate 12½ per cent per annum from date, together with all costs in this behalf incurred for which execution may issue.

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4672 A. A. Scroggins vs. Sea Lake. Continued generally.

4674 The Republican Insurance Company vs. E. W. Sands. Continued for service

4687 L. F. Millett vs. M. J. Randle. The death of Defendant having been suggested to the court, leave is hereby given to his representatives to make themselves parties known.

4688 B. J. Collins vs Jno W. Robertson. Now on this day came on this cause to be heard and the plaintiff and defendant appearing in court and announcing ready for trial, the court after hearing the pleadings read and the evidence on both sides, doth order, adjudge and decree that the plaintiff B. J. Collins do have and recover of the defendant John W. Robertson the sum of seven hundred and twenty two dollars and ninety three cents ($722\frac{93}{100}$) in gold as his principal debt and interest to this date with ten per cent interest from this date forward till paid and all costs of suit for which execution may issue. And it further appearing to the court that the note sued on in this case, was given for the purchase money of the East half of Lot No 16 in Division D. of the city of Austin Travis County, Texas, and that a venders lien on said lot was retained for the security of said note - It is therefore further ordered adjudged and decreed that the said venders lien on said East half of lot No 16 in Division D of the City of Austin Travis County, Texas, be and the same is hereby foreclosed, and that an order of sale issue requiring the Sheriff of Travis County to sell said lot No 16 in Division D. of the City of Austin as under execution and to apply the proceeds of said sale to the payment of this judgment and costs &c.

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4690 Idella F. Kirk vs. L. B Kirk. Continued generally.

4699 James H. Link vs. Austin City Rail Road Company.

4567 Joseph Mayer vs. Sarah Mayer. And now on this fourteenth day of December A. D. 1876 this case was duly called for trial and the parties by their attorneys appeared in open court and announced themselves ready for trial, and it appearing to the court that the defendant has been duly and personally served with a writ of citation in this case, and after hearing the pleadings, evidence and argument of counsel, it is considered, ordered, adjudged and decreed by the court, that the bonds of matrimony heretofore existing between said Joseph Mayer and said Sarah Mayer be and they are hereby forever dissolved and declared null and void and held for nought and that said Joseph Mayer be and he is hereby freed from all claims and allowances against him or his property in favor of said Sarah Mayer, and that said Joseph Mayer shall pay all costs in this behalf expended for which execution may issue. Whereupon defendant excepts and gives notice in open court of appeal

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4779 — to the Supreme Court. Mary E. Lyon vs. A. J. Lyon. Now on this day comes the Plaintiff by her Attorneys and announces herself ready for trial, but the defendant though duly served with process failed to appear, and the court after hearing the evidence adduced, doth order, adjudge and decree that the bonds of Matrimony heretofore existing between Mary E. Lyon and the defendant A. J. Lyon, be and the same are hereby dissolved and held for nought. It is further ordered and adjudged that the Plaintiff Mary E. Lyon recover her costs of said defendant A. J. Lyon, for which execution may issue

4562 — E. C. Bartholomew vs. Thomas E. Cater & America P. McCall. And on this day this cause coming on to be heard on the regular call of the docket the plaintiff appeared by counsel and announced ready for trial but the defendants came not and thereupon, no jury having been demanded by either of the parties the cause was submitted to the court and the court after hearing the pleadings and the evidence being of opinion that the plaintiff is entitled to the relief sought ~~for~~ in this cause: It is therefore ordered adjudged and decreed by the Court that the plaintiff do have and recover of and from defendant T. E. Cater on the note sued on the sum of Seven hundred and ninety eight Dollars in coin with interest thereon at the rate of two per cent per month from the date of this decree until paid. And it appearing to the Court that the note send was given as part of the purchase money of the following tract of land situated in McLennan County Texas sold and conveyed by Kate J. R. Edwards and L. E. Edwards to the defendant Cater and described in plaintiffs petition to wit: situated in McLennan County Texas, about 19½ miles S. 81° W from Waco, granted to the heirs of Washington Mitchell dec'd. Beginning at the S. W corner of a Survey made in the name of the heirs of Warren J. Mitchell. Thence N 30° W with the West line of said Survey 2310 varas to the N. W corner of this survey. Thence S. 60° W with the S. lines of Campbell and Bartons Surveys 1564 varas to a stake for the N W corner of this survey passing the S W corner of Barton at 1525 varas. Thence S. 30° E 2310 varas to a corner in N. boundary of Clayton Harper League survey. Thence N 60° E 1564 varas with said line to the place of beginning and containing Six Hundred and Forty acres of land more or less." and that the plaintiff has and owns the vendor lien on said land to secure the payment of said note; and it also appearing to the Court that defendant Cater has sold and conveyed said land to defendant McCall and that said McCall at the time of said sale to him had full notice of the existence of said lien and that said McCall took title to said land subject to said lien and said plaintiff is now

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entitled to have said lien enforced on said land for the payment of the amounts herein adjudged to plaintiff as due on said note. It is therefore further ordered adjudged and decreed by the Court that said vendors lien on said land be enforced and foreclosed and that an order of sale do issue by the Clerk of this Court directed to the Sheriff of McLennan County Texas requiring said Sheriff to sell said tract of land as under execution the proceeds of which sale the said Sheriff shall dispose of as follows first to the payment of the costs of this suit next to the payment and satisfaction of the amounts herein adjudged to said plaintiff and any balance remaining in the hands of said Sheriff shall be paid over by him to defendant McCall. And it is further ordered that no execution shall issue against said McCall for any amount in any event. And because it appears to the Court that defendant Cater has been discharged in bankruptcy and that this is a proceeding in rem to enforce the vendors lien aforesaid it is further ordered and adjudged that in no event shall any execution issue for the seizure and sale of any property as against the said Cater except the order of sale of the tract of land in McLellan County as aforesaid

3055 Sampson & Herricks vs: Hendspeth & Reed Defts and Holland & Brooks Garnishees. And now on this day came on to be heard this case and it appearing to the Court that Holland of the firm of Holland & Brooks has been duly served with process, and it further appearing to the Court that the defendants Hendspeth & Reed are indebted to the plaintiff Sampson & Herricks in the balance of Seven hundred and five dollars & thirty five cents, gold on a judgment rendered in this Court, on the 10th day of June 1871: and it further appearing that the said Holland & Brooks as a firm & the said Holland personally he having been duly served in person with process - have failed to make any answer to the writ of garnishment It is therefore ordered adjudged and decreed by the Court that the plaintiff Sampson & Herricks do have and recover of and from the defendants Holland & Brooks out of their assets as a firm and of the said assets of the said Holland personally and individually the sum of Seven hundred five 35/100 dollars in gold together with all the cost of this suit for all which execution may issue.

4709. Paine N Spofford et al vs: James H. Bell. This day came the plaintiffs Paul N. Spofford Joseph L Spofford Gardiner S Spofford and Clinton Hunter survivors of Paul Spofford deceased by their attorneys

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and the defendant James H. Bell in his own proper person and no jury having been demanded in this cause submits the matters in controversy, as well of fact as of law, to the Court, and the evidence and arguments of counsel having been heard and fully understood, it is considered by the Court that the said plaintiffs Paul N Spofford Joseph L Spofford, Caroline L Spofford and Clinton Hunter Survivors of Paul Spofford deceased, do have and recover of the said defendant James H. Bell the sum of Six thousand and Sixty four Dollars ($ 6064^{00}) with interest thereon at the rate of Eight per cent per annum, together with their costs in this behalf expended for which execution may issue.

4733. State of Texas vs: John Lindsay & John Brown. Comes now the Defts. John Brown by his Atty and said Defendants motion for a new trial coming on to be heard and being fully argued and duly considered by the court, the same is overruled to which ruling the defendant excepted and gave notice of appeal to the Court of Appeals.

4718 R F. Campbell vs: Mary E. Orr et al. Upon motion, It is ordered by the Court that Plff have leave to amend.

4724. John C. Towns vs: James W. Smith. It is ordered that this cause be dismissed and that Plff pay all costs in this behalf expended and that execution may issue therefore in behalf of officers of court.

4720. Helena Bernhard et al vs: Andrew J. Glasscock et al. Continued generally.

4725 John Stringer vs: F Segener. It is ordered that this cause be dismissed for want of prosecution and it is further ordered that the Defendant do have and recover all costs in this behalf expended of and from the Plff and that execution do issue to collect said costs.

4734. Caroline Fromsby vs: Oscar Lane et al. Comes now the Plaintiff by Attorney who upon his motion it is ordered that this cause be dismissed and that plaintiff pay all costs in this behalf expended for which execution may issue against Plff and the securities on his cost bond.

4743. Robert Goodrum et al vs. Miller & Dowell. It is ordered that this cause be dismissed and that the plaintiffs and the surety on their cost bond pay all costs in this behalf incurred, for which execution may issue in behalf of officers of court.

(Exec. Book 5 page 18)

4752. James A Chandler vs: W. L. Glasscock & M. B. Glasscock, Continued by agreement.

4796. Wm T. Horne vs: A A & J C. Horne Comes now the Plffs Attorney and suggests to the court the death of the Plff Wm T Horne whereupon on motion it is ordered that his heirs have leave to make themselves parties plaintiff herein. And it is further ordered that Joseph B Costa, Giles

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H. Burdett and A R. Morris be appointed commissioners to make partition of the property herein involved, and it is further ordered that this cause be continued

Whereupon court adjourned till to morrow morning 9 o'clock A. M.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4775 Jonathan Rogers et al vs. Life Association of America. On this day came to be heard the above styled cause, and the same being regularly called the plaintiffs appeared in court and announced themselves ready to try the same, and the defendant being duly served with process as the law requires failed to come into court and answer in this behalf but wholly made default. Thereupon the plaintiffs in open court claimed a judgment by default against the defendant, and the same being granted by the court, it is considered, ordered and decreed by the court that the plaintiffs do have and recover of defendant a judgment by default for their damages in the premises, and it appearing to the court that the demand of the plaintiffs is unliquidated, It is therefore ordered and adjudged by the court that a writ of inquiry be awarded to assess said damages and that the cause be continued to a future day.

4590 B. Melasky vs. S. Newman & W. L. Olenick Defts. & J. S. Davis & E. Olenick Garnishee. Upon motion it is ordered that the garnishees J. S. Davis & E. Olenick be discharged upon their answer filed therein.

4723 The State of Texas vs. Peter Hardeman. The defendant Peter Hardeman having been convicted of a felony to wit: Theft of a mare, on a previous day of this term, was this day brought into court in charge of the Sheriff, and said defendant being asked in open court why he should not receive the sentence of the court in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause, and said defendant giving no sufficient reason; It is ordered that said defendant Peter Hardeman be and he is hereby sentenced to confinement at hard labor in the penitentiary of the State of Texas for the full term of (5) five years ~~as aforesaid~~ in accordance with the verdict of the jury who tried this case and with the judgment heretofore rendered in this cause, and it is further ordered that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of said penitentiary there to be confined at hard labor for the full term of five (5) years as aforesaid.

4743 The State of Texas vs. Fred Keller. The defendant Fred Keller having been convicted of a a felony to wit: Theft of a geleing, on a previous day of this

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this term, was this day brought into court in charge of the Sheriff, and said Defendant being asked in open court why he should not receive the sentence of the court in accordance with the verdict of the jury and with the judgment of the court heretofore rendered herein, and said defendant giving no sufficient reason why sentence should not be pronounced against him; It is ordered by the court that said defendant Fred Keller be and he is hereby sentenced to confinement at hard labor in the penitentiary of the State of Texas for the full term of (5) five years in accordance with the verdict of the jury who tried this case and with the judgement of the court heretofore rendered in this cause, and it is further ordered that the said defendant be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of said penitentiary there to be confined at hard labor for the full term of (5) five years as aforesaid.

4755 State of Texas vs. Joe Simms. December 13th 1876. And now on this day came on to be heard defendants motion asking now to be allowed for the 11th of Novb. to except to the overruling of defendants motion for new trial and to give notice of appeal in open court to court of appeals, which motion is entertained, and the motion is now entered as desired. If wrong Court of Appeals will correct. And now for 11th of Novb. comes defendant and excepts to the overruling of motion for new trial and gives notice of appeal in open court to court of Appeal.

4590. B. Melasky vs. I. Newman & M. E. Olenick Defts and J. T. Davis & E. Olenick & M. E. Olenick Garnishees. In District Court Travis County October term 1874. Be it remembered that on the 16th day of December 1876 came on this case to be heard upon petition and answer of the defendants by garnishment J. T. Davis and E. Olenick and motion for judgement by default against the principal defendant I. Newman, and a Jury having been waived and it appearing to the Court that the said Defendant I. Newman has been duly served with process more than five days prior to the first day of the present Court and that he has not answered said petition or otherwise put in an appearance in Court, it is therefore ordered adjudged and decreed by the Court that the plaintiff B. Melasky have a judgment by default against the said defendants I. Newman, the damages to be fixed by the Court at a future day of the Court. And it further appearing to the Court, that the said defendants J. T. Davis and M. E. Olenick by E. Olenick his agent have filed their answers to the writs of garnishment served on them in this case, on motion it was on the day of December 1876 ordered adjudged and decreed by the Court that they the said J. T. Davis and M. E. Olenick be and they are hereby discharged as garnishees in this said cause, that they recover of the plaintiff B. Melasky their cost in this behalf expended. Be it further

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remembered, that on the 16th day of December 1876 comes the plaintiff B Medasky with his evidences of debt against the said I. Newman to wit: certain promisory note which are filed in this said cause and it appearing to the Court from the said evidences of debts and the testimony of the said B. Medasky that the said I Newman is justly indebted to the said B Medasky in the sum of Six Hundred and three 76/100 Dollars in currency and Two hundred eighty two 32/100 Dollars in coin, after allowing the said defendant I. Newman a credit of Six Hundred fifty dollars as set out in the plaintiffs petition, it is therefore ordered, adjudged and decreed by the Court that the said plaintiff B. Medasky have and recover of the said defendant I. Newman in the said sums of ($ 603 76/100) Six Hundred and three 76/100 Dollars in Currency and $ 282 32/100) Two Hundred eighty two 32/100 Dollars in coin and that the said judgement for $ 603 76/100 in Currency shall bear interest at the rate of (8) eight per cent per annum & the said judgement for $ 282 32/100 coin shall bear interest at the rate of twelve per cent per annum and that he the said plaintiff B Medasky have his further judgment against the said defendant I Newman for all the costs incurred in this said case incident to the recovery of this judgement for which execution may issue. ~~(It is further ordered by the Court that the Clerk of this Court shall be allowed a sum equal to ten cents per Hundred words for recording this said judgement which shall be taxed as other costs in this case and against the said defendant for which let execution issue.)~~

4749. William Brown vs. Nancy Scott et al. And now come the parties and announce ready for the trial of this cause and a jury not being demanded the cause was submitted to the Court and the Court after hearing the evidence and arguments of counsel and fully understanding the matters involved and issues joined being of opinion that the plaintiff is not entitled to the relief which he seeks and that the defendant Nancy Scott is entitled to a specific performance of the parole agreement set up by her in her answer and cross petition filed herein for the sale of the East half of lot No 19 (nineteen) in out lot No one in division "B" adjoining the City of Austin in Travis county as sought by her in her said answer and cross petition; It is therefore ordered adjudged and decreed by the Court that the plaintiff take nothing by this suit. And it appearing to the Court that said plaintiff under a parole contract has sold to defendant Nancy Scott and her husband Sam Scott the East one half of Lot No 19

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nineteen in out Lot N° one in Devision B of the outlots adjoining the City of Austin and that said Nancy and her said Husband have paid a part of the purchase money for said half lot and that said Nancy Scott and her said Husband were placed in actual possession of said half lot by said plaintiff and that said Nancy Scott and her said Husband have ever since remained in possession thereof and that they have made valuable improvements on said half lot; and it further appearing to the Court that there remains due and unpaid to plaintiff the sum of Fifty nine Dollars and forty cents as the balance of the purchase money from the said Nancy Scott and her said Husband on said half lot: It is therefore ordered adjudged and decreed by the Court that the defendant Nancy Scott do have and recover of and from the said plaintiff William Brown the East half of the Lot aforesaid and that all right and title of said Brown in said half lot be divested out of said Brown and that the same be fully vested in said defendant Nancy Scott and that the said Nancy Scott be forever quieted in her title and possession to said half Lot. And it is further ordered and adjudged by the Court that said Nancy Scott shall within ninety days from this date pay to the Clerk of this Court the sum of fifty nine dollars and forty cents as the balance of the purchase money due on said half Lot with interest thereon at the rate of eight per cent per annum from this date until paid, which sum when so paid to the Clerk of this Court shall be paid over by him to the said plaintiff. And it is further ordered and adjudged that in case said Defendant Nancy Scott shall fail to pay said sum of money to the Clerk of this Court within ninety days from this date then and in that event she shall forfeit all rights under this decree and in that event the plaintiff shall shall have his writ of possession to place him in possession of said half Lot – And it is further ordered that the plaintiff William Brown pay one half the costs of this suit and that defendant Nancy Scott and her Husband Sam Scott pay the other half of the costs for which execution shall issue and thereupon plaintiff excepts to this decree and gives notice in open court of appeal to the Supreme Court.

7713. Forster, Ludlow & Co vs. B. Barr and J. H. Stewart Intervenor. And now on this 15th day of December A D 1876. this case being called in its order for trial the parties plaintiff defendant and intervenor appeared in open Court by their attorneys and announced themselves ready for trial in said case and it appearing to the Court that the defendant B. Barr has been duly and personally served to appear and answer in this case

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– and after hearing the evidence of all of said parties and the argument of counsel, It is considered ordered adjudged and decreed by the Court that Francis B. Forster, B C. Ludlow and George B. Zimpelman as partners under the firm name of Forster, Ludlow & Co. do have and recover of and from said B. Barr the sum of one thousand two hundred and fifteen Dollars and thirty seven Cents as principal and interest due on the two promissory notes sued on to date, with interest from this date at the rate of two per cent per month on the sum of Eight Hundred and twenty dollars and thirty seven cents the amount of principal and interest to this date due on one of said notes and with interest from this date at the rate of three per cent per month on the further sum of three Hundred and ninety five dollars the amount of principal and interest to this date due on the other of said notes, and all costs of this suit as against Barr for which execution may issue. It is further considered ordered adjudged and decreed by the Court that the garnishees Thornton & Bennet be discharged It is further considered ordered adjudged and decreed by the Court that the intervenor J. H. Steward pay all costs of the garnishment against Lockwood and Manning and of the intervention and that execution issue against Lockwood and Manning for the amount of said costs which being paid by them shall be a credit to them against the amount in their hand which is hereby adjudged to the intervenor Steward.

Whereupon Court adjourned till to morrow morning 9 o'clock

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Court met pursuant to adjournment. Present same as first day.

Whereupon the following proceedings were had to wit:

4637 State of Texas vs John Isbell et als continued for service.

4638 State of Texas vs John Isbell et als. continued for service.

4639 State of Texas vs John Isbell et als. continued for service.

4643 State of Texas vs. Aleck Dickerson et als. Continued for service on Alexander.

4645 State of Texas vs. Nat Moore et als. Continued for service.

4649 State of Texas vs. Robert Williams et al. Continued for service.

4653 State of Texas vs. Miss J. Fuess. This day came the parties by their attorneys when it is ordered adjudged & decreed that the fine heretofore imposed on the defendant be reduced to (one) one dollar, and that the judgment nisi heretofore rendered in this cause be made final as to said

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amount, and it is further ordered that the State of Texas do have & recover of & from the Defendant the said amount of one dollar and all the costs in this behalf expended, and that committment do issue.

4654 State of Texas vs. Miss C. Fuess. Dismissed by State.

4655 State of Texas vs. L. C. Edwards Judgment nisi set aside.

4656 State of Texas vs. A. J. Loyd. Continued for service.

4677 State of Texas vs. D. M. Ezell et al. Continued for service.

4736 State of Texas vs. Marsh. Continued for service

4753 State of Texas vs. Stanley Welsh et al. Continued for service on sureties.

4757 State of Texas vs. James M. Turley et al. Continued.

4764 State of Texas vs. H. B. Willis et al. Judgment nisi in this case is herby set aside.

4822 Jobe & Robinson vs. L. P. Horbach. It is ordered that plaintiff have leave to file petition herein & the issues in this case.

4824 William Alexander Trustee, Ex parte. It is ordered that the petition in this cause be dismissed, the court having no authority to act in the premises.

ex parte

4826 John P. Humphreys vs. J. R. Freeman. It is ordered that L. B. Calloway be appointed special guardian for the minor in this cause, and that he enter into a bond of fifty dollars for the faithful performance of his duties as such.

3590 John H. Conner et al. vs. Ella R. Carter et al Defts & Elvira Rust Intervenor. This day came the parties to this suit by their attorneys, and the intervenors motion for a new trial coming on to be heard and being fully argued by counsel and duly considered by the court, the same is overruled, to which ruling the intervenor by counsel excepts and gives notice of appeal to the supreme Court. — open court

3590 John H. Conner et al vs Ella R. Carter et al Defts & Elvira Rust Interv. This day came the parties to this suit by their attorneys, and the defendants motion for a new trial coming on to be heard and being fully argued by counsel and duly considered by the court, the same is overruled, to which ruling the Defendants by counsel except and give notice in open court of appeal to the Supreme Court.

4658 State of Texas vs John McClain Come the parties by their attorneys and the defendants motion to set aside the final judgment heretofore rendered in this cause, coming on to be heard, the same is dismissed. This Court having lost all control of the matter of this final judgment.

4661. Sampson & Henricks vs. John G James Come now the parties to this suit and the Defts motion for a new trial coming on to be heard, and being fully argued by counsel and duly considered by the Court,

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is overruled. Thereupon the Defts. excepts and gives notice in open Court of an appeal to the Supreme Court.

4100. John Willie vs. H & T Central R. R. Company Come now the parties to this suit and the Defts motion for a new trial coming on to be heard and being fully argued by counsel and duly considered by the Court is overruled. Thereupon the Defts. excepts and gives notice in open Court of an appeal to the Supreme Court.

3269 P W. Wynne vs. D M Wilson. And now comes on to be heard the defendants motion to retax the costs in this case, which motion after being duly considered by the Court is overruled.

Whereupon Court adjourned till Monday morning 9 o'clock.

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Court met pursuant to adjournment. Present the same as on first day when the following proceedings were had, to wit:

4595. Alfred E Townes vs: J K Warren Defts, & T Eggleston Crop Defts.

On this 19th day of December 1876 came on to be heard the above styled cause and the same being regularly called, the plaintiff Alfred E. Townes and defendant J. K Warren and cross defendants E. T Eggleston by their respective attorneys appeared in Court and announced ready for trial. Thereupon each and all of the parties to the above styled cause in open court agreed that the following agreement be entered and that the same be made the judgement of the Court in this cause; and which agreement is in words as follows: That Plaintiff Townes do have and recover of defendant J. K Warren the tract of land mentioned in Plaintiffs petition, with all the improvements thereon and more fully described as follows, to wit: A certain tract of land lying in Travis County, Texas, about three miles above the City of Austin, being a part of the Daniel J. Gilbert survey. - Beginning on the banks of the Colorado River at what is known as Big Cypress Spring. Thence S. 60° E. 878 varas to the corner of Taylor tract. Thence with the North line of said tract to a corner of what is known as the Deison tract 268 varas. Thence N 75 E to the Corner of the tract set apart by Commissioners of this Court to Tollie S. Carleton. Thence N 60° W to the West line of the Daniel J. Gilbert survey containing seventy five acres more or less. Thence with West line of said Gilbert survey to the Beginning. That plaintiff recover nothing of the defendant Warren for the use and occupation of said tract of land and that Warren recover nothing of said Townes and said Eggleston or either of them for any and all improvements put on said tract of land by said Warren and that Warren may remain in possession of said premises until the first day of January 1877

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That the contract entered into between said Warren and said Eggleston dated November 9th 1870 and fully set out in Plaintiffs pleadings be rescinded and the same be null and void from this date. That said Jones pay all the costs of this suit. Whereupon it is considered ordered and decreed by the Court that the foregoing agreement be made the judgment of this Court and that the Plaintiff do have and recover of defendant Warren said tract of land for which writ of possession may issue after the first January 1877 should said Warren not vacate said premises by that date, and that defendant and cross defendant do have and recover of plaintiff judgments for their respective costs

4707. Wm Fleiss vs: John Stringer. In this case come the parties, the Plff. by attorneys Terrell & Walker and the Defdt. in person and by agreement on file, it is ordered and adjudged that the sale heretofore made under judgment in this case, be and the same is hereby set aside and annulled and that execution may issue upon said judgment.

Judgment satisfied see Lien Docket page 16.

3666. E. R Valls and Grace Valls vs: J. C. Minter E A Minter et alvis
On this day appeared J. C. Minter and wife E. A Minter, and Joseph N Levin and Mary A Levin and it appearing to the Court that C. O. Sorelle Esqr. heretofore appointed Special Guardian for the minor heirs of Edward Levin dec'd. has removed from the County of Travis, It is ordered that W A Blackburn Esqr. be appointed Special Guardian for said minors and that he enter into bond as required by law in the sum of fifty dollars and thereon the said parties appearing by Attorneys and Special guardian, presented to the Court their motion to set aside the order heretofore made on the 2nd day of July 1873 appointing J. W. Patton Commissioner to sell the lands belonging to the Estate of Edward Levin dec'd for distribution, and for the appointment of Commissioners to make partition of the estate remaining unsold; and to ascertain adjust and discharge the life estate of Mrs. E. A. Minter in the seperate estate of her late husband Edward Levin dec'd. And the Court having heard and considered said motions, and it appearing to the Court that a portion of the land belonging to said estate have been sold and said sales have been confirmed; and that the remainder of said lands may be equitably divided between the heirs of said Estate. It is therefore ordered and decreed that the appointment of J. W Patton as Commissioner to make sales of the lands of said Estate be, from and after this date revoked and annulled: this order nevertheless in no way or manner to affect the sales heretofore made by him, the same to remain as valid as if this order of revocation were not made. It is

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Jurther ordered that Jobn B Costa, W A H. Miller Esqr. and B M. Odom be and they are hereby appointed Commissioners, to ascertain and adjust the value of the life estate of Mrs. Evelenie A Minter in the lands belonging to the seperate estate of her late husband Edward Linn decd, and to report how the same may be discharged and Jurther to make partition of the Seperate and Community property now belonging to said Estate, upon the basis of the satis= faction of the said life estate of the said E A Minter, said Com= missioners shall make their report at the next term of this Court. 4 cases

+2749. E. L Compton vs: Cleadis Cayce et al. On motion of Defts Attorney, Defts has leave to amend. 2 cause continued

+5663. J. Sheehan vs O. M. Jackson, Continued.

+7748 Zacharias Ochsner vs: Auguste Ochsner. Continued generally.

+7755 State of Texas vs: Green Ridgeway et al. Continued generally.

+7766. John D. Wende et al vs. August Heilerman Continued for service

+7768 E L. Compton vs. Lewis & Henry Reinhart Continued generally

+7756. The State vs: John W Nelson Judgment nisi set aside and bond quashed

+7769 W. W. & Ch E. McClaughlin vs. J D Logan et al. Continued generally.

+7770 E A Hicks vs: J. Quass & J R. Cummings Continued by Plff.

+7771. Lyster W J & Perline Lyster Continued generally.

+7777 James Shelton vs: David Baister et al. Continued generally

+7778 F. E. Shelby vs. Elezabetta Shelby Continued for service

+7780 J. L. Willings vs. M. R. Willings Continued generally

+7781. E Evans vs. Townsend & Anderson Continued generally.

+7782. Louisa Williams vs Lovanto J. Swanson Continued generally

+7783. Martin Belger vs. Moses Rayner Continued generally

+7784. E. R Jones et al vs: B W. Townsend Continued generally

+7785 Forster Ludlow & Co vs: D L. Cross Continued generally.

+7787. B. B Wilkins vs: A & A Ferrell On motion of Plffs atty Plff Has leave to amend & case continued generally.

+7790. James Farrell and Sarah Farrell his wife vs: A G. Buckelington

This cause coming on to be heard the parties by their respective attorneys appeared and it being made to appear to the satisfaction of the Court that the matters in controversy in this suit have been fully compromised since the institution thereof on these terms to wit: defendant has paid plaintiffs in cash $225.00 (two hundred twenty five Dollars) and has sold and delivered defendants a horse at the price of $125.00 (one hundred twenty five Dollars) and that the plaintiffs have executed and delivered defendant a con= veyance by deed of all their right and title to the land in controversy

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and that it was agreed that defendant should have a decree divesting plaintiffs of all title to said land and vesting the same in defendant and that plaintiffs should pay all costs of this suit. — It is therefore ordered adjudged and decreed by the Court that said compromise be approved and confirmed and that plaintiffs take nothing by this suit and that they pay all the costs of this suit for which execution shall issue. — And because it appears to the Court that defendant is the legal and equitable owner of the land in controversy to wit: Lots Nos 3, 4 and 5 (three, four and five) in Block No sixty eight in the City of Austin and also of out-lot No seventy seven in division "D" of the outlots adjoining the City of Austin all in Travis County Texas. It is therefore further ordered adjudged and decreed by the Court that all right title and interest to said lots of land of which the said plaintiffs or either of them at any time heretofore were seized, be divested out of said plaintiffs and that said title be fully vested in said defendant Buddington; and that the said Defendant be forever quieted in his title and possession to said Lots; and it is further ordered that said plaintiffs be forever enjoined and restrained from asserting any right in said lots as against defendant under any right heretofore acquired by said plaintiffs

4797. W. S. Buttery et al vs: Joseph Taylor Continued generally
4794. Rector John B vs: Denmark Walton Continued generally.
4795. John C. Duval et al vs: Robert Creuzbaur Continued generally
4798 William J. Matthews vs: Mair & S. Continued generally
4800. W. L. Davidson Guard vs: Austin Joint Stock Build. Comp. Continued generally
4802. Michael D. Miller vs. W. A. H. Miller & J. Dowell Continued generally
4806. Lane R. N. vs: Aetna Life Insur. Comp Continued by agreement
4807. Tucker, Bellie, vs Peter Tucker Continued generally
4808 S. Lockwood vs: Chas W Lucas Continued generally.
4809. D. Stewart & wife vs: Chas. Robinson Continued for service
4810 Hannah Conley vs: Lewis Conley. Continued generally.
4811. Harrell D. Mc & T. E. Tullis Continued generally.
4813. Edward F Austin Exec. vs: James H. Bell Continued for service
4814. Elizabeth H. Graves vs: Robert Graves Continued generally
4815 Charles Kroker vs. Thomas F Purnell Continued generally
4816. L. F. Henry vs: M W Henry Continued generally & for service
4817. Henrietta Siebel vs: Henry Manor. Continued, the citation in this cause not having been served in time for this Court
4818 Mary J Lee vs: Thomas Shipp et al. Continued for term

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4819 First National Bank of Austin vs: J. W. Bright, Continued, not being in time for this Court.

4172 T. B. Wheeler vs: Tenville Cecil and J. E. Edwards.

Q Acted now on this 15th day of December 1876 came the parties to this suit by their Attorneys respectively and the demurrer of the defts. to plffs petition and amended petition being called and heard and argued, the Court is of opinion the law is with the defendants and the demurrer of defendants is overruled: and the demurrer of Plff to Defts. answer being called heard and argued, the Court is of opinion that the law is with defendants and the said demurrer is accordingly overruled: and thereupon comes a Jury of twelve good and lawful men to wit: J. H. Walker foreman and eleven others who being duly elected, tried, empannelled and sworn after hearing the evidence argument of counsel and charge of the Court, retired to consider of their verdict and after due deliberation returned into Court the following verdict viz: "We the jury find for the Plaintiff Wheeler J. H. Walker." Whereupon it is ordered adjudged and decreed by the Court as follows:

1 That the plaintiff have and recover of the defendants the relief prayed for in his petition and amended petition.

2 That the deed executed by the plaintiff T. B. Wheeler to the defendant J. E. Edwards of date the 18th day of July A.D. 1874. for the following property to wit: All that portion of Outlot number four (4) of division "C" of the outlots of the City of Austin, Travis County, Texas, granted to Joseph Cecil by the State of Texas - East from a line running across said Outlot from a corner situate seventy (70) yards from the South West corner of said outlot to a corner seventy (70) yards East from the center of Waller Creek - be and the same is hereby cancelled and held for nought and that all the right title and interest fee and claim vested in the said J. E. Edwards, through and by virtue of the deed aforesaid to the land aforesaid be and the same is hereby divested out, and from the said J. E. Edwards and vested in the said T. B. Wheeler: and it is further ordered - adjudged and decreed that the parties hereto viz: The said T. B Wheeler plaintiff and the said Tenville Cecil and J. E Edwards defendants be declared and they are hereby declared to occupy and stand in the

position with all their respective rights which each had and held with reference to the said property, viz: All that portion of Outlot number four (4) of division "C" of the outlots of the City of Austin, Travis County, Texas, granted to Joseph Cecil by the State of Texas — East from a line running across said outlot from a corner situate seventy (70) yards from the South West corner of said outlot to a corner seventy (70) yards East from the center of Waller Creek — at and before the marking of said deed herein described afore, and herein cancelled and held for naught: and — further that the defendant pay all cost in this behalf expended for which execution may issue

And thereupon Court adjourned until to morrow morning 9 o'clock A.M.

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Court met according to adjournment. Present same as yesterday: Whereupon the following proceedings were had to wit:

1826 John S. Humphreys et al. vs. G. R. Freeman. Comes now S. B. Calloway the special guardian in this cause, when upon his motion it is ordered that said Calloway have leave to make himself a party to this suit, and have further leave to amend the pleadings.

1826 John S. Humphreys et. al. vs. G. R. Freeman. On this 19th day of December A. D. 1876 came on to be heard the above entitled cause and came the plaintiff John S. Humphreys by his attorney and Sumner B. Calloway, the Special Guardian of the minor William S. Humphreys appointed by the court in this cause, in person, and G. R. Freeman in person and submitted this cause to the court on the admitted facts stated in the petition and amended petition and it appearing to the court that a careful survey and division of the land of which partition is sought has been made by the county surveyor of Montague County with special reference to quality and value for the parties at interest in this suit by which the same has been divided into two equal parts and that the defendant has given to the plaintiffs in this cause choice of halves of said land for the minor William S. Humphreys and John S. Humphreys and that the plaintiffs have chosen the north half of the same as described in the field notes hereinafter given, and that the partition prayed for by the plaintiffs ought to be granted, it is considered, ordered, adjudged and decreed by the court that the north half of the six hundred and forty acres of land in the name of William Doran situated in Montague County on the waters of Belknap Creek & described by meets & bounds as follows to wit: beginning at the S. W corner of a 640 acre survey

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made for Joseph Castleberry from which a P. Oak marked "H" bears South 60° W. 14 varas & another bears South 42° W 12½ varas - Thence North 80 varas Belknap Road & continuing with the West line of said survey at 1900 varas Castleberry's N. W. corner and the South line of Newton Kimbro's survey of 3611⅝ acres — Thence West with Kimbros line 1705 varas to his P. K. corner and the East Boundary of the Limestone County School lands at a stake whence a Post Oak bears North 87° East 20 varas and another bears South 87° West 4 varas and another marked × bears South 13½ East ten varas - Thence S. 2119 varas with said School Lands to a corner. Thence East 1705 varas to the South East corner and Thence North 219 varas to the place of beginning, be and the same is set apart to the plaintiff John S. Humphreys and the minor William T. Humphreys, the heir and child of William T. Humphreys deceased by metes and bounds as follows to wit: Beginning at the North West corner of the said 640 acre tract of land, thence South 1059½ varas to a rock marked H in the edge of prairie from which a Post Oak marked F bears S. 28 W 7⅘ varas and another marked $\overset{W}{H}$ bears S. 48½ E. 10½ vrs. Thence South 1059½ varas to the S. W. corner of the original survey. Thence East 1705 varas to the S. E. corner of the original survey. Thence North at 219 varas the beginning of the original survey from which a post oak marked H bears S. 60° W. 14 varas and another bears South 42° W 12½ vrs. at 299 varas the old Belknap Road and at 1059½ vrs a rock in Prairie & S. E. corner of the North half of the original survey and Thence West 1705 varas to the beginning and that all the right title and interest of the said John S. Humphreys. —

(This seven lines, commencing with "Thence East 1705 varas" and ending with "to the place of beginning" are not from a paragraph of this decree.)

Thence East 1705 varas to a rock marked "H" in the East boundary line, in the prairie, Thence North 1059½ varas to a rock in the prairie - Thence West 1705 varas to the place of beginning - And that all the right title and interest of the defendant in and to said North half of said land be and the same is hereby divested out of him and vested in the said John S. Humphreys and William T. Humphreys, in each in the like manner and degree and to the same extent and in the same proportion as the title to the undivided half of said 640 acres of land was vested in him. And that the South half of said 640 acres of land be and the same is set apart to the Defendant G. R. Freeman by metes and bounds as follows to wit: beginning at the South West corner of the North half of the said tract of land from which a post Oak marked F bears S. 28 W. 7⅗ varas and another marked $\overset{W}{H}$ bears S 48½ E 10½ varas - Thence South 1059½ vareas to the S. W. corner of the original survey - Thence East 1705 varas to the S. E. corner of the original survey - Thence North at 219 varas the beginning of the original Survey from which a Post Oak marked "H" bears S. 60° W. 14 varas and another bears South 42° W. 12½ varas at 299 varas the old Belknap Road

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and at 1059 ½ varas a rock in prairie S.E. corner of the North half of the original survey and thence West 1705 varas to the beginning, and that all the right title and interest of the said John S. Humphreys and William T. Humphreys and of either and both of them in and to the said south half be & the same is hereby divested out of them and each and both of them and vested in the said Defendant G.R. Freeman. And it is further ordered and decreed that the costs of this suit be paid equally by the plaintiff John S. Humphreys and the Defendant G.R. Freeman and that execution issue therefor.

4177 Cora E. Shepherd & husband vs. John H. Conner et al. Continued.

4114. B.B. Rose et al. vs. Jane A. Rose et al. On this 19th day of December A.D. 1876 came on to be heard the report of the Commissioners in this cause and the parties come by their attornies, and thereupon the Commissioners having reported to the Court that in accordance with the order of the Court at a previous term they had on the 8th day of May A.D. 1876, after giving notice for sixty days in a newspaper published weekly in the City of Austin, proceeded at the hour of one o'clock, in the City of Austin at the South East corner of Block number seventy to offer to the highest bidder for cash at public auction the several tracts of land, partition of which is sought in this cause, offering the same in subdivisions of one hundred and sixty acres each and sold all of them same as follows, to wit: The headright tract of 1476 acres in Wharton County to Wm Bray at twenty five cents per acre, he being the highest bidder for the same - the 640 acres in the same county to G.R. Freeman for R.J. Jones at twenty nine cents per acre, he being the highest bidder for the same, the 711 ½ acres in Montgomery County to John G Hall at nineteen cents per acre, he being the highest bidder for the same and the 248 ½ acre tract in the Pan Handle region of the State, to Thomas L. Drew for twenty four and a half cents per acre, he being the highest bidder for the same, - and the Court hearing fully considered said report and in all things approved the action of the Commissioners as reported by them, It is ordered and decreed that the sale of each tract as reported by the Commissioners be, and the same is hereby in all things confirmed on condition and provided that the party for whom the same was bid off shall within ten days from this date pay to the commissioners the purchase money in full, and in that event the commissioners J.W. Lawrence, D.W. Doom and W.B.J. Gaines or any two of them shall execute as Commissioners, under the authority of this Court to each party a deed of conveyance which shall vest in each party all the right, title and interest of the heirs of

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James M. Rose deceased in and to said land. It is further ordered and decreed that should any party for whom any tract of said land was bid off, fail to pay the purchase money for the same according to the bid as reported by the Commissioners, for the period of ten days from and after this date, the sale in such case be set aside and the Commissioners or a majority of them for the term of ten other days thereafter shall be and are hereby authorized and empowered to sell and convey the same land to any other person who may offer to take the same at the same price at which it was bid off at said sale and the conveyance so made by them shall vest all of the right title and interest of the Heirs of James M. Rose deceased in and to the land so decreed in such purchaser - But should no person be found by the Commissioners to take said land at the price bid for the same as aforesaid within twenty days from this date, then said Commissioners shall proceed to advertise and sell as before to the highest bidder for cash the said land and should the same be sold for as much as was before bid for the same, the commissioners or a majority of them shall at once, on the receipt of the purchase money make a conveyance to the purchaser and the conveyance so made shall vest all the right, title and interest of the Heirs of James M. Rose deceased in the land so conveyed in the purchaser. But should a less sum be bid for such land than was bid for the same at the previous sale, the commissioners shall report the sale to this Court at the next term thereof for confirmation or rejection. It is further ordered and decreed that the Commissioners pay out of the proceeds of the said land, first all the costs of this Suit as before decreed and then distribute the balance of said proceeds justly and fairly pro rata according to quantum of interest of each among the several Heirs of James M. Rose deceased as their several interests are declared in the decree of this case heretofore rendered, and that twenty five dollars be allowed said Commissioners for their services and taxed as costs and that twelve dollars be allowed the proprietors of the Democratic Statesman for advertising sale and taxed as costs, and that this cause be continued on the docket till a final report from the Commissioners shall be filed, showing a full compliance with this decree

4664 Briggs, Payne & Co. vs. C.M. Booth. In this case now come the parties by their attorneys and a jury being waived the matters in controversy

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in this cause were submitted to the Court, - Whereupon the Court doth find, that the Defendant is indebted to the plaintiffs in the amounts named in the petition with the exception of the sum of two hundred and forty one 39/100 dollars Currency paid twice the bringing of this suit and which is _____ by the plaintiffs to be of date May 1st 1876.. - It is therefore considered, ordered and adjudged that the plaintiffs Edmund R. Briggs and John Payne by the firm name of as aforesaid do have and recover of the defendant C. M. Booth the sum of - five hundred and seventy five 24/100 Currency dollars, and the further sum of - Seven hundred and twenty seven 19/100 Dollars in the gold coin of the United States, together with all costs, for which let execution issue

4669. The First National Bank of Fort Scott, Kansas vs: C M. Booth. In this cau come the parties by their attorneys and a jury being waived the matters in controversy were submitted to the Court. - Whereupon the Court does find, that the Defendant is indebted to the plaintiff the full sum claimed in the petition less the sum of one hundred and three dollars paid since the bringing of this suit and credited by the plaintiff as of May 3rd 1876. - It is therefore considered, ordered and adjudged that the plaintiff do have and recover of the defendant the sum of five hundred and ninety four 27/100 Dollars for his principal and interest to date together with the costs of this suit for which let execution issue.

4680. Flash, Lewis & Co vs: C M. Booth. In this cause came the parties by their attorneis, and a jury being waived, the matter in controversy was submitted to the Court, and thereupon it is considered, ordered, adjudged and decreed, that the said plaintiffs William Flash, John A Lewis, Liddel A Saxon and Frederick R. Matthews partners by the name of Flash, Lewis & Co do have and recover of the defendant C. M. Booth the sum of four thousand seven hundred and forty five dollars and fifty three cents for their principal and interest to this date together with the costs of this suit for which execution may issue.

4445. James Monroe Swisher vs: John Milton Swisher, Richard N. Lane, Newton Ervins Lane, James S Lane and Annie Lane. In this cause came the plaintiff and the defendants, John Milton Swisher & Richard N Lane by their Attorneys and the minors Newton Ervins Lane, James S Lane and Annie Lane by their special guardian Richard N Lane, and a jury being waived the matters in controversy were submitted to the Court. Whereupon the Court does find, that James G Swisher and his wife Elezabeth, the last surviving her husband - were both residents of Travis County, Texas, and died therein, that they left as their heirs the following persons: their sons, John Milton, and James Monroe Swisher, and the children of their daughter Annie, the wife of the defendant Richard N Lane, as follows: Newton Ervins Lane, James S Lane and Annie Lane. - And the Court does further find, that there was left as belonging to the Estate of the said James G and

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Elizabeth Swisher the following property in Travis County, Texas:
1, About two hundred and fifty acres of land in Travis County, a part of the Isaac DeBer league on the West bank of the Colorado River opposite the City of Austin, the same being known as the homestead place of the said James G and Elizabeth Swisher.
2. About three hundred and twenty acres of land the Joseph Fessenden bounty claim located in Travis County, Texas.
3. The Jerry and Jerry privilege opposite the City of Austin on the aforesaid DeBer league.
It is adjudged and decreed that the said property be equally divided between the persons herein named as heirs of said James G and Elizabeth Swisher, subject to the other provisions of this decree viz:
To John Milton Swisher one Share
To James Monroe Swisher one Share
To Newton Lane, James G Lane and Annie Lane, children of Annie the daughter of said Jam. G and Elizabeth Swisher, one share;
And it appearing that John Milton Swisher, the defendant, had presented a claim against the Estate of Elizabeth Swisher, it is agreed as a compromise between the parties to this decree, with the consent of the Court, that the same be allowed to the extent of One thousand dollars, and which is to be taken by him in the property herein subject to division at a valuation to be placed thereon by the Commissioners of partition in this case. — And it further appearing that there was no administration of the estate of Elizabeth Swisher, and that there was due and owing from her the following debts, which are brought into this cause for adjustment, as follows: ———
1, Account of J. M. Litton for medical services to the deceased, amounting to the sum of one hundred and Eighty four 50/100 Dollars ———
2, A note of Elizabeth Swisher to R N Lane dated November 27th 1874. at one day after date for Eight hundred dollars silver coin drawing ten per cent per annum interest from date, less credits on same as follows: November 28th 1874 twenty dollars, December 3rd 1874 two hundred and sixty two dollars, March 19th 1875 twenty seven dollars and fifty cents, — which note was assigned to and is the property of John H. Robinson. — It is ordered and adjudged that the said claims be allowed to the said J. M. Litton and John H. Robinson respectively against the property herein described, to be paid as hereinafter directed. — It further appears that there is due from the parties to this suit to James P. McKinney as auditor in this case, a reasonable sum, it is ordered that the said McKinney be allowed the sum of two hundred and fifty dollars to be paid as costs of this proceeding. — It is therefore ordered adjudged and decreed that there be set apart

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by the commissioners to be hereinafter appointed, out of the whole of the said Estate as follows:

First, a specific portion of said property which will be sufficient to pay and discharge all the costs of this proceeding including the allowance to the auditor and a sufficient amount to pay also the claims of J. M. Litton and John H. Robinson against the Estate of Elizabeth Swisher as aforesaid. Second: They shall set apart to John Milton Swisher out of the remainder of said Estate by valuation a specific portion, to pay to John M. Swisher the claim of one thousand dollars, hereinbefore allowed to him against said Estate of Elizabeth Swisher and which shall be in full discharge of all claims he may have against said Estate — and in setting apart the above land care shall be taken that the remainder of the tracts shall not be materially injured for partition between the heirs and distributees. And as to the remainder of the said tract or tracts, the said commissioners shall proceed to divide and partition the same into three equal shares as follows: One share to be set apart to John M. Swisher, one share to be set apart to James M. Swisher and one share to be set apart to the minors Newton, James I and Annie Lane, children of Annie Lane formerly Swisher, and her husband the said Richard N. Lane. The said division to be equal in value and as near as may be in quantity. And for the purpose of said partition John T Breckinridge, Abner T. Blocker and J. A. Cunningham are appointed Commissioners to divide and partition and set apart all of said lands for the purposes mentioned in this decree. And the said Commissioners are allowed to employ a competent Surveyor and are required to designate the boundaries of all the tracts of land set apart under this decree. And as to the share to be set aside to the said Newton James I and Annie Lane in right of their mother, the Commissioners may, if it be practicable, divide and partition the same among each of the said children's share and share alike, according to value. And as to the portion to be set apart for sale to pay the costs of this proceeding and the claims of said Litton and Robinson, the Commissioners are required to subdivide the same into suitable tracts for sale and they are required to set a valuation on the same as thus subdivided, and by consent of all the parties to this partition, it is ordered that the creditors of said Elizabeth Swisher may, if they choose take the said land at the valuation as thus fixed in discharge of their respective claims instead of requiring sale thereof for that purpose. It further appearing that since this proceeding was commenced, all the parties to this decree, viz: John M. Swisher James M. Swisher and the said Newton G, James I, and Annie Lane, by their guardian Richard N Lane had sold and disposed

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of the Ferry & Ferry privilege mentioned in this decree to the Travis County Road and Bridge Company for the sum of three thousand dollars, wherefore the same is not partitioned in this decree. It is further ordered that said Commissioners proceed to the performance of their duty assigned them herein, and make their report at the earliest practicable time. All matters not herein disposed of, are reserved till the further order of this Court.

Whereupon Court adjourned until to morrow morning 9 o'clock

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The Court met pursuant to adjournment, when the following proceedings were had, to wit:

√ 7593. James B. Morris et al. vs: Fred. Carleton et al. This day came on to be heard the above numbered and styled cause, whereupon appeared the parties plaintiff and defendant by attorney the minors R. A Townes, N. C. Townes and E. F. Townes by their special guardian E. T Moore Esq. and the said parties having submitted the matter in controversy to the Court without intervention of a jury, the Court having heard the pleadings evidence and argument, rendered the following judgment: It appearing to the satisfaction of the Court that the land described in the petition of the plaintiffs was the property of the children of R. J. Townes deceased, to wit: M. F. Morris Pollie J Carlton Pattie E. Towns, Alfred E Townes, R A Towns, and E. F. Towns and N. C. Towns and it further appearing to the satisfaction of the Court that the defendant Fred Carleton as trustee, has in good faith sold and conveyed a portion of the said lands to pay off and discharge the purchase money therefor and has faithfully taken up and discharged the purchase ~~It is therefore ordered, adjudged and decreed by the Court that the acts of defendants~~ money note which was dated May 2nd 1871 and was for the sum of nine hundred sixty one 72/100 dollars due May 2nd 1872 with ten percent interest. It is therefore ordered adjudged and decreed by the Court that the acts of defendant Fred. Carleton in making sale of the following tracts of land, parts of the P. B Isles league in Bastrop county to the following persons, to wit: one hundred eighty four acres to F. Meatte; (50) fifty acres to Jacob Nink; (150) one hundred and fifty acres to M. Nink; (150) one hundred fifty acres to A Baker (100) one hundred acres to J. Nink (50) fifty acres to J. J Hall, (25) twenty five acres to J. J. Hall; (50) fifty acres to Jas Hill (200) two hundred acres to Madison

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Nink junr.; (148½) one Hundred forty eight & one half acres to Madison Nink senior; be and they are in all things confirmed, and the title to the aforesaid tracts of land be, and the same are declared to be fully devested out of the said Fred Carleton M. F. Morris, P. F. Carleton, Alfred E Towns, Sallie E Towns R. A Townes, N. C Towns and E. F Towns and fully vested in the said parties respectively. And it further appearing to the satisfaction of the Court that the said Fred Carleton as trustee, has now in his hands, after deducting therefrom the sum of one Hundred dollars, the sum of Four Hundred and seventeen 52/100 Dollars in Currency belonging to the said seven children of R. J. Towns deceased. It is therefore ordered adjudged and decreed by the Court that he at once pay to each of said children his or her respective share. And it further appearing to the satisfaction of the Court, that prior to the institution of this suit the said Fred Carleton did bargain and sell to one L. B. Cox (226) two Hundred twenty six acres out of the J. D. McAllister 1280 acres of land, situated in Travis County for one dollar per acre and which said 226 acres is described by mates and bounds as follows: Beginning at the Eastern corner of said track. Thence N. 60° W 890 varas to a stake in the line of the said tract. Thence S. 30° W 1437 to another corner of said tract. Thence S. 60° E. 890 vrs. to another corner of said tract. Thence N 30° E. 1437 vrs to the place of beginning containing 226 acres. It is therefore ordered adjudged and decreed by the Court that the said Fred. Carleton shall upon the payment to him by said L B. Cox of the sum of two Hundred twenty six dollars for said lands make execute and deliver to him said Cox a deed for the said tract of 226 acres of land, and shall pay said sum of money into Court subject to the further orders of this Court. It is further ordered adjudged and decreed by the Court, that all the right, title interest, and claim of the said Fred Carleton in and to the following described tracts of land be, and the same are hereby devested out of him and are fully vested in M. F. Morris Polly F. Carlton Alfred E. Towns, R A Townes, Sattie E. Townes, N. C Towns and E F. Towns, the said tract being the entire balance of land remaining in said Carleton out of the land deeded to him by deed dated May 2nd 1871 by C. L West Executor of R. J. Townes after deducting the afore enumerated tracts sold by said Carleton & which may be described as follows: 1st (100) one Hundred acres of land situated in Travis County Texas, out of a

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league of land granted to J. B. Walters and bounded as follows: Beginning at a Stake on the S.W. line of J. J. B. Walters half league which is the S W corner of James Woods tract of one hundred acres Thence N. 30° E. 855 varas with said Woods West line to a stake for the N. E corner of this survey. Thence N. 60° W. 660 vrs to a Post Oak for the N W corner which is 10 lin. diam. From which another P. O. 11 lin. dia. bears N. 50° W marked X. Thence S. 30° W. 855 vs. to a P.O. on the north line of the J. F. Webber half league. Thence with the North line of the Webber survey 660 varas to the place of beginning — 2nd, 1054 acres, out of the 1280 acre tract of land situated in Travis County Texas patented to Joseph Fessenden assignee of J. D. McAllister. Said 1054 acres being described by meets and bounds as follows: Beginning at a post — 890 vs. N. 60° W from the most Eastern corner of said tract. Thence N. 60° W. with the line of the said survey 2180 varas to its North corner. Thence S 30 West 3030 varas to its Western corner. Thence South 60° East 1180 vs. to its most southern corner. Thence N. 30° E 666 vs to another corner. Thence S 60° E 1000 vs. to another corner. Thence North 30° E. 2364 vs to the place of beginning. — 3rd. Two tracts of land out of the P. B Isles league situated in the county of Bastrop and State of Texas. The first tract described as follows. Beginning at a stake in the North line of said league 1130 vs. West from its North East corner and being also the North West corner of a tract of land sold to F. Meath. Thence W. 1130 vs. to the N. E. corner of a tract of land sold by C. G. West to Pease & Harris on the 9th May 1868. Thence South with said Pease and Harris tract about 1220 vs to the N W corner of a tract of 148 7/8 acres sold to Madison Nash sen. Thence East with said Madison Nash senr North line 1130 vs to a stake in the line of a tract of 150 acres sold to Mr. Nash Thence North about 1220 varas to the place of beginning containing acres, the second tract described as follows: Beginning at a Stake on the bank of the river being the South East corner of said Isles league. Thence North with E line of said league to the South East corner of a tract of 100 acres sold to J. C Stribling Thence West with the line of said Stribling and J. S. Hall 1712 vs. to the S.W. corner of J. S Hall 25 acre tract. Thence North with his West line 500 varas to his N W corner. Thence East with his N line 282½ vs to his N E. corner. Thence North 250 vs to the N W corner of

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another tract of 50 acres sold to J. S Hall, Thence East 1130 vs to the East line of the P B. Isles league Thence North to a point in said line where it strikes Gravelly Creek, Thence up said Creek in a North West direction until it strikes the south line of a tract of 150 acres sold to A C. Baker. Thence West to the line of a tract of 200 acres sold to Madison Neal & year Thence South with the line last named to its South East ~~~ corner. Thence West 1130 vs to the line of the Pease and Harris tract, Thence South with said line to the bank of the Colorado river. Thence with the meanders of said river to the place of beginning less however a tract of 50 acres sold to Jas. Hall containing

It is further ordered adjudged and decreed that L H Luckett and A P Blocker of Travis County and E L. Alford of Fayette Co. Texas be and they are hereby appointed Commissioners to divide and partition the aforesaid tracts of land into seven parts equal in value as near as may be, and assign to each of said children one of said parts, and report their action ~~at~~ to the next term of this Court. It is further ordered adjudged and decreed by the Court that the defendant Fred Carbelombe and he is hereby discharged and released from all liability or responsibility for or on account of his said trusteeship except so far as he is responsible for the sum of money hereinbefore decreed to be in his hands and except so far as the sum of two hundred twenty six dollars to be received by him from L B. Cox. It is further ordered that this cause stand continued to await the report of the commissioners hereinbefore appointed

4503. Geo B Zimpelman vs: Mary Sassmann & Fred Sassman Continued generally.

4504. Geo B. Zimpelmann vs: Thos. Robb et al. Continued generally

4508 W E. Risher & wife vs: G. M. Brass & wife, Continued generally

4596. Nannie Taylor vs: Hellmann & Gans, Continued generally.

4598 B. M. Davis vs: Cardwell & Walker, Continued generally.

4599 B. M. Davis vs: T B Wheeler & Ed. Creary. Continued generally

4738 J. B. Drake vs: J. S Mc Ginnis And now on this 15th day of December A D 1876. comes the plaintiff by his Attorneis whereupon his motion it is ordered that Plaintiff has leave to amend

4738 J. B. Drake vs. J. S. Mc Ginnis. And now on this fifteenth day of December comes the Plaintiff by his attorneys and announces ready

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for trial, and the defendant comes not but wholly makes default, and it appearing to the court that defendant has been duly cited to answer plaintiffs petition and that he has failed to appear and answer or plead, and it also appearing to the court that defendant is justly indebted to plaintiff on the note sued on as is alleged by the plaintiff now amounting to the sum of nine hundred and fifty nine dollars in specie: It is therefore ordered, adjudged and decreed by the court that the plaintiff J. B. Drake do have and recover of and from the defendant J. L. McGinnis the sum of nine hundred and fifty nine specie dollars and all cost of suit to draw interest at ten per cent per annum from this date until paid. And it being made further to appear to the court that said note sued on was given as a part of the purchase money for the tract of land described in plaintiffs petition and described as follows to wit: "On Wilbargers Creek, in Travis County, Texas, and conveyed by deed, duly recorded, from J. Ward Martha B. Allen to Mary Jane Whipple as her separate property, and more particularly described as follows: Being a part of the Amos Alexander League, and beginning on a stone mound and N.E. corner of an 88 acre tract sold by William Chandler to D.R. Gentry; Thence S. 60° E. 50 varas to a stone mound for corner, from which an Elm 4 inches in diameter marked x bears N. 20° W. 17 varas, another Elm same mark 6 inches in diameter bears S. 77½° E. 58 varas, Thence N. 30° E. 1827 varas to a stone in Wilbargers Creek bottom about 120 varas, South of the creek, from which a Hackberry 10 inches in diameter marked x bears S. 83° W 3 varas and an Elm 8 inches in diameter, same mark bears N. 60° E. 14½ varas – Thence N. 60° W 645 varas to Wilbargers Creek 706 varas to a stake in the East boundary of a 426 acre tract, sold by L. B. Harris to C. H. McGinnis and part of the same League of this tract. Thence with said East line S. 30° W 200 varas to Wilbargers Creek 1827 varas to a stake for a corner, A being the N.W. corner of the Gentry 88 acre tract: Thence S. 60° E. 706 varas to the place of beginning and containing 228½ acres of land more or less;" and that plaintiff has the vendors lien on said land to secure the payment of the amount here adjudged to plaintiff. It is therefore further ordered adjudged and decreed by the court that said lien be foreclosed and that an order for the sale of said land be issued by the clerk of this court directed to the Sheriff of Travis County requiring said Sheriff to sell said land as under execution and that said Sheriff dispose of the proceeds of said sale as follows: first to the payment of the costs of this suit next to the payment of the amount herein adjudged to the plaintiff and lastly any balance to be paid over to defen-

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dant: and in case said land shall not satisfy this judgment execution shall issue against said defendant for any balance remaining unpaid.

4763. State of Texas vs: Peter Helten et al: This day came the Defts by their Attorneys and submit to the Court their affidavits and answers in this cause, whereupon it is ordered by the Court, that the judgment Final by default be and the same is hereby set aside and this cause continued.

3120 State of Texas vs: John Scott And now on this 19th day of December A D 1876. comes the Defdt. John Scott in person and by Atty. and withdraws in open Court his notice of appeal.

4387. State of Texas vs: Henry Hawkins And now on this 19 day of December A D 1876 comes the Deft. Henry Hawkins in person and by Atty. and withdraws in open Court his notice of appeal.

3120. State of Texas vs. John Scott. And now on this 19th day of December A D 1876. the defendant John Scott having been convicted of ass ault to murder on a previous day of this term, was this day brought into court in charge of the Sheriff, and said Defendant being asked in open Court, why he should not receive the sentence of the Court in accordance with the verdict of the Jury and the judgment of the Court heretofore rendered, and said defendant giving no sufficient reason, why said sentence should not be passed upon him; It is ordered that said Defendant John Scott be and he is hereby sentenced to confinement at hard labor in the penitentiary of the State of Texas for the full term of two years in accordance with the verdict of the Jury, who tried this cause and with the judgement heretofore rendered in this cause, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said penitentiary there to be confined at hard labor for said term of two years.

4387 State of Texas vs: Henry Hawkins And now on this 19th day of December A D 1876 the defendant Henry Hawkins having been convicted of "Theft of Gelding" on a previous day of this term, was this day brought into court in charge of the Sheriff, and said Defdt. being asked in open Court why he should not receive the sentence of the Court heretofore rendered, and said Defdt giving no sufficient reason, why said sentence should not be passed upon him; It is ordered that said Defendant Henry Hawkins be, and he is hereby sentenced to confinement at hard labor in the penitentiary of the State of Texas

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for the full term of five years, in accordance with the verdict of the Jury, who tried this cause and with the judgement heretofore rendered in this cause, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of said penitentiary there to be confined at hard labor for said term of five years.

4326. John H. Conner vs: H. & T. Central R'R Comp. This day came the parties to this suit by their attorneis, and the Plaintiffs motion for a new trial coming on to be heard and being fully argued by counsel and duly considered by the Court, the same is hereby overruled, to which ruling Plaintiff by counsel excepts and gives notice in open Court of appeal to the Supreme Court.

4713. Forester, Ludlow & Co vs: B. Barr Def. & Stewart Intervenor. This day came the parties to this suit by their Attorneis and the Plaintiffs motion for a new trial coming on to be heard and being fully argued by counsel and duly considered by the Court, the same is hereby overruled, to which ruling Plaintiff by counsel excepts and gave notice in open Court of appeal to the Supreme Court.

4713. Forester Ludlow & Co vs: B. Barr Def. & Stewart, Intervenor. This day came the parties to this suit by their attorneys and the Plaintiffs motion in arrest of judgment coming on to be heard, and being fully argued by counsel and duly considered by the Court, the same is hereby overruled, to which ruling Plaintiffs by counsel excepts and give notice in open Court of appeal to the Supreme Court.

Allowance of guards to convey Prisoners

—— And now it is ordered by the court that the Sheriff of Travis County be allowed two guards to convey the eight prisoners sentenced at this term of this court to the State penitentiary at Huntsville, and that he receive compensation therefor as provided by law.

4071. State of Texas vs: John Isbell. It appearing to the Court that Felix Golten has been legally summoned to appear and testify as a witness on behalf of the State in the above entitled and numbered cause and that he being distinctly called by the Sheriff at the Court-House-door of Travis County, failed to appear, it is ordered by the Court that said Felix Golten be fined as a defaulting witness in the sum of fifty dollars, and that the State of Texas do have and recover of said Felix Golten the sum of fifty dollars as aforesaid. And it is further ordered by the Court that writ of Scire Facias do issue against said Felix Golten, notifying him to be and appear at

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the next term of this Court to be held in and for the county of Travis at the Courthouse thereof in the City of Austin on the Fifteenth Monday after the first Monday in January 1877, to show cause if any he may have, why said judgement nisi as here entered against him shall not be made final and absolute

4355. State of Texas vs: Mack Horst. It appearing to the Court that Alexander Sylvester, Sylvani Gentender, Trinidad Zara, Sylvester Saldero have each been legally summoned to appear and testify as witnesses on behalf of the State in the above entitled and numbered cause and that they being distinctly called by the Sheriff at the Courthouse door of Travis County, each and every one failed to appear, it is ordered by the Court that said Alexander Sylvester, Sylvani Gentender Trinidad Zara, Sylvester Saldero be fined each as a defaulting witness in the sum of fifty dollars each, and that the State of Texas do have and recover of each of ~~said~~ ~~of said~~ Alexander Sylvester, Sylvani Gentender, Trinidad Zara, Sylvester Saldero the sum of fifty dollars as aforesaid. And it is further ordered by the Court that writs of Scire facias do issue against said Alexander Sylvester, Sylvani Gentender, Trinidad Zara, Sylvester Saldero, notifying them to be and appear at the next term of this Court to be held in and for the county of Travis, at the Court House thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any they may have, why said judgment nisi as here entered against them shall not be made final and absolute.

4506 Joel N. Combs et al vs: J. H. Dillions et al. Continued generally.

4577 L. E. Edwards vs: Francis Burlage Upon motion, it is ordered that R. C. Burleson have leave to make himself a party to this suit.

4827 The Galveston, Brazos and Colorado Narrow Guage Railway Company vs: J. J. Groos, Commissioner of the General Land Office. Now come the parties to this suit, and submit the same to the Court, without a jury, for determination on the facts as well as the law, and the same having been fully considered by the Court, it is ordered, adjudged and decreed, that the demurrers and exceptions of the defendant to the jurisdiction of this Court be and the same are hereby overruled; but the Court not being satisfied that the plaintiff is entitled to such unconditional Land Certificates as are demanded in its petition, and it being apparent and admitted that the defendant is and has been ready and willing (~~and now~~) to issue to the plaintiff the number due it of such alternate Land Certificates as are described in the pleadings of the respective parties to this suit, and that the Defendant is not otherwise in default of his official duty to the

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injury of the plaintiff. It being adjudged that such alternate certificates are the class and the only class to which the said plaintiffs are entitled under the law, it is further ordered, adjudged and decreed by the Court that the plaintiff take nothing by his suit, to be and pay all the costs of this suit, to be taxed, and that the defendants go hence without day. And the plaintiff gives notice of appeal in open court, to the Supreme Court of the State of Texas, from the foregoing judgement herein rendered.

+387. State of Texas vs: Henry Hawkins. It appearing to the Court that Fred Peck, D. C. Sloan, Henry Lamb, M. L. Langford, Paul Lewis and Francisco Flores have each been legally summoned to appear and testify as witnesses on behalf of the State in the above entitled and numbered cause and that they, being distinctly called by the Sheriff at the Courthouse-door of Travis County, each and every one failed to appear, it is ordered by the Court that said Fred Peck, D C. Sloan, Henry Lamb, M. L Langford, Paul Lewis and Francisco Flores be fined as defaulting witnesses in the sum of Fifty Dollars each, and that the State of Texas do have and recover of each of said witnesses (Also) Fred. Peck, D C. Sloan, Henry Lamb, M. L Langford, Paul Lewis and Francisco Flores, the sum of fifty dollars as aforesaid. And it is further ordered by the Court that writs of Scire Facias do issue against said Fred. Peck, D C. Sloan, Henry Lamb, M L. Langford, Paul Lewis & Francisco Flores, notifying them to be and appear at the next term of this Court to be held in and for the county of Travis, at the Court-House thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any they may have, why said judgment nisi as here entered against them shall not be made final and absolute

+393 State of Texas vs: Joe Jones and Bob Orange. It appearing to the Court that W. J. Cameron, Moses Mitchell Henry Gardner and P. Gardner have each been legally summoned to appear and testify as witnesses on behalf of the State in the above entitled and numbered cause and that they, being distinctly called by the Sheriff at the Courthouse door of Travis County, each and every one failed to appear, it is ordered by the Court that said W. J. Cameron Moses Mitchell, Henry Gardner and P. Gardner be fined as defaulting witnesses in the sum of fifty Dollars each, and that the State of Texas do have and recover of each of said witnesses W. J. Cameron, Moses Mitchell, Henry Gardner and P. Gardner

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the sum of fifty dollars as aforesaid. And it is further ordered by the Court that writ of Scire Facias do issue against said W. J. Cameron, Moses Mitchell, Henry Gardner and P. Gardner, notifying them to be and appear at the next term of this Court to be held in and for the County of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any they may have, why said judgment nisi as here entered against them, shall not be made final and absolute.

4543 State of Texas vs. E. Hicks. It appearing to the Court that Lane McCoy has been legally summoned to appear and testify as a witness in behalf of the State in the above entitled and numbered cause and that he, being distinctly called by the Sheriff at the Courthouse door of Travis County, failed to appear, it is ordered by the court that said Lane McCoy be fined as a defaulting witness in the sum of twenty dollars and that the State of Texas do have and recover of said Lane McCoy the sum of twenty Dollars as aforesaid. And it is further ordered by the Court that writ of Scire Facias do issue against the said Lane McCoy notifying him to be and appear at the next term of this Court to be holden in and for said County of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any he may have, why said judgment nisi as here entered against him, shall not be made final and absolute.

4554 State of Texas vs. James McGowen. It appearing to the Court that Clay Eaves has been legally summoned to appear and testify as a witness in behalf of the State in the above entitled and numbered cause, and that he, being distinctly called by the Sheriff at the Courthouse door of Travis County, failed to appear, it is ordered by the court that said Clay Eaves be fined as a defaulting witness in the sum of ten dollars and that the State of Texas do have and recover of said Clay Eaves the sum of ten dollars as aforesaid. And it is further ordered by the Court that writ of Scire Facias do issue against the said Clay Eaves notifying him to be and appear at the next term of this Court, to be holden in and for said County of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any he may have, why said judgment nisi as here entered against him, shall not be made final and absolute.

4556. State of Texas vs. & Al. Rainey It appearing to the Court that Henry Pfluger has been legally summoned to appear and testify as a witness in behalf of the State in the above entitled and numbered cause

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and that he, being distinctly called by the Sheriff at the Court-House door of Travis County, failed to appear, it is ordered by the court that said Henry Pfluger be fined as a defaulting witness in the sum of Forty dollars ($40.00), and that the State of Texas do have and recover of said Henry Pfluger the sum of Forty dollars as aforesaid. And it is further ordered by the Court that writ of Scire facias do issue against said Henry Pfluger, notifying him to be and appear at the next term of this Court to be holden in and for the county of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877. to show cause, if any he may have, why said judgment nisi as here entered against him, shall not be made final and absolute.

4592. State of Texas vs. E. A Hicks It appearing to the Court that Wm Brunson and Sidney Meeks have been legally summoned to appear and testify as witnesses in behalf of the State in the above entitled and numbered cause and that they and each of them, being distinctly called by the Sheriff at the Courthouse door of Travis County, failed to appear, it is ordered by the court that said Wm Brunson and Sidney Meeks be fined as defaulting witnesses in the sum of Forty dollars each and that the State of Texas do have and recover of the said Wm Brunson and of Sidney Meeks of each of them the sum of Forty dollars as aforesaid. And it is further ordered by the Court that writ of Scire facias do issue against the said Wm Brunson and Sidney Meeks notifying them to be and appear at the next term of this Court to be holden in and for said County of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any they may have, why said judgment nisi as here entered against them shall not be made final and absolute.

Defaulting jurors — It appearing to the Court that J. M Jones and R A Rutherford have been legally summoned to appear before this Court and to serve as petit jurors in the cause No 4718 of the State of Texas vs.: Charles Wilson, and it further appearing that they, after being distinctly called by the Sheriff at the Courthouse-door of Travis County failed to appear, it is ordered by the Court that said J. M. Jones and R.A. Rutherford be fined as defaulting

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jurors in the sum of fifty dollars each, and that the State of Texas do have and recover of the said J. M. Jones and of the said R. A Rutherford the sum of fifty dollars each as aforesaid. And it is further ordered by the Court that writ of Scire Facias do issue against said J. M Jones and said R.A. Rutherford, notifying them to be and appear at the next term of this Court to be holden in and for the county of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause, if any they may have, why said judgment nisi as here entered against them, should not be made final and absolute.

Defaulting juror — It appearing to the Court that Henry Hoppins has been legally summoned to appear before this Court on the 27th day of November A.D 1876 there to serve as a petit juror for the seventh week of this term, and that he, being distinctly called by the Sheriff at the Courthouse door of Travis County, failed to appear, it is ordered by the court that said Henry Hoppins be fined as a defaulting juror in the sum of fifty dollars, and that the State of Texas do have and recover of said Henry Hoppins the sum of fifty dollars as aforesaid. And it is further ordered by the Court that writ of Scire Facias do issue against said Henry Hoppins, notifying him to be and appear at the next term of this Court to be held in and for the county of Travis at the Courthouse thereof in the City of Austin on the fifteenth Monday after the first Monday in January 1877, to show cause if any he may have, why said judgement nisi as here entered against him, should not be made final and absolute.

4777. State of Texas vs: Frank Lloyd & Col. Jones, Continued by the State and bail fixed at $ 500.00

Jury Service. It is ordered by the Court that the following named persons receive the amount set opposite their names for services rendered as Grand Jurors at the present term of this court:

Grand Jury.

No 1.	G. W. Malone	13 days - $ 26.00	No 7	L. Piper	13 days - $ 26.00
No 2	Lee Giles	13 " $ 26.00	No 8	B. Melasky	13 - $ 26.00
" 3	J. L. Easton	13 " $ 26.00	- 9	Ed. Christian	13 - $ 26.00
" 4	Jeff Burleson	13 - $ 26.00	- 10	W. Kluge	13 $ 26.00
" 5	James Eastner	13 - $ 26.00	- 11	R. A. Beer	13 $ 26.00
" 6	James LeMlepage	13 - $ 26.00	- 12	Richard Eames	13 $ 26.00

Total $ 312.00

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Jury Service

It is ordered by the Court that the following named persons receive the amount set opposite their names for services rendered as Petit Jurors at the present term of this Court.-

Third week.

		number of Days	Amount			number of Days	Amount
13	G. S. Jordon	5	10.00	29	D. J. Murchison	5	10.00
14	W. H. Caldwell	5	10.00	30	Geo. T. Hume	5	10.00
15	C. P. Norwood	6	12.00	31	W. M. Wende	5	10.00
16	D. C. Sandle	6	12.00	32	John Dougherty	6	12.00
17	Chas Mc Cormack	5	10.00	33	James Woods	6	12.00
18	C. Potosky	5	10.00	34	C. H. Carrington	5	10.00
19	H. Hirshfeld	5	10.00	35	G. W. Erwin	5	10.00
20	W. R. Beckett	5	10.00	36	G. D. Martin	5	10.00
21	A. H. Whitten	5	10.00	37	W. B. Brush	2	4.00
22	Phil Jobe	5	10.00	38	L. M. Crooker	5	10.00
23	J. B. Norwood	5	10.00	39	Joe Walker	5	10.00
24	C. W. Holler	5	10.00	40	Wm Spence	3	6.00
25	J. R. Owings	6	12.00	41	A. A. Hughes	3	6.00
26	M. D. Mather	2	4.00	42	Wm Davis	3	6.00
27	A. B. Townsend	5	10.00	43	R. L. King	3	6.00
28	Paul Von Rosenberg	5	10.00	44	M. W. Townsend	3	6.00
					Total		$298

4th Week.

45	Jas. Horst	4	8.00	60	J. W. Howard	4	8.00
46	L. R. West	4	8.00	61	J. S. Penn	4	8.00
47	J. J. Jolly	4	8.00	62	Henry Dickersen	4	8.00
48	Pete Swenson	4	8.00	63	J. L. Burns	4	8.00
49	W. P. Goodloe	4	8.00	64	Thos F. Mitchell	4	8.00
50	R. A. Rutherford	4	8.00	65	W. H. Fleet	4	8.00
51	Walter Tips	4	8.00	66	J. Hornberger	4	8.00
52	C. Fletcher Rowe	4	8.00	67	J. C. Rainey	4	8.00
53	A. Blomeke	4	8.00	68	Thos Murrah	4	8.00
54	N. Wieland	4	8.00	69	J. A. Collier	4	8.00
55	W. J. Griffin	4	8.00	70	O. A. Caldwell	4	8.00
56	Joe Martin	4	8.00	71	H. H. Hazzard	4	8.00
57	Jas Sylvester	4	8.00	72	W. L. Byles	4	8.00
58	Arnold Kline	4	8.00	73	Larry Hughes	4	8.00
59	Geo. Nuckols	4	8.00		Total		$232.00
60							

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6th Week

		days	Amount
74	William Ligan	6	12.50
75	John Buttery	5	10.00
76	J. B. Hedspeth	6	12.-
77	Ben. U. Smith	6	12.00
78	W. M. Vance	5	10.00
79	Ben Vanzandt	6	12.00
80	J. C. Hamilton	6	12.00
81	J. H. Shaw	5	10.00
82	Charles F. Austin	5	10.-
83	Conrad Pfluger	4	8.00
84	Davy Jones	5	10.00
85	H. C. Bongener	5	11.00
86	David Strickland	5	10.-
87	W. L. Nitzcke	5	11.-
88	E. S. Winfrey	5	10.00
89	Henry Pfluger	5	10.00
90	M. A. Potterfield	5	10.00
91	Leslie Price	5	10.00

Nov. 20. Special Venire. State vs. Chas. Wilson

109	Thos F. Mitchell	1	2.00
110	Joseph Martin	1	2.00
111	G. S. Jordan	1	2.00

7th Week. from Nov. 27 - Dec. 1st

114	Harry Hawkins	5	10.-
115	Jo. Blum	5	10.-
116	D. W. Jones	5	10.-
117	E. P. Haigler	5	10.-
118	W. W. Dean	5	10.-
119	J. M. Tebaut	5	10.-
120	Sam Billingsly	5	10.00
121	Granville Crozier	5	10.00
122	John Jordon	5	10.00
123	J. L. Saunders	5	10.00
124	S. M Hoppins	5	10.00
125	Robert Barr	5	10.-
126	A. L. Autrey	5	10.-
127	Stephen Jarman	5	10.00
128	James Mc Clintock	5	10.00
129	Geo. W. Rose	5	10

6th Week from Nov. 20 - 25

92	J. W. Whitt	5	10.00
93	J. R. Ray	6	12.00
94	T. J. Laughlin	5	10.-
95	C. Von Rosenberg	5	10.00
96	Sam J. Redd	5	10.00
97	J. Strickland	5	10.-
98	E. N. Mayfield	6	10.-
99	N. Dawson	5	10.-
100	R R Robertson	5	10.-
101	Robert Johns	5	10.-
102	R. H. Smith	5	10.-
103	Alex Brinkman	5	10.-
104	L. K. Burraughs	2	4.00
105	R. H. Griffin	2	4.-
106	A. L. Autrey	2	4.-
107	S. H. Goldstein	2	4.00
108	Winter Goodloe	2	4.00
	Total		332.00

112	J. S. Penn	1	2.00
113	J. B. Norwood	1	2.00
	Total		10.00

130	Frank Hamilton	5	10.00
131	A. C. Duty	5	10.-
132	J. H. Dinkens	5	10.-
133	T Dohme	5	10.-
134	W. H. Price	5	10.-
135	Reuben Wells	5	10.-
136	J. L. Shephard	5	10.-
137	John Price	5	10.-
138	M. W. Townsend	5	10.-
139	S. V. Jones	5	10.-
140	~~D. W. Jones~~ J. M.	~~5~~	~~10~~
141	Wm Alexander	5	10
142	Wm J. Stokes	5	10.-
143	D. A. J. Powell	5	10.-
144	Jas Haag	5	10.-
145	P. C. Taylor	3	6
146	Wm Page	3	6
	Total		322

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8th Week. Dec. 4th -

		Number of Days	Amount
147	Chas Walch	5	10.00
148	Edwards	1	2.00
149	A. H. Whitten	3	6.00
150	H. Anderson	5	10.00
151	Josh Johnson	3	6.00
152	Wm Saunders	3	6.00
153	M. Dyer	2	4.00
154	Jos Lucksinger	5	10.00
155	Wm Conrad	5	10.00
156	Jas Hewett	7	14
157	D. Curio	2	4
158	S. B. Granberry	7	14
159	Wm J. Cloud	7	14
160	J. W. Cloud	5	10.00
161	J. H. Woods	7	14-
162	Wm Risher	7	14-
163	Geo Harrison	7	14-
164	C. Dornschke	7	14-
165	J. D. Campbell	7	14-
166	H. B. Wells	7	14-
167	John Mowinkle	5	10-
168	J. C. Pelmecky	7	14-
169	J. C. Harper	5	10.00
170	M. W. Townsend	5	10.00
171	Thos Miller	5	10.00
172	J. H. Walker	5	10.00
			Total $266.00

9th Week

173	Thos Mc Quistian	2	4.00
174	G. W. Prowse	1	2.00
175	Jas Townsend	2	4.00
176	Geo Medaris	2	4.00
177	Jos Harvey	1	2.00
178	Joshua Johnsen	2	4.00
179	F. B. Henry	2	4.00
180	J. W. Ernest	2	4.00
181	S. J. Kinsbury	1	2.00
182	C. W. Dyson	1	2.00
183	John Bargely	2	4.00
184	Jos Pollard	1	2.00
185	A. Jeff. Johnsen	1	2.00
186	Geo. Bradley	2	4.00
187	Enoch Martin	2	4.00
188	R. M. Castleman	1	2.00
189	Ad. Smith	2	4.00
190	W. G. Howse	2	4.00
191	L. L. Sloss	1	2.00
192	Geo Juenke	1	2.00
193	J. C. Minter	1	2.00
194	J. H. Burns	2	4.00
195	White	1	2.00
196	Freeman	1	2.00
			Total $72.00

4806 R. N. Lane vs. Aetna Life Insurance company. And now on this 18th day of December 1876 it is ordered by the court that the minor children of R. N. Lane have leave to intervene in this suit, and it is further ordered that said R. N. Lane be appointed special guardian for said Intervenors to wit: N. G. Lane, formerly L. Lane, and Annie Lane, and that he enter into a bond of 2000.00 as such special guardian, and it is further ordered that Pff have leave to amend.

Court adjourned till to morrow morning 9 o'clock A. M.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

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4718 State of Texas vs. Charles Wilson. This day come the parties by their attorneys, and the Defendant by his attorney submits to the court his motion for a new trial in this cause, which motion after being fully argued by counsel and duly considered by the court, is granted, and it is ordered by the Court that the judgment heretofore rendered in this cause be set aside and vacated, and that a new trial be awarded to the Defendant hereof.

4577. L. E. Edwards et al. vs: Francis Burlage. And now on this day came all the parties to this suit by their attorneys and the minor plaintiffs by Robert H. Ward, their special guardian appointed heretofore by Court, and announced themselves ready for trial and no jury having been demanded by either party, the matters involved in this suit are submitted to the Court, and the Court having heard the allegations of all the parties and the testimony offered by the parties to support their respective averments and the argument of counsel and fully understanding the matter in controversy determines the following as the result from the facts proven.

1st That the property sought to be partitioned in this suit and described as Lots Nos (2) two, (3) three and (4) four in Division E of the out Lots adjoining the city of Austin in Travis county Texas according to the plan of said city and of the survey of out Lots adjoining said city as made of which is known as the Government tract dedicated for the purposes of the seat of Government for said State was community property owned by Francis Burlage and her late husband John Burlage deceased at the date of the death of said John which occurred in the year 1867.

2d That said John Burlage at the date of his death left the following named children surviving him as the fruit of his marriage to the said Francis to wit, Kate R. Burlage, Georgia C. Burlage, Joseph R. Burlage, Chipley C. Burlage, Alfred R. Burlage and John Burlage junior, as the sole heirs at law of said John.

3d That after the death of said John Burlage (junior) his said son John Burlage junior died intestate without ever having been married, leaving as his sole heirs surviving him, his said mother Francis Burlage (~~and his said mother Francis Burlage~~) and his said sisters and brothers to wit: Kate R (who has intermarried with L. E. Edwards) Georgia C. (who has intermarried with S. W. McBrayer) Joseph R, Chipley C, and Alfred R.

4th That after the death of said child John Burlage junior the said Francis Burlage became and was vested with title to

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an undivided thirteen twenty fourths (13/24) in each of said lots and the said Kate R. Edwards and the said Georgia C. McKnight and the said Joseph R. Burlage and the said Chipley C. Burlage and the said Alfred R. Burlage became and was each vested with title to an undivided eleven one hundred and twentieths (11/120) of each of the lots aforesaid -

5th That the intervenor Sam H. Wildy is now the just legal and equitable owner of the thirteen twenty fourths (13/24) undivided of said Lots No 3 under and by virtue of the sale and conveyance to him by R.A. Upton as trustee as shown by the deed to him from said R.A. Upton dated October 30th 1875, being the same interest in said Lot No 3 heretofore owned by the said Frances Burlage and that said Wildy is now entitled to have said interest in said Lot set apart to him by metes and bounds

6th That R C. Burleson is now the owner of one acre of land off of the South side of said Lot No 2, commencing at the South East corner of said Lot No 2 on the west line of West Avenue - Thence westerly in a line running parallel with the South line of said Lot No 2 to the western line of Lot No 2 to Shoal creek Thence down said creek to the intersection of the South line of lot No 2. - Thence Easterly with said line to the place of beginning: and that said Burleson is entitled to have said one acre of land set apart to him in the partition of the Lots in controversy in this suit and that said acre of land should be charged in said partition to Georgia C. McKnight, Joseph R. and Chipley C. Burlage for whose education said acre of land was sold and conveyed to said Burleson by the said Frances Burlage as the natural guardian of said children and as the representative of the Community estate between her and her children.

7th That there remains unpaid by said Burleson the sum of four hundred and thirty eight (438.00) Dollars which is now due as balance of the purchase money for said acre of land to be paid to the said Georgia C. McKnight and Joseph R and Chipley C. Burlage in such proportions as will give said parties an equal share in the benefits of the sale of said acre of land, taking into consideration the benefits already derived by each of said parties from the amount heretofore paid (# 362.00) by said Burleson in educating said parties.

8th That Kate R. Edwards has received from Francis Burlage

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the sum of Seven Hundred (700) dollars as an advancement in money towards her share of the Community estate aforesaid and that said Francis Burlage is now entitled to have as much of the interest of said Kate Edwards in said Lots set apart to her the said Frances as shall be equal in value to said Seven Hundred dollars and interest thereon at 3 per cent per month from 30th of October 1875. It is therefore ordered adjudged and decreed by the Court that said one acre of land hereinbefore described as having been sold to R. C. Burleson, be set apart to him and that all title to said one acre of land be devested out of all the other parties to this suit and that the same be fully vested in said Burleson. And it is further ordered and adjudged that Georgia C Mc Knight, Joseph R. Burlage and Chapley C. Burlage do recover of and from said R. C. Burleson the sum of four hundred and thirty eight dollars as balance of purchase money on said one acre of land and that said sum to be paid to the said Georgia C. Mc Knight and to Francis Burlage as the natural guardian of the minors Joseph R and Chapley C. in such proportions as are determined by this decree. an order of sale do issue to the Sheriff of Travis County to sell said one acre of land as under execution to satisfy said sum; and in case of sale and should said acre of land not bring a sufficient amount to satisfy said sum then execution shall issue against said Burlage for any balance remaining unpaid of said sum. And it is further ordered that said acre of land be charged in the partition of the Lots in controversy to said Georgia C. Mc Knight, Joseph R and Chapley C. Burlage and be treated and considered in said partition as though the same had been set over to them. - And it is further ordered that when said sum of money shall be paid over by or collected from said Burleson the same shall be so divided between said Georgia C. Mc Knight, Joseph R. Burlage and Chapley C. Burlage as that they shall have each received an equal one third part of the price of $800 oo (eight Hundred dollars) for which said one acre of land was sold to said Burleson taking into consideration what each of said parties have already received in tuition &c. &c. of the amount of three Hundred and sixty two dollars heretofore paid by said Burleson on said acre of land. - And it is further ordered adjudged and decreed by the Court that the intervenor Lewis H. Wildy do recover from the plaintiffs and defendants in this suit thirteen twenty fourths ($\frac{13}{24}$) undivided

Rec'd C Burleson Eight Hundred & sixty four dollars in full of judgment in favor of Wildy against him & Burlage for the sum of One Hundred & sixty two dollars & interest thereon from Dec 21st 1876 to date of payment. Dec 27th 1876

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in and to said lot No. 3 in Division E of the Out Lots adjoining the City of Austin aforesaid and that all right title and interest of all the other parties to this suit in said thirteen twenty fourths in said Lot No 3 be divested out of them and that the same be fully vested in said Wildy; and that there shall be set apart to said Wildy thirteen twenty fourths in said lot by mets and bounds due regard being had to quantity quality and value. And it is further ordered and adjudged that said interest in said lot be charged in the partition of the Lots involved in this suit to Francis Burlage as between her and the plaintiffs herein as though the same had been herein set apart to the said Francis Burlage. — And it is further ordered adjudged and decreed by the Court that Kate Edwards, Georgia C. McKnight, Joseph R Burlage, Chipley C. Burlage and Alfred R. Burlage each receive an interest of eleven one hundred twentieths (11/120) undivided in said Lots No 2, 3 and 4 involved in this suit which interest shall be set (for) apart to them respectively, due regard being had to quantity quality and value in the qualifications hereinafter mentioned. In setting apart the interests of said George C. Joseph R. and Chipley C. said one acre of land herein decreed to Burleson is to be charged to said parties in equal proportions and is to be considered as so much received by said parties jointly out of the property herein sought to be partitioned. — And it is further ordered, adjudged and decreed by the Court, that the Defendant Francis Burlage recover from the plaintiffs an interest in said lots two, three and four (2. 3 & 4) equal to thirteen twenty fourths (13/24) of the whole of the same charged with the interest in Lot three (3) which is adjudged herein to J. H. Wildy and said interest in said lots 2 and 4 and the remaining 11/24 of lot 3 and also the interest of the said Kate R Edwards, which is herein adjudged to the said Francis Burlage, shall be set apart to the said Francis by mets and bounds due regard being had to quantity quality and value; but in setting apart this interest to the said Francis, as well as in setting apart the interest of said plaintiffs as hereinbefore provided, the right of said Burleson to said one acre is to be respected and not interfered with — And because the said Francis

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Burlage, Kate
Edwards vs Third of the
Georgia 6 Nos. Burlage has pay cost
this suit up to and including this
decree, and that
cost be paid
out of the
proceeds of
sale of
property.

Burlage has advanced to the plaintiff Kate Edwards the sum of $700.00, Seven Hundred dollars towards her part of the property herein sought to be partitioned and because there is no other way by which said Frances can be reimbursed for said advancement except by setting apart to said Frances out of the interest of said Kate Edwards in said lots Nos 2, 3 and 4 a sufficient amount of property to satisfy the amount of such advancement. It is therefore further ordered adjudged and decreed by the Court that said Frances Burlage do recover from the said Kate Edwards so much of her interest in said lots as shall be equal in value to said sum of Seven Hundred dollars with interest thereon at the rate of 3 three per cent per month from 30th day of October 1875 to the date of this decree and that said interest in said lots shall be set apart to said Frances by metes and bounds and should the interest of said Kate Edwards in said Lots 2, 3 and 4 be not in value sufficient to satisfy said sum of $700.00 and interest as aforesaid, then the said Frances Burlage recover from the said Kate Edwards (~~and her husband~~ ~~T. E. Edwards~~) the deficiency in money for which, when ascertained execution shall be awarded. And it is further ordered that John B. Costa, Joseph Spence and W. S Hotchkiss be and they are hereby appointed Commissioners to make partition of said Lots Nos 2. 3. and 4 in accordance with this decree and that they report their action for confirmation and said Commissioners may if they deem it necessary call to their assistance the service of a competent surveyor in making said partition. * (see margin)

* Should it be found that Frances B Edwards has paid more than her proportion of the costs herein she is to recover of the other parties to this suit their proportion of such excess in the proportion ordered in this decree.

— Whereupon Court adjourned until Tuesday the 26th December 1876.

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Court met pursuant to adjournment, present same as first day; Whereupon the following proceedings were had

3829. Cora B. Slaughter vs. Anna P. Lurry. Used now comes on to be heard the application of Cora B Barton (formerly Cora B. Slaughter) joined by her husband, B C Barton for partition of about 1500 acres of land of the Stephen F. Slaughter league, and 1034 acres of Walker Wilson league, set apart to Cora B, Francis A, Alice D and Lucy A Slaughter, by the Commissioners in this cause in making partition between Anna P Lurry and said parties as heirs of A. B. Slaughter dec., at the October term of the District Court of Travis County 1873. — And it

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appearing that said Cora B. Barton, Francis C. Alice D and Lucy Slaughter are entitled to an equal interest in said property and Felix G. Smith as guardian joining in said application.— It is ordered by the Court that J. E. Campbell, John McChristian and Joseph Davis be and they are hereby appointed Commissioners to make partition of said land between said parties and that they report herein at the next term of this Court.

4445. James M. Swisher vs: John M Swisher et alias. And now on this day this cause coming on further to be heard upon the report of the Commissioners of partition, it appearing that the Commissioner John T. Breckenridge failed to serve upon the said Commission, the parties interested in this suit chose Joseph Lee a competent person as Commissioner in place of the said Breckenridge, who proceeded to act upon the said Commission with the others heretofore appointed, it is ordered and adjudged that the action of said Lee be ratified and confirmed, and that the said report be received. And it appearing the said Commissioners had made their report of partition as follows:

See plott with amended decree page 436.

James M. Swisher
vs:
Jno M. Swisher et al

In District Court of Travis County Texas October term 1876. To the Hon. E. B. Turner, Judge of the 16th Judicial District of Texas. The undersigned, who were appointed by agreement at the present term of Your Honors Court Commissioners to partition the real estate belonging to the Elizabeth Swisher estate, between the several parties to the above entitled suit, beg leave to submit their report as follows: They found upon examination that there were in Travis County Texas and belonging to the estate of Mrs Elizabeth Swisher deceased acres of land, upon a portion of which is situated what is known as

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the old Swisher Homestead. As this property was situated almost, if not immediately opposite the City of Austin on the South side of the Colorado River, your said Commissioners deemed it to the interest of said parties to this suit, heirs at law of the said Elizabeth Swisher dec'd. to have said property so laid off as to make it available for building and Homestead purposes and in the nature of an addition to the said City of Austin. Having ascertained from the records in this said suit, that James M. Swisher, John M. Swisher and Newton Givens Lane, James L Lane and Annie Lane, as children and heirs at law of Annie Lane deceased were entitled to the interests severally set out in the decree of record in this said suit, which among other things provided for the appointment of the undersigned as Commissioners as aforesaid, that is to say that James M. Swisher was entitled to one third of said estate, after the debts and charges against it were paid, that John M. Swisher was also entitled to one third and that Newton Givens Lane, James L. Lane and Annie Lane were jointly entitled to one third. Your said commissioners procured the service of two competent surveyors, to wit: C. E Anderson and J. C. Hunter Esqrs. and had the said —— acres, belonging to said estate, divided and platted as appears upon the plat herewith filed marked "Exhibit A" and made a part of this said report. It will be seen from an examination of said plat, that a street or avenue, 120 feet wide has been laid off, the same being a continuation of Congress Avenue of the aforesaid City of Austin. Your said Commissioners also caused to be laid off another Street 60 feet wide, as appears upon said plat, said streets running from the said Avenue as a base and at right angles therefrom. Your commissioners believe that the laying out of said Avenue and Street would add to the value of the other property, hence their action in the premises. — Taking the said plat therefore as the basis of this part of their report, your said Commissioners respectfully show unto your Honor, that they have set aside out of the aforesaid estate to John M. Swisher as one of the Creditors of said Estate ten acres fronting 389 feet on the said Avenue and running back N 60° W. with the North line of the Burton tract to the Bouldin tract, which ten acres they have valued at one thousand ($1000.00) dollars; to John H. Robinson as one of the Creditors of said Estate six acres fronting on said Avenue 300 feet and running back S. 60° E to the Gillette tract according to the lines set out in said plat, said six acres being valued by your said Commissioners at Six hundred ($600.00) dollars

Robinson

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to Dr J. M. Gillon as one of the Creditors of said Estate two acres, according to the lines set out on said plat, said two acres valued at two hundred dollars ($200.00) and fronting on a continuation of said Avenue 190 feet and running back S. 60° E with the Nor the line of the Puckett tract 472 feet to the West line of the said Gillette tract. Your Commissioners further show unto your Honor, that they have set aside to pay all the costs of this suit two lots described as follows, to wit: one fronting 208½ feet on said avenue and running back N 60° W. with the north line of the said ten acres set aside to the said Jolon M. Swisher as one of the Creditors of said Estate to the East line of the said Boulden tract; the other fronting on said Avenue 208½ feet and running back S. 60° E with the north line of said six acres set aside to the said John H Robinson to the West line of the said Gillette tract. Your Commissioners further show unto your Honor, that to the lots of said estate they have set aside the following property out of said acres, to wit:

To James M. Swisher

Lot No.	C.1	containing 10⅓ acres	valued at	$3000.00
" "	B1	" 10⅔ "	" "	1200.00
" "	B5	" 11⅘ "	" "	1000.00
" "	A1	" 3 9/10 "	" "	600.00
" "	E1	" 8 "	" "	300.00
" "	1 Div F		" "	100.00
		Total valuation		$6200.00

To John M. Swisher

Lot No.	C2	containing 9 9/10 acres	valued at	$1200.00
" "	C.3	" 9 3/10 "	" "	1200.00
" "	C.6	" 5⅘ "	" "	600.00
" "	B3	" 11⅔ "	" "	900.00
" "	B4	" 11⅘ "	" "	1000.00
" "	A2	" 5 "	" "	600.00
" "	E2	" 7 "	" "	600.00
" "	2 Div F.		" "	100.00
		Total valuation.		$6200.00

To Newton Givens Lane, James S Lane and Annie Lane, jointly as children & heirs through Annie Lane deceased, formerly Annie Swisher:

Lot D		containing 14½ acres &	valued at	$1500.00
"	C.4	" 8½ "	" "	1100.00

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Lot	B. 6	containing	4 2/5 acres valued at	$ 400.00
"	C. 5	"	7 7/10 " " "	" 1000.00
"	B 2	"	10 2/3 " " "	" 1100.00
"	A 3	"	5 9/10 " " "	" 600.00
"	E 3	"	7 " " "	" 300.00
"	3 Div. F	"	" "	" 100.00
			Total valuation	$ 6100.00

Your Commissioners in view of the fact that in as much as that part of the said property set apart to Newton Givens Lane, James L Lane and Annie Lane, is valued at one hundred ($100.00) dollars less than the parts set aside respectively to James M Swisher & John M Swisher, your Honor will order the said amount of one hundred ($100.00) dollars to be paid to the said Newton Givens Lane, James L. Lane and Annie Lane jointly, out of any surplus remaining out of the proceeds of the sale of the said two lots set aside by your said commissioners to pay the costs of this suit. But in the event no surplus shall be left out the said proceeds of said sale, then your said Commissioners respectfully recommend, that your Honor give a money judgment in favor of said Newton Givens Lane, James L Lane and Annie Lane jointly against the said James M. Swisher and John M Swisher. -

Your commissioners further recommend unto your Honor that some one be appointed by your Honor, to sell the said lots set aside as aforesaid to pay the costs of this said suit and pay off said costs and that in the event the said John H. Robinson and J. M. Litten shall elect note to receive the lots set aside as aforesaid respectively for them in satisfaction of their claims against the said estate of Elizabeth Swisher deceased, then Your Honor will appoint some one to sell said lots and devote the proceeds of said sale to the payment and satisfaction of said claims. Your commissioners will further show unto Your Honor, that they found further that there belongs to the estate of the said Elizabeth Swisher dec'd a tract of land being and lying in said Travis County on Bartons Creek and described as follows to wit: 320 acres more or less, patented to Joseph Fessenden In view of the fact, that your Commissioners have not been able to have an accurate survey made of said tract, they have partitioned said tract as follows to wit: One third thereof in quantity to James M. Swisher, beginning at the N. W corner of said tract, the dividing line between said division & the one adjoining it, to run S. 30° West, to John M. Swisher one third in quantity of said tract, beginning at the N. E corner of the said division set aside to James M. Swisher

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and running with the E. line of said division on the West, and with the dividing line on the East between this said division and the one set apart as Survivorship set out to Newton Givens Lane, James S Lane and Annie Lane jointly, to Newton Givens Lane, James S Lane and Annie Lane jointly one third in quantity of said tract, beginning at the N.E. corner of the division adjoining it on the West and running with the East line of said division on the West and with the East line of said tract on the East. Your Commissioners further submit to Your Honor that in their opinion the said C.E. Anderson and J.S. Minter are respectively entitled for their services as surveyors as aforesaid, the former $50.00 and the latter $7.00 All of which is respectfully submitted this the 23d day of December 1876.

A. P. Blocker
J. A. Cunningham } Commissioners
Joseph Lee

State of Texas } Before me W. C. Walsh, a notary Public
County of Travis } in and for Travis County this day personally appear Joseph Lee, A.P. Blocker and J.A. Cunningham all of the County and State aforesaid and all to me well known, who, after being by me sworn state, that in the above instrument which they signed in my presence they had as Commissioners appointed by the District Court of Travis County at the October term 1876 in the Case of James M. Swisher vs: John M. Swisher et als made a fair just and impartial partition and distribution of the estate of Mrs Elizabeth Swisher dec'd among the heirs mentioned in said above instrument to the best of their knowledge and belief. In witness whereof I have hereunto signed my name and affixed the impress of my official seal, this the 23d day of December A.D. 1876. W. C Walsh Notary Public Travis County

Seal
No 45.

Filed December 26th 1876. E. Hallmanson Clerk

And it appearing that all the parties to this suit consent thereto, it is ordered and adjudged that the partition therein established among the heirs of James G. and Elizabeth Swisher be and the same is ratified and confirmed, and that the lots or parcels of land as therein described be severally set apart to the persons therein named as heirs as aforesaid and it is further adjudged that the said plaintiff James M. Swisher and the Defendant John M Swisher do pay to the said Newton Givins Lane, James S. Lane and Annie Lane or their proper legal representatives in solido one hundred dollars in order to equalize their portion of said Estate with that

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received by them the said James M and John M. Swisher ——
—— It further appearing that the said Commissioners had set
apart a specific portion of said property, described in their said
report to John M. Swisher as in satisfaction of the sum of one thous-
and dollars due from the Estate of Elizabeth Swisher to him —
and he being satisfied therewith, it is adjudged and decreed that
the said property so set apart to him in his own right be and is
hereby vested in him. — It further appearing that in the execution
of the former decree in this case, the (~~total~~) said Commissioners had
set apart a specific portion of said land to pay the claim of John
H. Robinson and the claim of J. M. Letton against the Estate of
Elizabeth Swisher, it is adjudged and decreed that the Commissi-
oners hereinafter appointed, if the said Robinson and Letton or either
of them shall accept the same in satisfaction of their respective debts,
do make to them a deed, conveying the aforesaid property to them
so set apart for the payment of said debts respectively — And if the
said Robinson and Letton or either of them shall refuse to accept
the said respective lots of land ~~laid off~~ for them in satisfaction of
their respective demands aforesaid, it is ordered and adjudged
that the property so set apart or so much as may be necessary be sold
by the commissioners hereinafter appointed and who is required to pay
the said debt or debts. —— It also appearing that the Commissioners have
set apart a specific portion of the said Estate as named in their report
to pay the costs of this proceeding as well as the fee allowed to the
auditor and it is ordered that the same be sold by the said Commis-
sioners for that purpose and that said Commissioners pay all costs
as aforesaid including the sum of fifty dollars for surveying fees in
making said partition to C E Anderson and seven dollars surveying
fees to J. C. Meister and the recording of this decree and plotting of
the maps accompanying the same in the County records of Travis
County. — And it is further ordered adjudged and decreed that
R. J. Hill Esqr. be appointed Commissioner of this Court to execute
this decree and that he have power to execute all deeds that may
be necessary and proper for the purpose of carrying this decree into
execution, and, that as to the lands to be sold by him, that he
sell the same to the highest bidder at the South East corner of block
number twenty in the City of Austin, after having given twenty
days notice by printed advertisement, one of which shall be posted
at the place of sale and at least two others in other public places
— said sale shall be for one third cash, with which he shall first

disbourge the costs and expenses of this suit and the proceedings thereunder, and the remainder if any, shall be paid upon the debt or debts allowed as aforesaid against the Estate of Elizabeth Swisher. The deferred payments on the sale of said property shall be divided in equal instalments of six and twelve months after the date of said sale, which sums as collected shall be applied by said Commissioner to the extinguishment of whatever cost may be due and afterwards to the debts aforesaid allowed against the Estate of Elizabeth Swisher and if there be anything remaining after the payment of said claims and costs, the same shall be devided among the heirs of said James & Elizabeth Swisher in the manner provided for in this decree. - In making sale of said property by the Commissioner he is required for the deferred payments to take the note or notes of the purchasers with good personal security bearing interest from date at the rate of ten per cent per annum and also to take from the purchaser or purchasers a mortgage with power of sale to enforce payment under the usual conditions of such instruments. —— The said Commissioner for his services shall be allowed the sum of two $\frac{50}{100}$ dollars for each deed made by him and two per centum on gross on all money collected and disbursed by him under this decree. All other matters not herein disposed of are reserved for the further order of this Court. ✓

3030 Giles H. Burdett vs: W. B Burdett et al. In this case the Commissioners heretofore appointed to divide the tract of land in Van Buren County granted to Jesse Burdett assignee of Antonio J Bastrop mentioned in the decree of this Court at its February term 1876, having filed their report, the said report shows that the said Commissioners have according to the decree divided the said land into two seperate parts, one part to be devided equally among all the heirs of Jesse Burdett including the heirs of Joel A Burdett and the other into eight parts, excluding the heirs of Joel A Burdett. —— The first part including the heirs of Joel A Burdett was of that part or portion, which by reason of conflicting claims could not be properly valued, wherefore the same was equally devided in reference to the quality and value of the same into nine equal shares as follows:

1, Tract number one of said division containing two hundred and thirty two and one half acres was set apart to Giles H. Burdett as assignee of William B. Burdett and is described as

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follows: Beginning at a post on the E. line of said Y. Barbo league and 2377 vs N + E from the S. corner of the same, a Pers. mon 6 in dia. brs N. 44 W 18 vs, dec. 4 in. dia. brs N 77 W 24 vs. Thence S. + W. with said W. line, at 1257 vs a post from which two Locust trees 12 in dia. bear N + E. 523 vs. Thence N 86° E. at 1075 vs a post from which an Elm 12 in dia brs N 60° E. 129 vs. Thence N. + E. at 1257 vs a post on divisional line for corner. Thence S. 86° W. at 1075 vs to beginning

2. The Second division was allotted to Giles H. Burdett in his own right as an heir of Jesse Burdett and consists of two tracts marked Nº 2 on the plat accompanying said report. The first of which contains one hundred and twelve and one half acres, which begins at a post the South East corner of tract Nº 1 aforesaid set apart to Giles H. Burdett assignee of Wm B. Burdett, from which an Elm 12 in. dia. brs N. 60° E. 129 vs. Thence N + E. with the E line of Nº 1 at 1257 vs a post the N. E corner of Nº 1. on the divisional line of said league Thence N. 86 E. with said line at 505½ vs a post for corner. Thence S. 4° W at 1257 vs a post from which an Elm 12 in. dia. brs. S. 45 W 133 vs. Thence S. 86 E at 505½ vs the beginning. The second tract of this part allotted to Giles H. Burdett contains one hundred and twenty acres and begins at a post the North West corner of said Y. Barbo survey, from which a post oak brs S. 58° W. 14 vs, dec. brs N 52 E. 5 10 vs. Thence N. 86° E. with the original line at 475 vs a post from which a post oak 14 in dia brs S. 13 E. 22 vs, a Switchey 10 in dia brs S. 55 E. 19 vs. Thence S. + W. at 1425 vs a post in prairie a post oak brs N 10 E. 40 vs. Thence S. 86° W. at 475 vs a post in W. line of said Survey from which a post oak 16 in. dia brs due E. 4 vs., dec 14 in. dia brs N. 16° E. 14 vs. Thence N. + E with said line at 1425 vs to the beginning

3d The third division of this part contains two hundred and thirty two and one half acres and was allotted to Giles H. Burdett as assignee of M. C. Burdett and is described as follows. Beginning at a post, the South East corner of the first number two above of 112½ acres made for Giles H Burdett, from which an Elm 12 in. dia. brs S. 45 W 133 vs. Thence N. + E. with the E line of Nº 2 at 1257 vs a post the N E corner of Nº 2. Thence N. 86 E. with the divisional line of said league at 1075 vs a post for corner. Thence S + W at 1257 vs a post from which a post oak 25 in. dia. brs N 66° E 14 vs. dec, 28 in dia. brs N. 38 E. 12 vs. Thence S. 80 W. at 1075 vs the beginning

4th The fourth division of this part contains two hundred and thirty two and one half acres and was made for the Heirs of —

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Newell W. Burdett a son of Jesse Burdett as set forth in the former decree in this case, viz: Thomas F. and Newell W. Burdett, Mildred Davis, R. F Jackson surviving husband of Kate Burdett and is described as follows. Beginning at a post, the South East corner of Block N° 3 assigned to Giles H. Burdett assignee of M. C. Burdett, from which a post oak 25 in. dia. brs N. 66° E. 1+vrs. do 28 in. dia brs N. 38 E. 12 vrs. Thence N +. E. with the E line of N° 3 at 1257 vrs a post the N. E corner of N° 3 on the division line of said league survey. Thence N. 86 E. with said line at 1045 vrs a post for corner. Thence S. +° W. at 1257 vrs a post from which a post oak 30 in. dia brs. N. +3½ W. 9 8/10 vrs do 10 in dia. brs S. 81° E 11 2/10. Thence S. 86 W at 1045 vrs to the beginning

5. The fifth division of this part contains two hundred and thirty two and one half acres and was allotted to Josephine Binford in right of her mother Lovinia a daughter of Jesse Burdett and is described as follows. Beginning at a post the South East corner of Block N° +. above allotted to the heirs Newell W. Burdett, from which a post oak 30 in dia brs N +3½ W. 9 8/10 vrs, do 10 in dia. brs S 81° E. 11 2/10 vrs. Thence N 86 E. at 36 vrs Dentons Creek 3 vrs wide c. I. at 1045 vrs a post on the E line of said league from which a post oak 30 in. dia. brs S. 18 W 8 vrs, do 12 in. dia brs S. 27 E 9. vrs. Thence N +. E with said E line at 1257 vrs. a post from which a post oak 18 in dia. brs N 68½ E. 1+vrs. do. 18 in dia. brs S. 9 W 2 2/10 vrs. Thence S 86 W. at 1045 vrs a post for corner the N E. corner of N°+. Thence S +. W. with the E line of N°+. at 1257 vrs to the beginning

6. The sixth division of this part contains two hundred and thirty two and one half acre and was allotted to the children of Joel A. Burdett one of the heirs of Jesse Burdett as follows - Mrs. Mc S. Deaford, Mrs. Jane G. Davis, John A Burdett and Giles G. Burdett which said survey is described as follows: Beginning at a post the South East corner of number five above allotted to Josephine Binford, from which a post oak 30 in. dia. brs S. 18 W. 8 vrs do. 12 in. dia. brs. S. 27 E. 9 vrs. Thence S. +° W with the E line of said league at 1120 vrs. a post the S. E. of said league from which a post oak brs. N. 18 W. 15 vrs. do brs. N. 63 W. 5 vrs. Thence S. 86° W. with the S. line of said league at 900 vrs Dentons Creek at 1171 ½+ vrs a post for corner. Thence N. +. E. at 1120 vrs a post on the S line of N°+. from which a post oak 16 in dia brs N. 31° E. 5 2/10 vrs do. 12. in. dia. brs S. 61° E. 11 vrs. Thence N. 86° E. at 1120 vrs to the beginning

7. The seventh division of this part contains two hundred and thirty

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two and one half acres and was allotted to the heirs of Martha E. Davidson viz: Alice Smith, Andrew M and Martha B. Davidson children of Martha E Davidson deceased, and her grand children Margaret Campbell now (married) married to Emanuel White, Thomas and Edward Hill children of Margaret Hill and William Hill dec'd of Almeda Hill, which allottment is described as follows: Beginning at a post the north West corner of Block number six set apart to the heirs of Joel A. Burditt, a post oak 16 in. dia. brs N. 31 E. 5 vrs & do 12 in dia brs S. 61° E. 11 vrs. Thence S. 4° W with the W. line of N° 6 at 1120 vs a post the S.W. corner of N° 6. Thence S. 86° E with the S line of said Survey at 1171 1/4 vs a post for corner. Thence N. 4° E. at 1120 vs. a post on the S line of N° 3 from which a Post oak 14 in. dia brs S. 57 E. 30 vs. do 14 in dia. brs. S. 57 E. 34 vs. Thence N 86° E. at 1171 1/4. to the beginning

8. The eighth division of this part contains two hundred and thirty two and one half acres, and was allotted to Henry Newton Burditt a son of Jesse Burditt deceased and is as follows: Beginning at a post the North West corner of block N° 7 allotted to the heirs of Martha E. Davison from which a post oak 14 in. dia brs S. 57° E. 31 vs. do. 14 in. dia. brs S. 57° E 34 vs. Thence S. 4° W with the W. line of N° 7 at 1120 vs a post the S. W. corner of Block N° 7. Thence S. 86 W. with the S line of said league at — 1171 1/4 vs a post for corner. Thence N. 4° E. at 1120 vs a post on the S line of N° 2 from which two Hackberrys 8 in dia bear S. 4° E. 55 vs. Thence N. 86° E. at 1171 1/4 vs to the beginning

9 The ninth division of this part contains two hundred and thirty two and one half acres and was set apart to the heirs of Jesse F. Burditt as his daughter Mary who intermarried with David H. Bradley and his sons Reuben and Whitfield — which is described as follows. Beginning at a post the North West corner of Block N° 8 allotted to Henry Newton Burditt, from which 2 Hackberries 8 in dia br. S. 4° E. 55 vs. Thence S. 4° W with the W. line of N° 8 at 1120 vs a post the S. W. corner of N° 8. Thence S. 86 W. with the S line of said league at 1171 1/4 vs a post the S W. corner of said League survey from which a grove of persimmons bear S. 89 W 70 vs. Thence N. 4° E. with the W. line of original survey at 1120 vs a post the S W corner of Block N° 1. from which 2 Locust trees 12 in dia. bear N. 4° E. 52 vs. Thence N. 86 E. at 1171 1/4 vs to the beginning

And thereupon the said Commissioners proceeded to divide the above portion of the said J. Barbo tract into eight equal parts in value among the following persons, as provided in the former decree of this Court.

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1. The first division of this part contains two hundred and fifty acres and was allotted to Giles H. Burdett as a son of Jesse Burdett and which is described as follows: Beginning at a post on the E line of said league and 2377 vs N + E from the S. E corner of the same and N. E. corner of No 5 a post oak 18 in. dia. brs N. 68½ E. 17 vs. do. 18 in. dia brs S. 9 W. 6 7/10 vs. Thence N. + E. at 1210½ vs a post & pick ory 10 in dia. brs S. 71 E. 44 vs a post oak 12 in. dia brs N. 31 E. 10 vs. Thence S. 86 W at 1166 vs a post from which a Post Oak 6 in dia. brs S. 30 W. + 7/10 vs. do 8 in dia brs N. 89 W. 5 7/10 vs. Thence S. + W at 1210½ vs a post on divisional line of said league. Thence N. 86° E. with said line at 1166 vs to the beginning

2. The second division of this part contains two hundred and fifty acres and was allotted to Josephine Binford wife right of her mother who was a daughter of Jesse Burdett, and which is described as follows: Beginning at the North West corner of Block No 1 next above made for Giles H. Burdett, from which a post oak 6 in dia. brs S. 30 W + 7/10 vs. do. 8 in dia brs. N. 89 W. 5 7/10 vs. Thence S + W with the W line of No 1 at 1210½ vs a post on divisional line of said league the S. W. corner of No 1. Thence S. 86 W with said line at 1166 vs a post in prairie for corner. Thence N + E at 1210½ vs a post on the N side of a branch from which a post oak 20 in dia. brs S. 65 E 16 vs a black jack 12 in. diam brs. N. 70 W. 33 7/10. Thence N. 86° E. at 1166 vs to the beginning

3. The third division of this part contains two hundred and fifty acres and was allotted to Henry Newton Burdett aforesaid and begins at a post the North West corner of No 2 above allotted to Josephine Bueford, from which a post oak 20 in. diam. brs S. 65 E 16 vs a black jack 12 in. dia. brs N 70 W. 33 7/10 vs. Thence S + W with the W line of No 2 at 20 vs a branch 2 vs wide course S W. at 1207½ vs a post on divisional line the S W corner of No 2. Thence S. 86° West 1166 vs a post for corner. Thence N + E. at 1210½ vs a post from which a post oak 10 in dia brs S. 50 W + 7/10 vs, do 20 in. dia brs S. 3 + W 20 7/10 vs. Thence N. 86 E. at 1166 vs to the place of beginning

4 The fourth division of this part contains two hundred and fifty five 8/10 acres and was allotted to the heirs of Newell W. Burdett a son of Jesse Burdett as aforesaid and which is described as follows. Beginning at a post the North West corner of No 3 next above allotted to Henry Newton Burdett, a post oak 10 in dia. brs S. 50 W + 7/10, do 20 in dia brs S. 3 + W 20 7/10 vs Thence S + W. with the W line of No 3 at 1210½ vs a post on divisional line of

said league the S.W. corner of N° 3. Thence S 86 W with said line at 1187 vs a post from which a pecan bears dia brs N 44 W 18 vs, do 4 in. dia brs N 49 W. 24 vs. Thence N. 4 E. with the W line of said league at 1198 varas a post the S W corner of a 320 acres Block N° 2. From which a post oak 16 in. diam brs. due E. 4 vs. do. 14 in dia. brs N 16 E. 14 vs. Thence N. 86° E. with the S line of said league 320 chs at 475 vs a post the S. E corner of the same, from which a post oak brs N 10 E. 40 vs. Thence N 4 E. with the E line of said N° 2. at 12½ vs a post from which a post oak 24 in dia brs N. 35½ vs 45 vs. do 12 in. dia. bears N. 47 W. 48 vs. Thence N 86 E. 712 vs to the beginning

5. The fifth division of this part contains three hundred and twenty seven acres and was set apart to Giles H. Burdett as assignee of William B. Burdett, the same being described as follows. Beginning 475 varas North 86° East from the North West corner of the Antonio Y Barbo survey and at the N E corner of a 320 acre block N° 2 from which a post oak 14 in dia brs S. 13 E 22 vs a live oak 10 in dia brs S. 53 E 19 vs. Thence S. 4 W with the E line of said 320 acre block at 1412½ vs a post the N W corner of N° 4 from which a post oak 24 in dia. brs N 35½ W 48 vs. do 12 in dia brs N 47 W 48 vs. Thence N 86 E. at 1308½ vs a post for corner on the N line of N° 3. Thence N 4 E at 1412½ vs a post on the N. line of said survey from which a P. O. 14 in dia. brs. S. 23° W 14 vs. do. 16 diam brs S. 39 W 16 vs. Thence S. 86 W at 1308½ vs to the place of beginning

6. The sixth division of this tract contains three hundred and twenty seven acres and was allotted to Giles H. Burdett as assignee of M C. Burdett, which survey is described as follows. Beginning at a post in the N. line of the Y Barbo survey the N. E corner of N° 5 above allotted to Giles H. Burdett as assignee of W. B. Burdett, from which a post oak 14 in. dia. brs S. 23 W. 14 vs do 16 diam. brs S 39 W. 16 vs Thence S. 4 W. with the E line of N° 5 at 1412½ vs a post for corner on the N line of N° 3. Thence N. 86 E at 1108½ vs a post for corner on the N line of N° 2. from which a P. O 40 dia. bears S. 84 W. 10 vs. do 13 diam brs. S. 51 W 25 vs Thence N. 4 E. at 1412½ vs a post on N line of said league from which a P. O 20 in dia. brs S. 86 W 5⅜ vs. do 16 in dia brs N 15 W 5 vs Thence S. 86 E. with said line at 1108½ vs to the beginning

7 The seventh division of this part contains two hundred and twenty seven acres one half acres and was allotted to the

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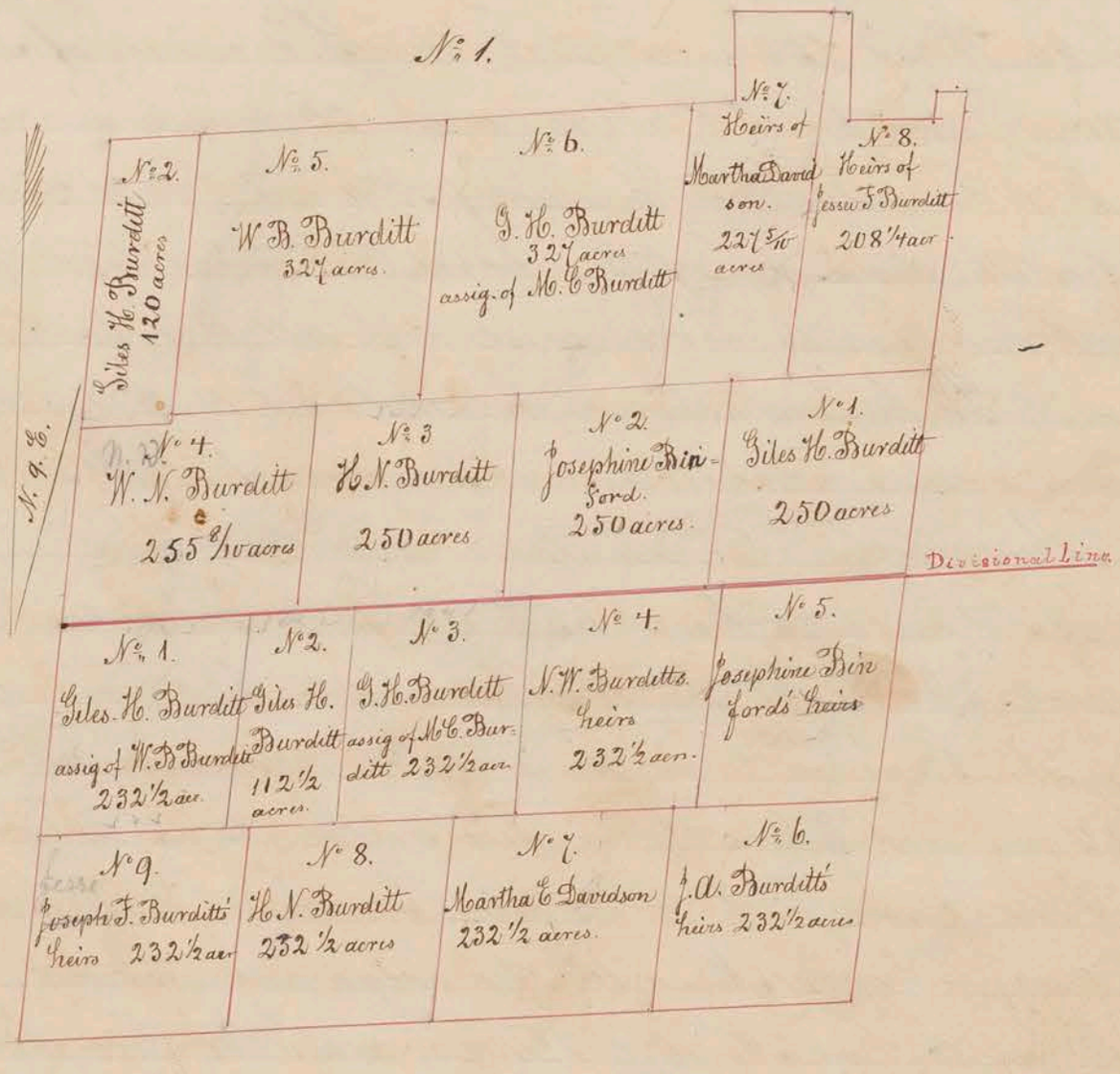
heirs of Martha E. Davidson as aforesaid and which is described as follows: Beginning at a post in the N. line of said J. Barbo tract at the N. E corner of N°6. allotted to Giles H. Burdett, as = signee of M. C. Burdett, from which a P. O. 20 in dia. brs S. 86. W. 5 9/10 vs do 16 in dia. brs N 11 W 5 vs. Thence N+E 208 vs a post, from which a P O. 18 in dia brs S. 8 W. 5 vs. do 12 in dia brs N. 35 E. 5 7/10 vs. Thence N. at 403 vs a Post a P O 12 in dia brs. N 62 W 7 1/2 vs. do 12 in dia brs S 80° E. 10 5/10 vs. Thence E. at 550 vs a post from which a P. O. 10 in. dia. brs N. 59° W 11 6/10 vs. do 8 in dia. brs N 63 E. 17 6/10 vs. Thence S+W. at 1820 1/2 vs a post on the N line of N°1. from a Black Jack 10 in dia. brs S+2 E 18 vs. Thence S 86 W at 758 vs a post the S E corner of N°6. from which a P. O. 40 in dia brs S 8+W 10 vs. do 30 in dia brs S. 51 W 25 vs. Thence N+E. with the E line of N°6 at 1+12 1/2 vs to the beginning & The eighth division of this tract contains two hundred and eight and one fourth acres and was allotted to the heirs of Jessie F Burdett as before named, which tract is described as follows: Beginning at a post the N. E. corner of block N°7 allotted to the heirs of Martha E. Davidson, a P O. 10 in dia. brs N. 39 W. 11 6/10 vs do 8 in dia brs N 63 E. 17 6/10 vs Thence E. at 65 vs a post from which a P. O. 10 in. dia brs N 42° W 26 vs. do 14 in dia brs N 33 W. 33 vs. Thence S. at 560 vs a post, a P. O 24 in dia brs N 11 W 12 vs. an Elm 12 in dia brs E. 2 vs. Thence East at 575 vs a post a Black Jack 14 in dia. brs S. 80° W. 9 vs. do 12 in dia brs S 20° W 3 vs. Thence N. with the original survey at 2360 vs a post a Black Jack brs N. 40 E 1 5/10 vs. an Elm brs S. 64 W. 14 vs. Thence N 86° E 192 vs a post, the N E corner of said league a P. O. brs N 78 W. 15 5/10 vs. a Hickory brs S. 30 W. 6 3/10 vs. Thence S. +° W. with the E line of said league. at 1+12 1/2 vs a post the N E corner of N°1. from which a Hickory 10 in dia brs S 71 E. 44 vs. a P O. 12 in dia. brs N 31 E. 10 vs. Thence S. 86 W. (a P O 40 vs) at 835 vs a post the S E corner of N°7. from which a P O. 14 in dia brs S 8+W 10 vs do 30 in dia brs S 51 W. 25 vs. Thence N+° E with the E line of N°7 at 1820 1/2 vs to the place of beginning. (See plat at the end of the decree)

—— It is thereupon ordered adjudged and decreed, that the par= titions and allotments made by the said Commissioners be and all things confirmed and that the parties respectively named as heirs of Jesse Burdett deceased do take in severalty their several allotments as made. It appearing that the Commissioners failed to report the value of the allottments made and of the portions of said land

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which is supposed not to conflict with other claimants and which was allotted to all of said heirs except the children of Joel A Burditt — it is ordered that they do proceed to make a supplemental report of the value of said shares as allotted. — It is further ordered that this decree and the decree for partition of February term 1876 in this case be recorded in the County Records of VanZandt County and that the cost of this proceeding and the proper expenses of procuring this partition as well as the costs copying and recording said decrees be paid by Giles H. Burditt Commissioner out of any funds in his hands belonging to the Estate of Jesse Burditt

No. 1.



3627. Louis F. Cook et al vs. Joseph Lee et al. In District Court December 26th 1876. And now comes on to be heard the application of F. B. Wheeler attorney of record in said cause petitioning for the payment to said Wheeler of one third of the amount adjudged to Virginia Bennett and Louis Bennett in this cause December 6th 1875 as heirs of Cora K. Rice (formerly Cora K Cook) and said application being based upon the sworn petition of said Wheeler and a contract between said Cora K and Wheeler, by which it appeared to the Court that said Wheeler is the owner by assignment of one third of the recovery in behalf of the interest of said Cora K. — It is therefore considered by the Court that E. Hallmann, District Clerk, pay over to said F. B. Wheeler one third of the amount adjudged to Virginia and Louis Bennett less the amount paid W. A. H. Miller special guardian in said cause, to wit:

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the sum of one hundred and forty one 66/100 dollars upon his, this said Wheeler giving bond with approved surety for the repayment of said sum with eight per cent per annum interest from the date and cost of recovery in case it shall be judicially determined that said money has been improperly paid to him.

4589 A J Walker vs: Mary W Moore Administratrix. Come now the parties by their Attorneys, whereupon agreement of parties it is ordered, that this suit be dismissed and that Defendant pay all costs in this behalf expended for which execution may issue

4723. R E. Burnham vs B. McOdom Upon motion of Plaintiffs atty. it is ordered that this suit be dismissed and that Plff. and his securities on his Cost bond pay all costs in this behalf expended for which execution may issue.

4736 State of Texas vs: George Douglas Decd. 4th 1876. Continued generally.

Whereupon the court adjourned until the 28th December 1876.

December 28th 1876.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4799 W. A. Ryan vs. Jno S. McEuen & wife. Continued.

4130 F. V. Davis vs. Horace Rowe et als. And now at this day came the parties to the above cause both plaintiffs and defendants and announce themselves ready for trial, and by consent submitted the case both on the law and the facts to the court and thereupon after due consideration it is adjudged & decreed by the court, that the demurrer of the Defendants be overruled, and having considered the evidence and the pleadings, and it appearing to the court, that on the whole case the law is with the defendants, therefore it is adjudged that the plaintiffs take nothing by their suit and that their petition be dismissed, and the Defendants go hence without day and have and recover of the said Plaintiffs all costs in this behalf expended, for which execution may issue; and thereupon the plaintiffs in open court give notice of appeal to our Supreme Court. —

Gen. continuance And now it is ordered by the court that all cases, not otherwise disposed of be and the same are hereby continued.

The following account has been by the court examined and found correct, to wit:

W. T. Davis – Bailiff of the Grand jury	—	13 days.	
H. G. Lee	"	"	— 13 days
Jas. Laird	"	" Court	26 days
V. W. Lively	.	. .	26 days

The foregoing minutes having been read in open court examined and found correct, It is ordered that they stand as a part of the minutes of the present term of this court, and that this court do now stand adjourned until its next regular term.

E B Turner

Judge 16th Judicial District.

4828. Bethel Coopwood and A. C. Carothers vs. William Alexander. In chambers this case coming on to be heard by consent of parties on hearing the admissions on file among the pleadings in this cause and the waivers as to the formal mode of taking evidence of the death of certain parties and of the Heirship of others — It appears that the trust was created and accepted as avered in plaintiffs petition, and that the plaintiffs are justly entitled the benefits of such trust and that by the terms thereof the defendant is invested with an interest of One half of all the Estate in which such trust was created, and that the defendant has already realized the sum of $360 = cash and hold a cash order for $40= in addition thereto, the one half thereof belongs to the petitioners — It is therefore ordered that defendant William Alexander pay over to the clerk of the District Court of Travis County the sum of $180 — and when the said order for $40 shall be paid or the amount thereof realized that the one half thereof be also paid over to the clerk of said court, the said clerk to deliver to the said Alexander his receipt therefor showing that the same was by him received in this cause and by virtue of this order and will also make out and file in the papers of this suit a duplicate receipt in blank .— And the said clerk will after he shall have so received said funds pay over to the plaintiffs herein or to their duly authorized agents or attorneys the said moneys so received from said Alexander upon the costs of this suit being duly paid or arranged, on taking from them receipt therefor, and further ordered that this cause stand continued until the further order of the Court herein. Done March 17th 1877.

Judge 16th District.

April 16th 1877.

State of Texas } County of Travis } Be it remembered that at a term of the Hon. District Court of Travis County begun and holden at the Court house thereof in the City of Austin on the 16th day of April A. D. 1877, it being the 15th Monday after the first Monday in January of said year, present the Hon. E. B. Turner Judge of the 16th Judicial District of the State of Texas presiding, E. Hallmann clerk of the District Court of said County and Dennis Corwin Sheriff of said County, Whereupon the following proceedings were had to wit:

Grand Jury And thereupon the Court ordered the Sheriff to call the names of those appearing upon the regular venire for the Grand Jury selected to serve at the present term of this Court, and of those so appearing to have been regularly selected and summoned the following named twelve persons were selected to serve as the Grand Jury of Travis County at the present term of this Court. to wit: 1. James W. Berry, 2. R. S. Caperton, 3 J. J. McChristian, 4 R. L. King, 5th J. C. Wilson, ~~6 W. L. Young~~ 6) Robert Kerr, 7 Jno Dillingham, 8th Thos Van, 9th P. S. Gardner, 10th Ben Hennicks, 11th Reuben Hornsby, 12th W. B. Smith. And thereupon the abovenamed persons were legally tried, empannelled and sworn as the Grand Jury of Travis County for and during the present term of the District Court of Travis County and J. C. Wilson was appointed foreman of said Grand Jury. And thereupon said Grand Jury, after being duly charged by the Court as to the duties devolving upon them, were ordered to retire upon the discharge of the same.

Criminal Docket And thereupon it was ordered by the Court that the criminal docket be set for hearing for the fourth Monday of this term.

Jury Commissioners And thereupon the following named persons were by the Court appointed to serve as Jury Commissioners for the present term of this Court, and the same, ~~were~~, after being by the Court duly tried and sworn and charged as to their duties, were ordered to retire upon the discharge of the same.

4246. H. G. Burland Guardt. vs. Carlo Cunio, S. P. Phillips Intervenor. It was ordered by the Court that S. Davis have leave to file a petition of intervention in this case.

4506 Joel N. Combs et al. vs. J. H. Dinkins et al. Upon motion of Plff's Atty it was ordered that Plff. have leave to amend.

4808 S. Lockwood vs. Charles W. Lucas. Upon motion of Plff's Atty it was ordered that Plff have leave to amend his petition

4832 D. V. Spring vs. J. Eisenach & wife. Upon motion of Plff's Atty it was ordered that Plff have leave to amend.

4899 S. D. Ferry vs. R. A. Rutherford et als. Upon motion of Plff's Attys. it is ordered that this case be dismissed, the costs having been paid.

4946 Robert Masterson vs. Thomas McCormick & Columbus Boatman. Upon motion of Plff's Atty it is ordered, that Plff have leave to amend his pleadings

April 17th 1877

And thereupon Court adjourned till to morrow morning 9 A. M.

April 17th 1877.

Court met at 9 A. M pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

2955 Abby Thompson Admx et al. vs. A. H. Barnes & W. Merrill. Continued.

2957 Abby Thompson Admx et al vs R. A. Rutherford. Continued.

2958 Abby Thompson Admx et al. vs. George Saunders Continued.

2960 Abby Thomps Admx et al vs. H. L. Raven. Continued.

3814 John A. Burditt et al. vs. W. L. Burditt et al. Upon motion of Plff's Attorney it is ordered that Plaintiff have leave to amend.

3815 J. A. Burditt et al. vs. John A. Green. Upon motion of Plff's Attorney it is ordered that Plaintiff have leave to amend.

4249 E. L. Compton vs. Shadrick Cayce et al. Upon motion of Plffs Attorney it is ordered that Plaintiff have leave to amend.

4499 Geo. B. Zimpelman et al. vs. W. B. Frazer. The death of W. W. Buggs one of the Plffs, being suggested to the Court, it is ordered by the Court that his representatives be made parties Plffs to this suit.

4501 Geo. B. Zimpelman et al. vs. John Ross. The death of W. W. Buggs, one of the Plaintiffs, being suggested to the Court, it was ordered upon motion of Plffs Attorney, that the representatives of the said W. W. Buggs dec'd be made parties Plffs. to this suit.

4501. Geo B. Zimpelman et al. vs. William Ross. The death of W. W. Buggs one of the plaintiffs being suggested it is upon motion ordered that his representatives be made parties plaintiff to this suit.

4502 Geo. B. Zimpelman et al vs. B. V. Jones. The death of W. W. Buggs one of the plaintiffs being suggested it is ordered that his representatives be made parties plaintiff to this suit.

4503 Geo. B. Zimpelman vs. Mary a Fred Saffman. The death of W. W. Buggs one of the plaintiffs. being suggested it is upon motion ordered that ~~fots~~ his representatives be made parties plaintiff to this suit.

4504 Geo. B. Zimpelman vs. Thomas Rob et al. The death of W. W. Buggs one of the plaintiffs being suggested, it is upon motion ordered that his representatives be made parties plaintiff to this suit.

4246 H. G. Burland Guard vs. Carlo Cunio et al. C. P. Philips & J. Davis Guarnishee. Upon motion of Plff's Attorney it is ordered that Plff. have leave to amend.

4869 Susie M. Townsend et al. vs. A. L. Townsend. (The Defendants James W. & Palmer G. Townsend being minors, it is ordered that R. A. Smith Esq. be appointed guardian at litem for said minor defendants, and that the said Guardian be required to enter into bond & security for the faithful perfor-

April 17th 1877.

mance of his duties as such guardian in the sum of five hundred dollars.
And thereupon Court adjourned till to morrow at 9 o'clock A. M.

April 18th 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4246 P. G. Burland Guard vs. Carlo Cunio et al. Phelps & Davis Enter's. Upon motion of Pffs Attorney, it is ordered that Pff. have leave to amend the pleadings.

Defaulting juror. It appearing to the court that August Weilbacher, a juryman empannelled on the regular venire for this week, is absent from the Court house without leave of the Court, it is ordered by the Court that the said August Weilbacher be fined (in 5 dlrs) five dollars, and that the State of Texas do have and recover of and from the said August Weilbacher the said sum of five dollars.

4881 The State of Texas vs. F. M. Hall et al. Continued for service.

4882 The State of Texas vs. John A. Biffle et als. Continued as on affidavits of defendants.

4889 The State of Texas vs. Charles Saur et als. Continued as upon affidavits of defendants.

4900 The State of Texas vs. B. Brown et als. Continued for service.

4913 The State of Texas vs. Charles Saur et als. Continued as on affidavits of defendants.

3315 Joel A. Burditt et als vs John A. Green & Catherine Horan. And now at this day came the parties to said cause, and the same being called for trial the plaintiffs and defendants announced themselves ready for trial, whereupon came on to be heard the defendants exceptions and demurrer to the plaintiffs petition and amended petitions, which were by the court overruled, to which ruling the defendants excepted, and thereupon came on to be heard the plaintiffs exceptions and demurrers to the the defendants answer and amended answers, which were by the court overruled, to which ruling the Plaintiffs excepted, and then came a jury of twelve good & lawful men of Travis County to wit W. D. Miller and eleven others who after being duly tried, empannelled and sworn and hearing the pleadings read, the evidence, argument of counsel and the charge of the court, retired to consider of their verdict and after due deliberation returned into Court the following verdict to wit: "We the jury find in favor the defendants against all the plaintiffs. W. D. Miller. Foreman". Wherefore it is ordered, considered, adjudged and decreed that said plaintiffs to wit: John A. Burditt, Giles G. Burditt, M. L. Dechard, formerly M. L. Burditt and her husband A. H. Dechard, Jane G. Davis formerly Jane G. Burditt and her husband W. J. Davis take nothing by their said suit and that said defendants to wit John A. Green

April 18th 1877.

and Catharine Horan (executor & executrix of the Estate of John Horan dec'd
go hence without day and have and recover of and from said plaintiffs
all their costs in this behalf expended for which let execution issue.
And thereupon Court adjourned till to morrow morning 9 o'clock A.M.

April 19th 1877

Court met according to adjournment. Present same as first day, where-
upon the following proceedings were had to wit.
And now on this day came into open Court the Grandjury of Travis County em-
pannelled at this term of this Court, and through their foreman A. C. Wilson
presented to the Court the following indictment to wit:

4829 An Indictment against R. J. Swancoat for Bigamy. And said Grand Jury
suggesting that there is further business before them, they were ordered to set-
ire upon the discharge of the same.

4246. H. C. Burland Guar^{t} vs. Carlo Cunio et al. - S. P. Phillips & G. Davis Intervenors. Upon
motion of Defendants Atty. it is ordered that Defendants have leave to file a general
denial to plea of intervenor.
And thereupon Court adjourned till to morrow 9 o'clock A. M.

April 20th 1877.

Court met pursuant to adjournment. Present same as first day. Where-
upon the following proceedings were had to wit:

4835 Loomis & Christian vs. Max Schneider. This day came the plaintiffs by their
(Exec. dock't. 5. page 13.) Attorneys, and the said defendant having failed to appear and answer in this
behalf, but wholly made default, wherefore the said Simon Loomis and Ed
Christian under the firm name of Loomis and Christian ought to recover against
the said Max Schneider their damages by occasion of the premises; and it appear-
ing to the court that the cause of action is liquidated and proved by an in-
strument of writing it is ordered that the clerk do assess the damages sustain-
ed by Plffs; and the said clerk now here having assessed the damages aforesaid
at the sum of Four hundred and thirty two 13/100 Dollars (& 432 13/100) Dollars, It is
therefore considered by the court that the said Plffs do have and recover of
said defendant the sum of four hundred & thirty two 13/100 (& 432 13/100) Coin Dollars
with interest thereon at the rate of two and one half (2½) per cent per month
together with ten per cent Attorneys fees upon the amount together with his
costs in this behalf expended, and that they have their execution. And it
further appearing to the court, that the note sued upon in this cause was
given to secure the purchase money of lumber and material furnished to build a house upon
Lot No. 32 Block No. 35 in the subdivision of division "D", City
of Austin, Travis County Texas, and that a mechanics lien has been prop-
erly fixed & secured upon said tract of land and said house and improve-

This judgment transferred for collection
to Travis County this 4th day of August 1881
Attest: H. C. Eccles, Clk
by Jno. Jones, Deputy

Travis Co. Tex. Aug 10th A.D. 1877 10 o'clock A.M. Filed for record

April 20th 1877.

ments; It is therefore considered by the Court that the mechanics lien upon said lot of land and improvements be and the same is hereby foreclosed: and that the clerk of this court do ipsue an order of sale, directed to the sheriff or any constable of Travis County commanding him to seize and sell the above described tract or lot of land and improvements thereon as under execution and that he apply the proceeds thereof to the payment and satisfaction of the said sum of four hundred and thirty two $\frac{13}{100}$ ($432 $\frac{13}{100}$) Dollars together with all interest that may be due thereon and ten per cent upon the amount as attorneys fees, and the costs of this suit and if the said lot and improvements thereon shall sell for more than sufficient to pay off and satisfy said sums of money then the said officer is hereby directed to pay over the excess to defendant, but if said lot and improvements shall not sell for enough to pay off and satisfy this judgment then the clerk of this court is directed to ipsue execution for the balance remaining unpaid. It is further ordered that execution issue for the use of the officers of this court against each party respectively for the costs by him in this behalf incurred.

Louis Post agrees to charge but 10% Int per cent per ann... on the amount of this judgment from this date. August 8th 1877

Louis Post

4916

C. F. Millett vs. Thomas Hancock jr. This day came the plaintiff by his attorney, and the said defendant having failed to appear and answer in this behalf, but wholly made default, wherefore the said C. F. Millett ought to recover of the said Thomas Hancock jr. his damages by occasion of the premises: and it appearing to the Court that the cause of action is liquidated and proved by an instrument of writing to wit: a promissory note, it is ordered that the clerk do assess the damages sustained by said plaintiff: and the said clerk, now here having assessed the said damages at the sum of three hundred sixty eight and $\frac{65}{100}$ ($368 $\frac{65}{100}$) dollars; It is therefore ordered and adjudged by the court that the said plaintiff do have and recover of the said defendant the said sum of $368 $\frac{65}{100}$ with interest thereon at the rate of twelve per cent per annum, together with all costs in this behalf expended. And it further appearing to the court that the said note was executed on the first day of October A. D. 1873, to secure to plaintiff money due to him for lumber and building material furnished by him to defendant to be used by him and which were so used by him in building and erecting a dwelling house and other improvements on lot (No 3) eight in Block Number sixty six (66) in the City of Austin Travis County Texas. And it further appearing to the court that said note has been recorded according to law, and that the mechanics lien laws has been complied with in every respect, and it further appearing to the court that the said note constitutes a mechanics lien on the aforesaid lots together with all of the improvements thereon to secure the prompt payment of the same, It is therefore ordered and decreed by the court that the mechanics lien as it existed upon the first day of October A. D. 1873 upon the aforesaid described property be and the same is hereby

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foreclosed, and that the clerk of this court do ipsue an order of sale, directed to the sheriff or any constable of Travis County, commanding him the said offeer to seize and sell the aforesaid property as under execution, and that he apply the proceeds of said sale to the satisfaction and payment of this judgment together with all interests that may be due thereon, and all costs of this suit but if the said property shall not sell for enough to pay off and satisfy this judgment, then the clerk of this court is directed to ipsue execution for the balance unpaid.

4946 (Exec. dock. 5 page 15.) Robert Masterson vs. Thomas Mc Cormick & Columbus Boatman. On this day this cause being called, & it appearing that the defendants have waived ipsuance and service of citation herein in writing and have acknowledged the justice of the claim of plaintiff as set out in the petition, and on this being default day and the parties not having answered, judgment was taken by default, and it further appearing to the court that the defendants Thomas Mc Cormick as principal and Columbus Boatman as endorser are indebted to plaintiff in the sum of four hundred and thirty nine & 50/100 dollars in coin, & that the note is part of the purchase money of the following tract of land to wit: "Being 100 acres of the J. C. Brooks survey in Travis County a part of 464 acres sold by Jas P. Neal to Mc Clain & Boatman & being a pasture field adjoining a field of said C. Boatman, beginning at the N. W. corner of Boatman's field about 637 yards from the N. W. corner of a 60 acres tract sold by said Neal to W. B. Mc Clain & from the said N. W. corner of Boatmans field Thence S. 60° E. 628 vrs with said Boatman's fence (the fence being a partition fence belonging one half to Boatman & one half to Mc Cormick) to a corner; Thence N. 30° E. to a small ravine; thence bearing more towards the north to a Live Oak with its top cut off; thence to a spanish oak on bank of big Walnut near the mouth of a branch and fronting Faulks house; thence up Walnut Creek to the line of the Brooks Survey, thence S. 60 W with the J. Brooks line to the beginning." Therefore it is considered, ordered & decreed by the court that the plaintiff Robert Masterson do have and recover of the said defendants (Mc Cormick as principal and Boardman as endorser) four hundred & thirty nine & 50/100 Dollars and costs of suit and interest on this judgment at ten per cent and that an order of sale do ipsue directing the Shariff of Travis County to sell as under execution the said land the proceeds thereof to be applied to the satisfaction of this judgment, and for any unsatisfied balance after such sale that execution may ipsue.

4945 (Judgment transferred to George Newton of St. Louis. See transfer on file with papers.) E. F. Millett vs. J. B. Weems. And now on this day came on to be heard the above entitled cause, and it appearing to the court that a judgment in said cause should be entered up by agreement between the parties plaintiff and defendant for the amount due upon the notes sued upon in said

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cause and also foreclosing the mechanics contractors and Builders lien upon a certain tract of land in Travis County Texas, and the improvements thereon situated and ten per cent attorneys fees being the same tract of land herein below described. And it further appearing to the court that this judgment shall bear interest at the rate of one and one half per cent per month from its rendition, according to said agreement. It is therefore ordered adjudged and decreed by the Court that the plaintiff, C. F. Willett do have and recover of and from said defendant, J. B. Weems the sum as follows to wit: Three hundred and seven $\frac{81}{100}$ gold dollars principal debt and interest to date, with interest thereon from date at the rate of one and one half per month; One hundred and twelve $\frac{93}{100}$ coin dollars principal and interest to date with interest thereon at one and one half per cent per month, and one hundred and seventy nine $\frac{35}{100}$ currency dollars, principal and interest to date, with interest thereon at the rate of one and one half per cent per month, and also for the further sum of Sixty dollars attorneys fees as stipulated in the notes sued upon herein and for all costs of suit for all of which execution may issue. - And it is further ordered adjudged and decreed by the court that the mechanics, contractors and builders lien be, and the same is hereby foreclosed upon the following described tract of land and the improvements situated thereon, to wit: "Lying and being situated in Travis County Texas out of the Santiago del Valle grant. Beginning at the North corner of a tract of land sold to Geo Sampson by W. T. Davis, a live Oak six inches in dia bears S. 33 1/3° W. 28 varas dist. Thence N. 57° 48 M West 210 varas to a stake. Thence S. 26° W 404 varas, Black Jack 3 in dia bears N. 60° W 1/2 varas, P O 18 in dia brs S. 84 1/2 E. 7 1/2 varas dist. Thence S. 56 1/4° E. 135 varas to a hickory 11 in dia blazed on 3 sides. Thence N 35° & 40 M E. 408 varas to the place of beginning - containing 12 1/3 acres of land more or less, - And that a order of sale issue to the sheriff of Travis County Texas, commanding him to advertize and sell said tract of land and improvements to satisfy this judgment, interest, attorneys fees and costs, and if anything shall remain after said satisfaction the same is to be paid over to the defendant, J. B. Weems and that in case the same shall be sold under said order of sale, then the clerk of this court shall issue a writ of possession to the said Sheriff commanding him to place the purchaser of said tract of land in possession thereof, dispossessing said defendant of the same. Said sale to take place under said order of sale as under execution. That the issuance of said order of sale be stayed until the first day of January 1878. according to said agreement.

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J. Harrell vs. L. P. Young. This day came the plaintiff, by his attorney, and the said defendant having failed to appear and answer in this behalf, but wholly made default, wherefore the said J. Harrel ought to recover against

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the said S. P. Young his damages by occasion of the premises; and it appearing to the court that the cause of action is liquidated and proved by an instrument of writing, to wit a promissory note it is ordered that the clerk do assess the damages sustained by said plaintiff; and the said clerk now here having assessed the damages aforesaid at the sum of ($140^{65}) One hundred and forty dollars & sixty five cents; It is therefore considered by the court that said plaintiff do have and recover of the said defendant the aforesaid sum of ($140^{65}) One hundred and forty dollars & sixty five cents in coin with interest thereon at the rate of ten per cent per annum. And it further appearing that the said note was executed on the seventeenth day of January 1876 to secure the payment of a part of the purchase money for the following described tract of land, to wit: Lying and being situated in Travis County State of Texas, on the west side of the Colorado river and on the waters of the Perdinales river - all that portion of the survey in the name of the heirs of John Moat dec'd - lying and being situated east of the Perdinales river, supposed to be 300 acres more or less - out of the third league survey in the name of the heirs of John Moat dec'd, which is more fully shown by reference to the recorded patent No 106. It is therefore ordered, adjudged and decreed by the court, that the vendors lien as it existed on the 17th day of January 1876 upon the above described tract of land, be and the same is hereby foreclosed and that the clerk of this court do issue an order of sale directed to the Sheriff or any constable of Travis County, commanding him, the said officer to seize and sell the above described tract of land as under execution, and that he apply the proceeds thereof to the payment and satisfaction of the said sum of ($140^{65}/$_{100}$) One hundred and forty ^{65}/$_{100}$ Dollars together with all interest that may be due thereon, and the costs of this suit. And if the said land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay over the excess to the defendant; but if the said land shall not sell for enough to pay off and satisfy this judgment, then the clerk of this court is directed to issue execution for the balance remaining unpaid.

4892 The State of Texas vs. T. B. James et als. Continued by the defendants

4893 The State of Texas vs. T. B. James et als. Continued by the defendants.

4246 H. G. Burland Guard et als vs. Carlo Cunio et als. And now on this day came all the parties to this cause, plaintiffs, defendants and intervenors, by their respective attorneys and also the minor defendants by their special guardian and announce themselves ready for trial and thereupon came a jury of twelve good and lawful men of Travis County consisting of Reuben W. Ford foreman and eleven others, (duly elected tried empannelled & sworn) who after hearing the allegations of the respective parties the evidence adduced in support thereof and the argument of counsel retired under the instructions of the court to consider of their ver-

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dict, and after deliberation returned into court the following verdict to wit: "We the jury find in favor of the plaintiffs 4/5 of the property in controversy known as Lots No. 1, 2, 3, & 4 in Block No. 25 in the City of Austin — The remaining 1/5 we find in favor of the defendant as a homestead as against the intervenors. Reuben W. Ford foreman" — And the minor Rosa Cordana, as whose guardian this action ~~this action~~ was brought by H. G. Buckand, having intermarried since the institution of this suit with one Joseph Orlasinas, who has made himself a party plaintiff herein and the minor defendants, John Cordana, Caroline Conic and John Conic by the adoption of the allegations in the original petition of the plaintiff herein have made themselves plaintiffs in this suit as against defendant Carlo Conic and the intervenors Phillips & Davis, and between which minor defendants and the said Rosa Orlasinas (formerly Rosa Cordana) there is no conflict of interest, and because in response to the charge of the court the jury have found four fifths (4/5) of the property in controversy for the said Rosa Orlasinas, John Cordana, Caroline Conic and John Conic as the plaintiffs herein and the other one fifth (1/5) of said property the said jury have found in favor of defendant Carlo Conic as against the said plaintiff and intervenors E. P. Phillips and J. Davis: It is therefore ordered adjudged and decreed by the court that the said intervenors E. P. Phillips and J. Davis take nothing by this suit, that the deeds under which they respectively assert title to the property in controversy be set aside cancelled and annulled and that they each pay all the costs incurred in this suit by reason of their respective interventions in this suit; and it is further ordered that said Phillips and Davis be perpetually enjoined and restrained from hereafter asserting any right or title to the property in controversy under and by virtue of their said respective deeds: And it is further ordered adjudged and decreed by the court that said Rosa Orlasinas, John Cordana, Caroline Conic and John Conic do have and recover of and from the defendant Carlo Conic four fifths (4/5) undivided in and to Lots Nos one (1) two (2) three (3) and four (4) in Block Number (25) twenty five situated in the city of Austin in Travis County Texas and that they be subrogated to the rights of said Carlo Conic under and by virtue of the deed to said lots from W. T. Patterson to the said Carlo Conic dated 4th day of May 1872 to the extent of four fifths interest undivided in said Lots: and it is further adjudged and decreed by the court that an interest of four fifths (4/5) undivided in and to said Lots be divested out the said Carlo Conic and vested completely in the said Rosa Orlasinas, John Cordana, Caroline Conic and John Conic in right of their deceased mother Mary Conic and that the remaining one fifth (1/5) of said lots in controversy be divested out of all the other parties to this suit and ves-

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ted in said defendant Carlo Cenio.— And it is further ordered and adjudged by the court that the defendant Carlo Cenio pay all the costs of this suit for which execution shall issue except that part of the costs which is adjudged herein against the intervenors E. P. Phillips and I. Davis.— And it is further ordered and adjudged by the court that John B. Cestow and Joseph Spence and Phineas De Cordova be and they are hereby appointed commissioners to partition and divide said lots Nos 1, 2, 3, and 4 in Block No 25 in the said City of Austin and the improvements thereon between the said Rosa Velasinas, John Cordanes, Caroline Cenio, John Cenio and the said defendant Carlo Cenio in accordance with the rights of the parties as determined by this decree in making which partition and division said commissioners will have due regard to quantity quality and value of said lots and the improvements thereon and that said commissioners be notified of their appointment and that they act and report without delay at the present term of this court, and it is further ordered and adjudged by the court that in making said partition and division said commissioners shall set apart to defendant Carlo Cenio said one fifth of the property herein decreed to him so as to include the dwelling house claimed to be used by him as a homestead if that be practicable without manifest injury to the other parties at interest in said property.

Jury service 1st week. It appearing to the court that the following named persons have served the number of days set opposite their names as petit jurors during the first week of this term of court, to wit: Peter Brattan 5 days, B. C. Wells 5 days, J. M. Caldwell 5 days, D. F. Waddle 5 days, W. D. Miller 5 days, Jas Hickey 5 days, Frank Heffington 5 days, August Weilbacher 5 days, Lee Blocker 5 days, R. W. Ford 5 days, Jno. F. Washington 5 days, Percy Pollingsworth 5 days, A. C. Overton 5 days, Jas Doxey 5 days; Ben Walker 5 days; Jas McCullough 5 days; Thos J. Pitt 5 days; R. L. Bacon 2 days, L. B. Ashby 5 days; H. A. Haralson 5 days; Wilson McNeill 5 days; L. V. Jones 5 days, Wm Alexander 5 days, R. W. Riley 5 days; Jno McDonald 3 days; John Dougherty 3 days, E. L. Berry 3 days; J. M. Jones 3 days; Ernst Krebs 3 days, C. K. Miller 2 days; It it therefore ordered that the clerk of this court do issue a certificate to each of said jurors showing the number of days of such service.

Venire facias. And thereupon it was ordered by the court that the clerk of this court issue a venire facias commanding the sheriff of Travis County to summon (24) twenty four good & lawful men of Travis County to appear before this court on the 23rd day inst. then & there to serve as petit jurors during the second week of the present term of this court.

And thereupon court adjourned till Monday morning the 23rd day of this month 9 o'clock.

April 23rd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

The court having been informed by the foreman of the Grand jury that witnesses have appeared before said Grand jury to testify against Bingham Trigg the County Attorney for violations of the penal laws of the State, - the Court appoints David Rheeks, an attorney of this court, to prosecute said matter against said Trigg, and for that purpose said Rheeks is authorized to go before said jury and prepare such indictments as may be found and do such other things as may be necessary in prosecuting the same to final judgment against said Trigg.

4596 Nannie Taylor vs. Hellman & Gans. Upon motion of defendants attorneys it is ordered that defendants have leave to amend and to make by proper process J. W. Taylor a party to this suit, the said J. W. Taylor being the husband of the plaintiff herein.

4720 Helena Bernhard et al. vs. Andrew J. Glasscock et al. Upon motion of defendants ~~attorneys~~ is ~~were~~ ordered that the defendants have leave to amend.

4825 John Greenworth vs. J. S. Able & H. C. Goodrich. It appearing to the Court by an instrument of writing, duly authenticated and on file in this cause, that the matters in controversy herein have been compromised between the plaintiff John Greenworth & the defendant H. C. Goodrich, it is ordered that this cause be dismissed, the costs having been paid.

And thereupon Court adjourned till to morrow 9 o'clock A. M.

April 24th 1877.

Court met according to adjournment. Present same as first day. - Whereupon the following proceedings were had, to wit:

4947 Watkins V. Mays & Mary F. Mays vs. George W. G. Brown. On this day came the plaintiffs by their attorney, and the defendant, although duly called and bound to appear, failed to appear and answer but made default; and it appearing to the court that the plaintiffs are the holders and owners of a certain note made and executed by defendant to one Hugh L. Eanes, said note being dated Sept 24th 1875 for the sum of six hundred currency dollars due twelve months after date and bearing twelve per cent interest from date until paid and expressing on its face that the same was executed by defendant as a part of the purchase money for a certain lot or parcel of land and described in said note as follows; "The South half of the North East quarter of Block No 69 in Division E., in the City of Austin", the same being in the County of Travis, State of Texas; and the plaintiffs in their petition herein filed having among other things prayed for judgment and a foreclosure of said lien upon

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said note; - Therefore it is ordered, adjudged and decreed by the court that the plaintiffs do have a recover of defendant the sum of Seven hundred and fourteen dollars, as in said petition asked, together with ten per centum interest on said judgment herein rendered, from the date of said judgment until the 29th day of September next, 1877 together with all costs that have accrued or may accrue hereafter in this behalf up to and inclusive of the said 29th day of September next, or until this judgment is fully satisfied, provided such satisfaction be made prior to said 29th day of September next. And in case of failure to satisfy said decree and judgment herein rendered prior to the said 29th day of September next, then and in that event the Sheriff of said County of Travis, shall proceed to sell said described property to the highest bidder in Front of the Court house of said County between the hours of (10) ten A. M and (2) two o'clock P. M. on the said 29th day of September next, and the said Sheriff shall make and execute to the purchaser or purchasers at such sale such deed or deeds as will fully convey any and all right title interest & claim of the said defendant in & to the said described property. The money so realized at said sale, shall first be applied to the payment of all costs that may then be due in this behalf, second to the payment of the judgment & interest as before mentioned, to the plaintiffs herein or their assignees; and in case there be a surplus yet remaining in the hands of the Sheriff of said money so realized, the same shall be paid over to the said defendant.

4951 The State of Texas on the relation of & c. vs. Bingham Trigg County Attorney. On motion of Reff, Atty, it is ordered by the court that the defendant Bingham Trigg be and he is hereby required to show cause, if any he have, why this cause should not be tried and disposed of to morrow morning the 25th inst.

Grand jury. And now on this day came into open court the Grand Jury of Travis County empannelled at the present term of this court, and through their foreman J. C. Wilson presented to the court the following indictments to wit:

4830. An Indictment against Bingham Trigg for immoderate use of spirituous liquors while a County officer.

4831. An Indictment against Bingham Trigg for immoderately using spirituous liquors while a County officer

4832 An Indictment against Bingham Trigg for immoderately using spirituous liquors while a County Officer

4833 An Indictment against Bingham Trigg for immoderate use of spirituous liquors while a County officer.

4834 An Indictment against Mariah Hudson for assault to kill & murder

4835 An Indictment against Mariah Hudson for assault to kill and murder

4836 An Indictment against Tom Taylor for Burglary.

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4837 An Indictment against R. Dixon for malicious mischief.

4838 An Indictment against R. Dixon for carrying deadly weapons.

And said Grand Jury suggesting that there is further business before them, they were ordered to retire upon the discharge of the same.

4177 Cora E. Shephard a husband vs. John H. Conner. It is ordered by the court that John H. Conner have leave to intervene in this cause.

4878 (Excel. dock 5 page 14.) H. C. Barber vs. H. C. Bowman & Caroline E. Bowman. This day came the plaintiffs by their attorney, and the said defendant, having been duly summoned to appear before this court and answer in this behalf, failed to appear and answer but wholly made default, wherefore the said H. C. Barber ought to recover against the said H. C. Bowman and Caroline E. Bowman his damages by occession of the premises, and it appearing to the court that the cause of action is liquidated and proved by an instrument of writing to wit: a promissory note, dated December 20th 1875; it is ordered that the clerk do assess the damages sustained by said plaintiff; and the said clerk now here present having assessed the damages aforesaid at the sum of ($261.30) two hundred and sixty one 30/100 Currency dollars, it is therefore ordered and adjudged by the court that the plaintiff do have and recover of the said defendants the sum of ($261.30) two hundred and sixty one 30/100 dollars with interest thereon at the rate of twelve per cent per annum from date until paid, together with all costs in this behalf expended. And it appearing to the court that said note was executed on the 20th day of December A.D. 1875 to secure a part of the purchase money for the following tract of land, to wit: Lot No 6 Block No 3 of subdivission of Outlots No (18) eighteen in Division "D" of Outlots adjoining the City of Austin Travis County Texas, it is therefore ordered, adjudged and decreed by the court, that the vendors lien, as it existed upon the 20th day of December A.D. 1877 upon the aforesaid tract of land, be and the same is hereby foreclosed, and that the clerk of this court do issue an order of sale, directed to the sheriff or any constable of Travis County, commanding him the said officer to seize and sell the above described tract of land as under execution and that he apply the proceeds thereof to the payment and satisfaction of said sum of ($261.30) two hundred and sixty one 30/100 together with all interest that may be due thereon, and all costs of this suit. And if the said land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay over the excess to the defendant; but if the said land shall not sell for enough to pay off and satisfy this judgment, then the clerk of this court is directed to issue execution for the balance remaining

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4464 Alfred Smyth vs. J. K. Warren al. Dick-Warren. Continued.

4473 W. C. Hamilton vs. Geo. W. Glasscock et al. Upon motion of Plff. Atty. it is ordered that plaintiff have leave to amend.

4508 W. E. Risher & wife vs. Gustave M. Brass & wife. Upon motion it is ordered that Defendants have leave to amend.

4931. W. T. & L. C. Anderson vs. American Central Insurance Company of St. Louis. Upon motion of Defts Attorney it is ordered that Defts. have leave to amend.

And Court adjourned till to morrow 9 o'clock A. M.

April 25th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4473 W. C. Hamilton vs Geo. W. Glasscock et al. Upon the motion of Defts Attorney it is ordered that the Defts have leave to amend.—

4499 Geo. B. Zimpelman et al. vs. W. B. Fraser. Continued to make parties.

4500 Geo B. Zimpelman et al vs. John Ross. Continued to make parties.

4501 Geo. B. Zimpelman et al vs. William Ross. Continued to make parties

4502 Geo. B. Zimpelman et al vs. E. V. Jones. Continued to make parties.

4503 Geo. B. Zimpelman et al vs. Mary & Fred Saysman. Cont. to make parties.

4504 Geo. B. Zimpelman et al vs. Thomas Robb et al Continued to make parties.

4814. Elizabeth H. Grant vs. Robert Grant. And now on this day this cause coming on to be heard came the plaintiff Elizabeth H. Grant in person and by attorney and announced ready for trial, and the defendant Robert Grant, though duly cited to appear and answer herein, came not but wholly made default; and no jury being demanded. the court proceeded to hear the pleadings, evidence and argument, and the court being of the opinion that the allegations in plaintiffs petition are sustained by the proof introduced in this cause; It is ordered, adjudged and decreed by the court, that the plaintiff Elizabeth H. Grant be and she is hereby divorced from the defendant Robert Grant, and that the bonds of matrimony heretofore existing between the said plaintiff and defendant be and the same are hereby forever dissolved and annulled. And it is further ordered that the plaintiff do have and recover of and from the defendant all costs in this behalf expended, for which execution may issue.

4506 Joel N. Combs vs. J. H. Dinkins. This day came the parties to this cause by their attorneys and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of W. A. Money and eleven others, who after being duly tried empannelled and

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sworn, heard the pleadings, evidence and argument of counsel and retired under the charge of the court to consider of their verdict. And thereupon the jury returned into open court the following verdict to wit: "We the jury find a verdict for the defendant. W. A. Mooney Foreman." It is therefore considered, ordered and adjudged by the court, that the plaintiff take nothing by this suit, and that the defendant go hence without day, and that he have and recover of and from the plaintiff his costs in this behalf expended, and that he have his execution.

And thereupon court adjourned until to morrow 9 o'clock A. M.

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Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4508 W. E. Risher & wife vs. Gustave M. Brass & wife. Upon motion it is ordered that plaintiff have leave to amend.

4546 C. W. White and wife vs. Jas. B. Barron & W. B. Brush executors of the estate of S. B. Brush dec'd. And now at this day this cause being called for trial the plaintiffs appeared by their attorneys Shelley & Moore and the defendants by their attorneys Hancock, West & North and thereupon announced themselves ready for trial, and thereupon came on to be heard the demurrer and exceptions of the defendants to the plaintiffs petition and amended petitions, and the court having heard the pleadings read, and the argument of counsel, the said demurrer and exceptions were sustained, to which ruling the plaintiffs excepted, and said plaintiffs having refused to further amend their pleadings, and it thereupon appearing to the court that the law is with the defendants; it is thereupon ordered, adjudged and decreed, that said action be dismissed, that said plaintiffs C. W. White and his wife Mary J. White take nothing by their suit, that said defendants James B. Barron and W. B. Brush executors of the estate of S. B. Brush deceased go hence without day and have and recover all costs in this behalf expended of and from said plaintiffs for which execution may issue, and that the officers of this court have and recover their costs of and from the parties respectively incurring the same for which execution may issue, and thereupon in open court said plaintiffs gave notice of an appeal to our supreme court.

4563 J. Sheehan vs. O. M. Jackson. Continued.

4596 Nannie Taylor vs. Hellman & Gans. Continued generally.

4598 B. M. Davis vs. Cardwell & Walker. Continued generally

4599 B. M. Davis vs. T. B. Wheeler & Ed Creary. Continued generally.

4615 S. & T. C. R. R. Co vs. F. W. Chandler. Continued generally.

4925 Moore, Jenkins & Co vs. Upton & Muir. This day came the plaintiffs James M. Moore, Raymond Jenkings & H. Sidney Hughes by their Attorneys Walton.

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Green & Hill, and the said defendants R. A. Upton and James A. Mair having been duly cited to appear and answer in this behalf, failed to appear and answer, but wholly made default, wherefore the said plaintiffs ought to recover against the said defendants by occasion of the premises; and it appearing to the court that the cause of action is liquidated and proved by two instruments of writing, to wit two promissory notes, both dated October 6th 1876; it is ordered that the clerk do assess the damages sustained by said plaintiff; and the clerk now here having assessed the damages aforesaid at the sum of ($1195=) One thousand one hundred and ninety five Dollars; it is therefore ordered adjudged and decreed by the court that the plaintiffs James M. Moore, Raymond Jenkins and H. Sidney Hughes under their firm name and style of Moore, Jenkins & Co. do have and recover of the defendants R. A. Upton and James A. Mair under their firm name and style of Upton & Mair the sum of ($1195=) eleven hundred and ninety five dollars with interest thereon at the rate of (8) eight per cent per annum, together with all costs in this behalf expended, and it is further ordered that execution may issue to collect said sums.

4619 Britton Buttrill vs. Geo. W. Glasscock, E. J. Talbott, P. G. Talbott the husband of E. J. Talbott, Andrew Glasscock, Albert Glasscock, P. J. Hall & P. M. Hall her husband, and Annie Hall. And now on this day came the parties by their attorneys and announced themselves ready for trial and thereupon the defendants submitted their demurrer and exceptions to the court, which being by the court considered and understood, are severally overruled, and then came a jury of twelve good and lawful men viz Val. C. Giles and eleven others, who being duly elected empannelled & sworn - who having heard the evidence, argument of counsel and charge of the court, retired to consider of their verdict; and after due deliberation returned their verdict into court as follows: "We the jury find a verdict for the plaintiff. Val. C. Giles Foreman." It is therefore ordered, adjudged and decreed by the court, that the plaintiff do have and recover of the defendants as prayed in his petition and that the title of said defendants Geo. W. Glasscock, E. J. Talbott, P. G. Talbott the husband of E. J. Talbott, Andrew Glasscock, Albert Glasscock, P. J. Hall and P. M. Hall her husband, and Annie Hall, the heirs of Geo. W. Glasscock Sr. dec'd, inherited by them from their said father, in and to the following tract or piece of land viz Twelve hundred and eighty acres of land, granted to Greenleaf Fisk assignee of Nicholas Wren in Burnett County, State of Texas, Beginning at the North East corner of survey Number (1) one, Thence south 60 E. 2688 varas to a stake from which a live oak bears South 11° East 110 varas - Thence South 30° West 2688 varas to a stake from which a black jack bears South 54 West 9 varas and a Live Oak bears North 88 East 12 varas - Thence North 60 West 2588 varas to a stake from which a post oak marked X bears North 28 East

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115 varas and a live Oak marked x bears South 88 West 65 varas,- Thence North 30 East 788 varas to the South East corner of Survey No (1) one 2688 varas to the beginning.- be and the same is hereby divested out of them and each of them and the same is hereby vested in the plaintiff Britton Butrill -: and it is further ordered adjudged and decreed by the court that the title set up and claimed by the plaintiff to the aforedescribed tract of land be and the same is confirmed and affirmed and held to be valid in law and equity -: and it is further ordered, adjudged and decreed by the court, that the said deed as set up by the plaintiff in his petition viz. the deed from Geo W. Glasscock Sr. the ancestor of defendants, who are named as his children to Joseph Bledsoe, for the land described hereinafore dated the day of 185 be and the same is to all intents & purposes in law and equity established to and for the benefit of the said plaintiff Britton Butrill.- And it is further ordered by the court that the plaintiff pay all costs of this suit for which execution may issue.-

Wilhelm Adolph Dohmen Ex parte

Declaration of Intention to became a citizen.

The State of Texas } Wilhelm Adolph Dohmen being duly sworn according to law,
County of Travis } in the County Court of said County doth declare that he was born in the year A. D. 1841 in the kingdom of Prussia, whence he emigrated in the year 1869 to the United States of America and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King William of Prussia of whom he is a subject. Wilhelm Adolph Dohmen.

Sworn to and subscribed before me this 26th day of April A. D. 1877 in open Court. [illegible] Clerk.

And thereupon Court adjourned till to morrow 9 o'clock A. M.

April 27th 1877.

Court met pursuant to adjournment. Present same as first day-
And thereupon the following proceedings were had, to wit:

4778 Thomas E. Shelby vs. Elizabeth Shelby. Upon motion it is ordered that Deft has leave to amend.

4873 Henry Hirshfeld vs. W. S. Biles. Upon motion it is ordered that Defendants have leave to amend.

4929 Thomas J. Pilgrim vs John D. McCall et al. Upon motion of Peff's Atty it is ordered that Peff. have leave to amend.

And thereupon Court adjourned till to morrow 9 o'clock A. M.

4951 The State of Texas vs. B. Trigg. Peff has leave to amend.

April 28th 1877.

April 28th 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4508. W. E. Risher & wife vs. G. M. Brass & wife. And now on this day came the parties to this cause by their attorneys and announce themselves ready for trial, and thereupon came a jury of twelve good and lawful men of Travis County to wit: J. L. McInnis and eleven others, who being duly elected tried empannelled and sworn according to law, after hearing the pleadings, evidence and argument of 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 a verdict for plaintiff for purchase money $100.00 coin with interest from date of sale. J. L. McInnis. Foreman." And it appearing to the court from the averments of all the parties in their pleadings that the sale of lot No (7) seven in Block No (62) sixty two in the City of Austin in Travis County Texas was made by the plaintiffs to defendants on the 3rd day of June 1875 and the jury by their verdict having found that there remains owing and unpaid to plaintiffs from defendants as purchase money on said lot the sum of one hundred dollars in coin with interest thereon at the rate of eight per cent per annum from said 3rd day of June 1875: It is therefore ordered adjudged and decreed by the court that the plaintiffs W. E. Risher and his wife Mary Risher do have and recover of and from the defendants G. M. Brass and Amelia Brass the sum of one hundred and fifteen dollars in coin as their debt and interest to date to draw interest at the rate of eight per cent per annum from this date until paid together with all costs of this suit.- And it appearing to the court from the finding of the jury and from the averments and admissions of the parties in their pleadings that the plaintiffs have a lien as vendors on said lot No (7) seven in Block No 62 in said City of Austin to secure the payment of their said demand: It is therefore further ordered adjudged and decreed by the court that said lien be enforced and foreclosed and that an order of sale issue to the sheriff of Travis County requiring him to seize and sell said lot as under execution and that the said Sheriff apply the proceeds of such sale to the satisfaction of this judgment and the balance if any shall be paid over to said defendants. And in case said lot shall not sell for a sufficient amount to satisfy this judgment then execution shall issue against the said defendants G. M. Brass and Amelia Brass for such unsatisfied balance.

4506 Joel H. Combs vs. J. R. Dinkins. This day came the parties to this suit by their Attorneys, whereupon the Plaintiffs ~~Attorneys~~ submitted to the court his motion for a new trial herein, which motion after being fully argued

April 28th 1877.

by counsel and duly considered by the court, is granted, and it is ordered by the Court that the verdict and judgment heretofore rendered in this cause be set aside and vacated and that a new trial herein be awarded to the plaintiff.

Statement of Jury Service 2nd week.

It appearing to the court that the following named persons have served as petit jurors for the second week of the present term of this court for the number of days set opposite their names to wit: J. J. Davis 6 days; Frank Schmidt 6, Ed Taylor 5—, J. L. Mc Innis 6—, J. R. Irvings 6—, Sam Mendez 6—R. W. Ford 6— Sam Nichols 6—T. A. Buchanan 6—Jas Metcalf 6—Jas J. Brown 6—R. R. Smith 6— S. J. Redel 6—U. C. Giles 6—D. D. Bonner 6—M. J. Barrow 6—H. C. Danes 6—Jas Maxwell 6—Ed Moore 1—Tom Danes 6—Wm Teague 6—E. Stanley 6—C. J. Duckey 6— Paul Deats 1—Pat Smith 1—M. T. Thompson 1—W. S. Biles 4—W. A. Mooney 1— C. A. D. Matteo 1—H. Fink 4—; it is ordered by the court that the clerk of this court do issue a certificate to each juror showing the number of days of such service.

4506

Joel N. Combs vs. J. H. Dinkins. A new trial in this cause having been granted to the plaintiff, come now the parties by their Attorneys and submit the matters of fact as well as of law to the Court, and it appearing to the court, that the plaintiff ought to recover his damages from the defendant in the sum of one dollar; it is therefore ordered adjudged and decreed that the plaintiff Joel N. Combs do have and recover of and from the defendant J. H. Dinkins the sum of one dollar, and it is further ordered that each party pay the costs incurred by him herein, for all of which execution may issue.

4951

The State of Texas vs. B. Trigg. Upon motion of Defts Attys, it is ordered that the deft. have leave to amend.

And thereupon Court adjourned till to monday 9 o'clock A. M.

April 30th 1877

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

And now on this day came into open court the Grand Jury of Travis County empannelled at the present term of this court and through their foreman J. C. Wilson presented to the court the following indictments to wit:

This day the trial of The State of Texas vs. B. Trigg proceeded. And court adjourned till to morrow morning 9 o'clock A. M.

May 1st 1877.

Court met according to adjournment. Present same as first day.

Whereupon the following proceedings were had to wit:

Grand Jury

And now on this day came into open court the Grand Jury of Travis County empan-

May 1st 1877.

nelled at the present term of this court and through their foreman J. B. Wilson presented to the court the following indictments to wit:

4839 An indictment against George Ruby for murder
4840 An indictment against Richard Morris for murder.
4841 An indictment against Gib. Dishay for theft of a gelding
4842 An indictment against Jacob Patterson for theft of a steer
4843 An indictment against Jacob Patterson for theft of a steer.
4844 An indictment against Jacob Patterson for theft of a red and white pieded steer.
4845 An indictment against Jacob Patterson for theft of a steer.
4846 An indictment against for theft of an ox.
4847 An indictment against Jake Williams for theft of a heifer
4848 An indictment against for aggravated assault.
4849 An indictment against for libel.
4850 An indictment against for libel
4851 An indictment against for Exibiting Keno
4852 An indictment against for exibiting keno
4853 An indictment against for exibiting keno
4854 An indictment against for exibiting keno
4855 An indictment against for exibiting keno
4856 An indictment against for exibiting keno
4857 An indictment against for exibiting keno
4858 An indictment against for exibiting keno
4859 An indictment against for exibiting keno
4861 An indictment against for exibiting keno
4861 An indictment against for exibiting keno
4862 An indictment against for exibiting keno
4863 An indictment against for exibiting keno
4864 An indictment against for exibiting keno
4865 An indictment against for exibiting keno
4866 An indictment against for exibiting keno
4867 An indictment against for exibiting keno
4868 An indictment against for exibiting keno.
4869 An indictment against for exibiting keno
4870 An indictment against for exibiting keno
4871 An indictment against for exibiting keno
4872 An indictment against for exibiting keno
4873 An indictment against for exibiting keno
4874 An indictment against for exibiting keno
4875 An indictment against for exibiting keno
4876 An indictment against for exibiting chuckluck

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4877 An indictment against for betting monte.
4878 An indictment against for betting monte
4879 An indictment against for betting Keno
4880 An indictment against for betting monte
4881 An indictment against for betting Keno
4882 An indictment against for betting Keno
4883 An indictment against for betting Keno
4884 An indictment against for betting Keno
4885 An indictment against for betting Keno
4886 An indictment against for intoxication.

And said Grand jury suggesting that there was further business before them, they were ordered to retire upon the discharge of the same.

3696 John Ireland vs. Chas S. West & John Hancock et al. Continued generally.
3720 Geo. W. Pascal vs. Central R. R. Co and Austin City. Continued generally.
3803. Robert M. Russell. vs. H. Clay Danes et al. Continued.
3927 M. Wear vs. Geo. B. Zimpelman. Continued.
3933 E. A. Hicks vs. James S. Gillet. Continued for service.
4007 M. L. Miller vs. F. M. Randell & Emanuel Nolda Continued.
4242 Jesse Earl vs. Francis Earl.
4464 Alfred Smith vs. J. K. Warren al. Dick Warren. Upon motion it is ordered that plaintiff have leave to amend.
4635 Jacob Cates vs. Andrew Jackson & Lucy Jackson. Upon motion it is ordered that defendants have leave to amend.
4832 L. U. Spring vs. J. Eisenach & wife. Upon motion it is ordered that the defendants have leave to amend.
4932 Wm B. Bush vs. Jas. B. Barron. Upon motion it is ordered that defendants have leave to amend.
4951. The State of Texas on the relation of Val. C. Giles et als vs. Bingham Trigg County Attorney of Travis County Texas. And now on this day came the parties to this proceeding and suit by their attorneys respectively and thereupon the defendant called up his motion to strike the petition in this case from the files, which motion being argued and submitted to and understood by the court, the same is overruled, and thereupon the defendant called up his demurrer to the petition; which demurrer being discussed by counsel and understood by the Court, the said demurrer is overruled, whereupon the parties announced themselves ready for trial; — and thereupon came a jury of good and lawful men viz: R. H. McCormick, T. P. Givens, Hugh Forster, C. W. Ricker, F. D. Henry, S. F. Prather, Guy Wolfenberger, B. Milam, A. Trautwein, W. R. Davis, Geo. Norvell, Jas. Morgan who being duly elected,

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tried, empannelled and sworn, after hearing the evidence, argument of counsel and charge of the court and receiving from the court the following special issues, submitted to the said jury by the court viz: 1st Is it true that B. Trigg is an habitual drunkard? 2nd Is it true that he is guilty of official misconduct as charged against him?-" The said jury composed as aforesaid- retired to consider of their verdict in the premises, and after due deliberation returned into open court their verdict as follows viz: to the first special issue submitted viz: 1st Is it true that B. Trigg is an habitual drunkard? the said jury answer "Yes"- and to the second special issue submitted viz: 2nd Is it true that he is guilty of official misconduct as charged against him? The said jury by their verdict answer "Yes", which said answers of said jury to and on said special issues were signed thus: R. H. McCormick. Foreman. And the said jury after answering said special issues, did further find in the premises and at the same time return into open court as follows "We the jury therefore find a general verdict for the State upon the questions submitted. R. H. McCormick. Foreman." And the truth of the charges viz: that the said Bingham Trigg is guilty of being an habitual drunkard, and is guilty of official misconduct having been inquired of by a jury, and the truth of said charges being found by a jury of the country as aforesaid; The court considers the law of the case in and the verdict of the jury as returned into open court to be with and for the State of Texas and against the defendant Bingham Trigg as County Attorney- it is therefore ordered adjudged and decreed by the court, that the prayer of the petition be granted and it is further ordered adjudged and decreed by the court under and by virtue of the authority vested in the Judges of the District courts of the State of Texas by the twenty fourth Section of Article five of the constitution of the State of Texas and the laws of said State that the said Bingham Trigg County Attorney of Travis County State of Texas, be and the same is hereby removed, and is hereby declared to be removed from the office of County Attorney of Travis County State of Texas,- and the said office of County Attorney of Travis County State of Texas is hereby declared to be vacant.- And it is further ordered adjudged and decreed by the court that the defendant B. Trigg pay all costs of this proceeding, for which execution may issue.

And thereupon court adjourned till to morrow morning 9 oclock.

May 2nd 1877.

Court met according to adjournment. Present same as first day Thereupon the following proceedings were had to wit:

May 2nd 1877.

4527 John S. Mills vs. Geo B. Zimpelman & B. M. Odorn. Upon motion it is ordered that Plff. have leave to amend. -

4763 E. L. Compton vs. The heirs of Henry Reinhart. It is ordered by the Court that R. H. Ward be and he is hereby appointed to represent the defendants in this cause.

And thereupon Court adjourned till to morrow 8½ o'cl. A M

May 3rd 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4941. Wm Hudson vs. C. R. Johns & Co. Upon motion it is ordered that Deft Everett have leave to amend.

B. E. Padra. Ex parte. B. E. Padra having filed and presented to the court his petition to be admitted to citizen of the United States, and the court being fully satisfied by the introduction of a certificate issued by the clerk of the District Court of the United States for the Western District of Texas, showing that the said B. E. Padra has made on the 23rd day of October 1872 his declaration to become a citizen of the United States, and the Court being further satisfied by the evidence of two good and lawful citizens of the United States, that the said B. E. Padra has been a bona fide resident of the United States for more than five years last past, and of this State for more than one year last past, and that he is a law abiding man and attached to the principles of the constitution of the United States, and the said B. E. Padra having taken the oaths of allegiance as provided & required by act of Congress; It is considered, ordered and decreed by the court that the said B. E. Padra be and he is hereby admitted a citizen of the United States of America; and it is further ordered that the clerk of this court issue to him a certificate accordingly.

4169 F. W. Chandler vs. Life Association of America & al. Continued by the Plaintiff.

4177. Cora E. Shephard & husband vs. John H. Conner et als. Upon motion it is ordered that Plaintiffs have leave to amend, and Deft Conner has leave to amend & file an answer, & leave given to Chas. to intervene, also Spice Kissum & Co have leave to intervene, and thereupon Wm Nelson dismisses his intervention; and Plaintiff withdraws the application to partition 7½ acres of land in Galveston County. And it is further ordered that the defendants Mc Dowell & Fahey and the Intervenor Mc Dowell have leave to amend; and cause continued.

4375 Jesse M. Northcutt et al vs. C. R. Johns & Co Upon motion of Plff Atty, it is ordered that Plffs have leave to amend.

May 3rd 1877

4769 W. W. & Chas C. McLaughlin vs. John D. Logan et als. Upon motion it is ordered that Plff have leave to amend.

4785 Forster Ludlow & Co vs D. L. Cross. Upon motion it is ordered that Plffs have leave to amendy.—

4799 W. A. Ryan vs. John S. McEuen & wife. Upon motion of plffs Atty, it is ordered that Plff have leave to amend

4800 W. L. Davidson Guard vs. Austin Joinst Rock Building Company et al. Upon motion it is ordered that Defts have leave to amend.

4926. Rust & Dinkins vs. H. & T. C. R. R. Co. Upon motion it is ordered that Plffs have leave to amend.

4949 M. A. Taylor vs. Jno G. James. Upon motion it is ordered that Plff have leave to amend.

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

May 4th 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4269 Sampson & Hendricks vs. S. C. Moore et al. Continued

4275 J. J. Davis vs W. S. Biles et al. Joseph Walls Garnishee. It is ordered, that this cause be dismissed, and that the Plff. J. J. Davis pay all costs of this garnishment preceding

Carl Beck. Declaration of Intention to become a Citizen.—

Ex parte The State of Texas } Carl Beck being duly sworn according to law, in the District
County of Travis } Court of said County, doth declare that he was born in the year A. D. 1851, in the kingdom of Prussia, whence he emigrated in the year 1873 to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, of the State of Texas, and renounces forever all alligiance and fidelity to every foreign Prince, State or Sovereignty whatsoever, and particularly to the King William of Prussia of whom he is a subject.

(signed) Carl Beck.

Sworn to and subscribed before me, this 4th day of May 1877. H Bellows Clk.

4269 Sampson & Hendricks vs. S. C. Moore et al. Continued. (error)

4766 John D. Wende vs August Heilman & wife. Continued by operation of law.

4886 Margaret C. Boatner vs. George W. Glascock et als. Continued for service.

4894 The State of Texas vs. J. D. Bullock et als. Continued by defendants.

And thereupon Court adjourned till to morrow 9 o'clock A M.

May 5th 1877

Court met pursuant to adjournment. Present same as first day

May 5th 1877

Whereupon the following proceedings were had to wit:

August B. Langerman Ex parte

Declaration of intention, to become a citizen

The State of Texas } August B. Langerman being duly sworn according to law,
County of Travis } in the District Court of said County, doth declare that he was born in the year A. D. 1843 in the Kingdom of Prussia, whence he emigrated in the year 1867 to the United States of America, and has selected the State of Texas as the place of his intended settlement; and he further declares that it is bona fide his intention to become a citizen of the United States, of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the king William of Prussia, of whom he is a subject. (sign.) A. B. Langerman.

Sworn to and subscribed before me this 5th day of May 1877. G. Hallen Clk.

4895 Eliza J. Harris vs. Geo. S. Harris. This cause coming on to be heard, and the plaintiff appearing by her Attorney Chas. L. Evans Esq. and it appearing to the Court that the defendant had accepted service of the plaintiffs petition but failed to appear and wholly made default in that respect, thereupon the Court appointed Thomas D. Sneed Esq. to represent the interest of said defendant; and after the reading of the pleadings and the evidence and hearing the argument of counsel it appearing to the court that the material allegations of the plaintiffs petition are true; wherefore it is ordered, adjudged and decreed, that the bonds of matrimony heretofore existing between said Eliza J. and Geo. S. Harris be, and the same are hereby dissolved, and that the sole and exclusive custody of the child Winnie, the issue of said marriage, be given to the plaintiff Eliza J. Harris, subject to the further order and disposal of this court.

4246 H. G. Burland Guard. vs Carlo Cunio et al. This day came the parties to this cause by their Attorneys, whereupon came on to be heard the Defendants motion for new trial, which motion after being fully argued by counsel, and duly considered by the Court, was overruled, to which ruling the defendant by counsel excepted and gave notice in open Court of an appeal to the Supreme Court.

4246 H. G. Burland Guard vs Carlo Cunio et al. Phillips & Davis Intervenors. This day came the parties to this cause by their attorneys, and thereupon came on to be heard the motion of the Intervenor C. P. Phillips for a new trial in this cause, which motion being fully argued by counsel, and by the court duly considered and understood, is overruled, to which ruling of the Court the said Intervenor excepts and gives notice in open court of an appeal to the Supreme Court.

4332 D. V. Spring vs. J. Eisenach & wife. Upon the Defendants motion it is ordered by the Court that the plaintiff be required to enter into bond &

May 5th 1877.

security for the payment of the costs of suit in this cause.

4445 James M. Swisher vs. John M. Swisher et al. And now on this day came on to be heard the motion in said cause for a correction of that portion of that decree heretofore rendered in said cause respecting the rate of compensation to be received by the court for his services, and it appearing to the satisfaction of the court that the parties to said decree had agreed upon the terms thereof, but by a clerical error - the amount of compensation was written and entered as two per cent on gross amount received and disbursed - whereas it should have been entered as agreed upon at ten (10%) per centum on said gross amount, it is ordered that said decree be and the same is so amended as to allow the said commissioner R. J. Hill to receive ten per centum (10%) on the gross amount by him received and disbursed, together with the other compensation of $2.50 for each deed by him made, as in said decree provided.

4105 & 4265 M. B. Hamilton vs. Julist I. Hicks et al. & M. B. Hamilton vs Martha L. Fahey et al. This day came the parties to the aforesaid causes by their Attorneys, whereupon came on to be heard the motion of Nina B. Garner, asking that the order of Court made and entered on the eleventh day of November A. D. 1876 be vacated, and further asking that the case No 4105 be consolidated with number 4177, with several motions are, after argument by counsel and after due consideration of by the Court, overruled.

And thereupon Court adjourned till monday morning 9 o'clock.

May 7th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4951 The State of Texas by the relation of Val. B. Giles et als. vs. B. Trigg County Atty. This day came the parties to this suit by their attorneys, and thereupon came on to be heard the defendants motion for a new trial herein, which motion after being fully argued by counsel and being fully understood by the Court was overruled, to which ruling of the Court the defendant by counsel excepted and gave notice in open court of an appeal.

Appointment of County Attorney pro tem. The State of Texas, County of Travis } Whereas by an order of this court made and entered of record on the 1st day of May A.D. 1877, which said order was founded on the verdict of a jury (duly empannelled & sworn) affirming the truth of the charges theretofore made and presented in Travis County District Court against Bingham Trigg County Atty of Travis County Texas, charging him said Trigg with habitual drunkenness and official misconduct, removing and declaring the said Bingham Trigg be Atty of Travis County to be removed from the office of County

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Attorney of said Travis County and whereas by reason of said removal of said Bingham Trigg as aforesaid, there is by law a vacancy in the said office of County Attorney of Travis County Texas— Now by virtue of the power and authority vested in the Judges of the District Court by the constitution and laws of the State of Texas, I, O.B. Turner Judge of the District Court of the 16th Judicial District, which embraces the County of Travis do appoint D. Sheeks Esq. County Attorney of Travis County pro tem, to fill said office and discharge the duties thereof according to law, until a County Attorney shall be appointed by the County Commissioners of Travis County Texas.—

4305 The State of Texas vs. Bob Sprout. This day came the State by her Attorney pro tem W M Walton Esq., and came also the defendant Bob Sprout in person and by Attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County to wit E. P. Mathews Foreman and eleven others, duly elected, tried, empanelled and sworn according to law, heard the indictment, the plea of not guilty the evidence, argument of counsel and the charge of the Court as to the law in this case, and retired to consider of their verdict. And thereupon said Jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant guilty and assess the penalty at two years in the penitentiary. E. P. Mathews. Foreman." Whereupon it is ordered and adjudged by the Court that the verdict be and the same is hereby approved, and it is further ordered adjudged and decreed by the Court, that the defendant Bob Sprout be and he is hereby declared guilty of the felony of theft of a heifer, and that he the said Bob Sprout, be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of two (2) years, in accordance with the finding of the jury in this cause, and that he pay all costs of this prosecution.

4869 Susan M. Townsend et als vs: A. L. Townsend et als.
Now on this 5th day of May 1877 came the plaintiffs by their attorney, the defendants A L Townsend, B B Townsend and F. W Chandler by their attorney and defendants James W. Townsend and Palmer G. Townsend by their duly qualified Special Guardian Robert A Smith Esqr. and announced themselves ready for trial and no jury having been demanded by either party this cause was submitted to the presiding Judge, who, after hearing the pleadings, evidence and argument of Counsel, doth order adjudge and decree, that the Estate of Nathaniel Townsend deceased, be partitioned in accordance with the prayer of the plaintiffs and defendants. That out of

May 7th 1877

the gross amount due on the promissory notes due to said Estate and which are particularly described in the answer of defendant B. R. Townsend, there be set apart to Benjamin R Townsend a sufficient number of said notes to equal in amount of principal and interest, the sum claimed by him, to wit: Eleven hundred sixty six 74/100 dollars. That of the remaining amount due on said notes there be set apart to said Benjamin R. Townsend a sufficient number of said notes to equal in amount of principal and interest the one sixth of said amount due on said notes after said sum of $1166. 74/100 is paid. That there be set apart to said Benjamin R Townsend, by metes and bounds a sufficient number of acres of land belonging to the Estate of said Nathaniel Townsend deceased to equal in value a one sixth interest in all of the lands belonging to said Estate, except as to those tracts and lots of lands in which he has sold his interest as described in the petition and answers filed in this case.

That there be set apart to Angelina L. Townsend, widow of said Nathaniel Townsend, all the remaining notes due to the Estate of said Nathaniel Townsend deceased, after the interest and claim of said B. R Townsend is taken out, as above provided to go towards satisfying the indebtedness incurred by her for the benefit of the said Estate. That out of all of the remaining personal and real property belonging to said Estate, there be set apart to said Angelina L. Townsend a sufficient quantity to be used by her during her life, and producing an income sufficient to equal in value one third of all the income receivable from the whole of said Estate were the whole of said property income-producing property.

That all the remaining property, both real and personal, after the shares of the said Benjamin R. Townsend and Angelina L. Townsend be set apart, as above provided, be equally partitioned in accordance with the quality and value, between Emma L Blackburn, Susan M. Townsend, Pauline I. Townsend, James W. Townsend and Palmer G. Townsend.

And that Joseph Spence, J. C. Kerby and L. H. Luckett be appointed Commissioners to partition said Estate of said Nathaniel Townsend in accordance with this decree.

7914. A. J. Peeler Assig. &c vs: J. C. Kerby & C. R Johns. In Travis County District Court, April term 1877. On this day came the parties by their attorneys and in person, and it appearing to the Court from the pleadings, that the Defendant admits the allegations of plaintiffs petition

to be true, and it further appearing, by an agreement signed by the parties hereto and filed in this cause, that the appointment of Wm Von Rosenberg, G. Crow, and R. A. Chadwick, to act as a Commission for the purpose of effecting a partition of the lands described in plaintiffs petition, in accordance with the prayer thereof, is desired, it is therefore ordered, that said last named persons be and hereby are appointed Commissioners to effect said partition, it is further ordered, adjudged and decreed that said land be partitioned as prayed for by said plaintiff, that said Commissioners set apart said lands to the plaintiff and to the defendant according to the shares to which each is respectively entitled; and that they return into this court, at the earliest day practicable, a report, under oath, of their action herein.

4915. A. J. Peeler, assee. etc. vs. J. C. Kerbey In Travis County District Court April Term 1877. On this day come the parties by their attorneys and in person, and it appearing to the Court from the pleadings, that the defendant admits the allegations of plaintiffs petition to be true, and it further appearing, by an agreement signed by the parties hereto, and filed in this cause, that the appointment of Wm Von Rosenberg, G. Crow and R. A. Chadwick, to act as a Commission for the purpose of effecting a partition of the lands described in plaintiffs petition, in accordance with the prayer thereof, is desired, it is therefore ordered, that said last named persons be and hereby are appointed Commissioners to effect said partition; it is further ordered, adjudged and decreed, that said lands be partitioned as prayed for by said plaintiff; that said Commissioners set apart said lands to the plaintiff and to the defendant according to the shares to which each is respectively entitled; and that they return into this Court at the earliest day practicable a report, under oath, of their action herein.

4955. A. J. Peeler, assee. etc. vs. Dennis Corwin In District Court of Travis County April term 1877. On this day came the parties by their attorneys and in person, and it appearing to the Court from the pleadings, that the defendant admits the allegations of plaintiffs petition to be true, and it further appearing, by an agreement signed by the parties hereto and filed in this cause, that the appointment of Wm Von Rosenberg, G. Crow and R. A. Chadwick, to act as a Commission for the purpose of effecting a partition of the lands described in plaintiffs petition, in accordance with the prayer thereof, is desired; it is therefore ordered, that said

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last named persons be and hereby are appointed Commissioners to effect said partition; it is further ordered, adjudged and decreed, that said lands be partitioned as prayed for by said plaintiff; that said Commissioners set apart said lands to the plaintiff and to the defendants, according to the shares to which each is respectively entitled; and that they return into this Court, at the earliest day practicable a report, under oath, of their action herein.

4493 M. C. Hamilton vs. Geo W Glasscock et als. On this 26th day of April 1877 came on to be heard the Demurrer of Defendants to Plffs. petition and because it appears to the Court that there is in Plffs petition no itemized bill of particulars of the Expences alleged to have been paid by Plff. for Defendts, the Demurrer of Defendants is sustained and Plff. has leave to amend his petition. And the Plffs demurrer and Exceptions to Defendants first and second amended Answers coming on to be heard after argument of Counsel and consideration by the Court it is ordered, considered and adjudged by the Court that the said first and second amended answers be stricken from the record and held for naught - and thereupon Defendants have leave to amend.

The cause being then called for trial, the Plff. asked a continuance of the cause because of surprise - and it appearing from inspection of the answer of Defendants filed this day that new matter is therein alleged, it is ordered, that this cause stand continued till the next term of the Court.

4592. State of Texas vs. A. E. Hicks This day came the State by her Attorney and came also the Defts. in person and by Atty and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, duly elected, tried, empannelled and sworn according to law, who heard the indictment and the plea of not guilty and while hearing the evidence, one of the jurors was disabled by sickness and by the Court excused, whereupon the trial proceeded before the remaining eleven jurors, who after hearing all the evidence and the arguments of counsel and the charge of the Court, retired to consider of their verdict. And thereupon said jury returned into open Court the following verdict to wit: " We the jury find the defendant guilty of a Simple assault, and assess the fine of Twenty five Dollars (signed) G Crow, G B Weems, Jacob Leser, Paul Pressler, J H. Falk, John Wolf, Jesse J. Wade, H Cameron, Wm Hamby, W. D. Forehand, P. C. Williams. Whereupon it is ordered and adjudged by the Court that the aforesaid verdict be and the same is hereby approved, and it is further ordered, adjudged and

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decreed, that the State of Texas do have and recover of and from the said Defendant E. A. Hicks the sum of Twenty Five Dollars as a Fine and that the said Defts. stand committed to the County Jail of Travis County until said Fine and all costs of this prosecution are paid.

3829. Cora B. Slaughter et als. vs. Ann S. Lucy et als. Final Decree in Partition. This cause coming on to be heard this 7th day of May 1877 on reading the report of J. E. Campbell, John McCuistian and J. J. Davis made herein in pursuance of an order of this Court entered in the above cause on the 26th day of Decemb. 1876 making them Commissioners and directing them to make partition of about 1233 acres of land out of the J. F. Slaughter league, about 70 acres of the Walker Wilson league and about 43½ acres of the Richard Hailey league; all in Travis County, Texas.- between Cora B. Slaughter (now Barton) Francis A.; Alice D.; and Lucy A. Slaughter, according to their respective rights and interests therein, so that one fourth to part thereof, quantity and quality considered, be assigned to each of said parties, by which report it satisfactorily appears that the said Commissioners have made the partition of said premises, and that they have allotted and set apart to the said Cora B. Barton one fourth part of said premises by metes and bounds as follows: the subdivision designated in said report as No. two.

Beginning at the N. W. corner of subdivision No. one of said Homestead tract, Thence W. 500 vs. to N. E. corner of subdivision No. 3. Thence S. 2310 vs to a corner in Slaughters Creek. Thence down said Creek to S. W. corner of said subdivision No. one. Thence N 2520 vs to the place of beginning, containing 248 acres.

Also eleven acres of Cedar land: Beginning at the N. W. corner of subdivision No one of the Cedar tract. Thence W 140 vs. N E. corner of subdivision No 3. Thence S. 450 vs to S. E. corner of said No 3. Thence E. 140 vs. S. W. corner of subdivision No 1. Thence N 450 vs to the place of beginning.

And that said Commissioners have allotted and set apart to Francis A. Slaughter one fourth of said premises by metes and bounds as follows: the subdivision designated in said report as No. one.

Beginning at the N. W corner of the tract sold to A. J. Nichols. Thence W 890 vs the N. E corner of subdivision No 2 of the Homestead tract. Thence S. 2520 vs to corner in Slaughters Creek. Thence down said Creek to the S. W. corner of said Nichols tract. Thence N 20 E. to the beginning, containing 260 acres.

Also 22 acres cedar land. Beginning at S. E. corner of a 63 acre tract

set apart to Mrs. Ann S. Lucy. Thence W. 250 vs to the N.E. corner of subdivision No 2 of the Cedar tract. Thence S. 750 vs S.E. corner of said No 2. Thence E. 300 vs to corner. Thence N. 750 vs to the place of beginning.

And that said Commissioners have allotted and set apart to Alice D. Slaughter one fourth part of said premises by metes and bounds as follows: The subdivision designated in said report as No 3

Beginning at the NW corner of said subdivision No 2 of the said Homestead tract. Thence W 700 vs to the N.E. corner of subdivision No 4. Thence S. 3200 vs corner in Slaughters Creek. Thence down said Creek to the S.W. corner of subdivision No 2. Thence N 2810 vs to the place of beginning, containing 355 acres.

Also five acres of Cedar land. Beginning at the N W corner of subdivision No 2. of the Cedar tract. Thence W. 111 vs to the N.E. corner of No 4. Thence S. 212½ vs corner of N line of McCuistians 10 acre tract. Thence E. 87½ vs N. E. corner of same. Thence S. 237½ vs to S.E. corner. Thence E. 23½ vs. S.W. corner No 2. Thence N 75 vs to the beginning

And that said Commissioners have allotted and set apart to Lucy A. Slaughter one fourth part of the said premises by metes and bounds as follows: The subdivision designated in said report as No 4.

Beginning at the NW. corner of subdivision No 3 of the Homestead tract. Thence W. 700 vs to N E. corner of an 800 acre subdivision of this original survey. Thence S. 1600 vs to the N. E corner of same. Thence W. 1200 vs to corner in Slaughters Creek. Thence down the same to S E corner of subdivision No 3. Thence N 3200 vs to the place of beginning, containing 440 acres.

Also 5½ acres out of the Cedar tract. Beginning at the N. W. corner of subdivision No 3. Thence W 150 vs to a 63 acre subdivision. Thence S. 212½ vs to the N. W corner of McCuistians 10 acres. Thence E. 150 vs to S. W. corner of No 3. Thence N. 212½ vs to the beginning

Now therefore on reading said report, the said Cora B. Barton and her husband R. C. Barton, being represented by Wheeler & Poser, their Attorneys, and the said Francis A; Alice D, and Lucy A. Slaughter, minor heirs of A. B. Slaughter dec'd, by Terrell & Walker Attorneys for Felix G. Smith, Guardian of said minors, it is ordered adjudged and decreed by the Court that said report be and the same is hereby confirmed, and thereupon it is ordered, adjudged and decreed that the said partition as made by the said Commissioners of said lands and premises be firm and effectual forever.

And it is hereby further ordered and decreed, that the herein before described parts or allottments assigned as aforesaid to the said Cora

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B. Barton, as said one fourth part of said lands, shall be, and are hereby vested in her in severalty, to be held, had and enjoyed by her the said Cora B. Barton, her heirs and assigns forever.

And it is further ordered and decreed, that the hereinbefore described parts or allottments assigned as aforesaid to the said Frances A. Slaughter, as said one fourth part of said lands, shall be, and are hereby vested in him in severalty, to be had, held and enjoyed by him the said Frances A Slaughter, his heirs and assigns forever.

And it is further ordered and decreed that the hereinbefore described parts or allotments, assigned as aforesaid to the said Alice D Slaughter, as said one fourth part of said lands, shall be and are hereby vested in her in severalty, to be had, held and enjoyed by her the said Alice D. Slaughter, her heirs and assigns forever.

And it is further ordered and decreed that the hereinbefore described parts or allottment assigned as aforesaid to the said Lucy A. Slaughter, as said one fourth part of said lands, shall be and are hereby vested in her in severalty, to be had, held and enjoyed by her the said Lucy A Slaughter her heirs and assigns forever.

And it is further ordered that the costs incurred herein be taxed equally between the parties and that said Guardians of said minors is hereby authorized to pay the proportionate share of said costs of said minors out of such funds belonging to their said estate as may be in his hands, and that John Mc Cristian and Joseph Davis Commissioners, be each allowed twelve dollars for services herein and that J. E. Campbell be allowed twenty dollars ($20.), said sums to be taxed as costs.

2571 The State of Texas vs. Sam Harris. Continued generally

3431 The State of Texas vs. Maj. Vandegraft. Continued

3445 The State of Texas vs. Bb Stewart & Gilbert Stewart. Continued by the State.

3446 The State of Texas vs. Bb Stewart & Gilbert Stewart. Continued by the State.

3447 The State of Texas vs. Bb Stewart & Gilbert Stewart. Continued by the State.

3448 The State of Texas vs. Bb. Stewart & Gilbert Stewart. Continued by the State.

3556 The State of Texas vs Powell & Gatlin. Cause continued and al. capias ordered to be issued for Powell.

3821. The State of Texas vs. Squire Puckett. It appearing that this court has no jurisdiction to try the above named cause, it is ordered that the same be transferred to the County Court of Travis County and that the clerk of this court do deliver to the clerk of said County Court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the

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same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

4061. The State of Texas vs. Green Ridgway, John Rogers, & John Nelson. Continued by the State.

4063 The State of Texas vs. Green Ridgway, John Rogers, & John Nelson. Continued by the State.

4244 The State of Texas vs. Manley Turner. Continued by the Defendant as on his affidavit

4245 The State of Texas vs. J. M. Turner. Cont. by the Deft. as on his affidavit.

4246 The State of Texas vs J. M. Turner. Continued by the Deft as on his affidavit.

4247 The State of Texas vs. J. M. Turner. Continued by Deft as on his affidavit.

4248 The State of Texas vs. J. M. Turner. Continued by Deft as on his affidavit.

4308 The State of Texas vs. Booker Griffith. The death of Deft having been suggested to the court it is ordered that this cause be dismissed.

4348 The State of Texas vs. George Jones. Continued by Defendant.

4355 The State of Texas vs Mack Horst. Continued.

4393 The State of Texas vs. Joe Jones & Bob Orange. It is ordered that al capias issue for Deft Orange, and that this cause be continued for service on him, and upon the affidavit of the Deft Joe Jone his case is continued.

4403 The State of Texas vs John Webb & Morgan Hamilton. Al. capias ordered to be issued vs. John Webb & cause continued.

4540 The State of Texas vs. Booker Griffith. The death of the Defendant being suggested to the court, it is ordered that this cause be dismissed.

4543 The State of Texas vs. E. Hicks. Continued generally.

4549 The State of Texas vs. Carlo Cunio. Alias capias for Deft & cause continued.

4556 The State of Texas vs. Al Rainey. Continued.

4709 The State of Texas vs S. R. Yates. Al. capias for Deft, & cause continued.

4733. The State of Texas vs John Lindsay and John Brown. Continued by the State as to Deft Brown.

~~4742~~ ~~The State of Texas vs. Sparting Young. Continued by Def't Error.~~

4744 The State of Texas vs Joseph Higgins. Continued by State.

4751 The State of Texas vs Wm Nelson & F. Vetter. Al. capias for Wm Nelson & cause continued as to him for service & continued by State as to Deft Vetter.

4771 The State of Texas vs. Johnson Harris. Continued for service and al. cap. ordered to be issued.

And thereupon Court adjourned till to morrow 9 o'clock A.M.

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4825 John Chenenworth vs. J. M. Able & H. C. Goodrich. Upon motion it is ordered that Deft. Goodrich have leave to withdraw original release from Chenenworth to Goodrich, on leaving a certified copy with the clerk to be filed in papers

And thereupon court adjourned till Thursday the 10th day of May at 9 o'clock A.M.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

This day came into open Court the Grand jury of Travis County, empannelled at the present term of this court and through their foreman J. C. Wilson presented to the court the following indictments to wit:

5007 The State of Texas vs R. J. Overcoat for Adultery

5008 The State of Texas vs. George Slaughter alias John Brown for Theft of pistols of the aggregate value of one hundred & three dollars.

5009 The State of Texas vs. Walter Henderson alias Rustler for Theft of pistols of the aggregate value of one hundred and three dollars

5010 The State of Texas vs. Daniel Jackson for Assault with intent to rape.

5011 The State of Texas vs. for Embezzlement.

5012 The State of Texas vs Sanders Griffin for Theft of heifer.

5013 The State of Texas vs. for Arson.

5014 The State of Texas vs for Theft of hides of the aggregate value of twenty four dollars

5015 The State of Texas vs for passing counterfeit money.

5016 The State of Texas vs for passing counterfeit money.

5017 The State of Texas vs for Assault with intent to rape.

5018 The State of Texas vs for Theft of gelding

5019 The State of Texas vs. for Theft of ox.

5020 The State of Texas vs. for Forgery

5021 The State of Texas vs. for Forgery

5022 The State of Texas vs. for Forgery

5023 The State of Texas vs for Assault with intent to Kill & murder.

5024 The State of Texas vs for Theft of hogs value $25.00

5025 The State of Texas vs for Theft of a horse.

5026 The State of Texas vs. for Theft of steer.

5027 The State of Texas vs. for Theft of Beeswax of the value of $12.50

5028 The State of Texas vs for Exibiting faro

5029 The State of Texas vs for Exibiting monte.

5030 The State of Texas vs for Betting monte

5031 The State of Texas vs. for Betting monte.

5032 The State of Texas vs for Betting monte

5033 The State of Texas vs. for Betting monte

5034 The State of Texas vs for betting monte

5035 The State of Texas vs. for betting monte

5036 The State of Texas vs. for betting monte

5037 The State of Texas vs. for betting monte.

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5113 The State of Texas vs. for betting monte.
5139 The State of Texas vs. for Assault
5140 The State of Texas vs for betting monte.

And said Grand jury suggesting that their is further business before them, they were ordered to retire upon the discharge of the same.

7249. E. L. Compton vs. I. Cayce et al. In the District Court of Travis County. This day came the parties by their attorneys and the plea to the jurisdiction of all the defendants, and the plea of personal privilege of defendant I Cayce to be sued in the County of his residence and the demurrer of all the defendants having heretofore been overruled by the Court and being here again presented and considered were again overruled by the Court and thereupon the cause being submitted to the Court on the evidence, it is considered, ordered and decreed by the Court that the plaintiff Edward L Compton have and recover judgment against the defendants Harriet Culps, who was formerly Harriet Reynolds and her husband Joseph Culps and her children Elizabeth Ragsdale (formerly Elizabeth Reynolds) Martha Lindsay (formerly Martha Reynolds) Caroline Christian (formerly Caroline Reynolds) and John Reynolds, and Talbot Ragsdale, the husband of said Elizabeth Ragsdale and Stanford Lindsey, the husband of said Martha Lindsay and Charles D Grace, L H Planck, Shadrach Cayce and John M. Cayce establishing in the said Compton, as against all of the said defendants full and complete title to the certificate in the name of John F. Reynolds No 86 1st Class issued by the board of Land Commissioners of Jackson County on the 2d day of February A D 1838 for one third of a league of land and to all the rights appertaining or in any manner incident to the same, and divesting out of each and all of the defendants all right title and interest in and to said land certificate; and forever enjoining each and all of them from setting up any claim to such certificate

And it is further ordered adjudged and decreed that the pretended deed of release from the plaintiff E. L. Compton to Stanford Lindsey, Martha Lindsay, Elizabeth Reynolds, and John Reynolds as heirs at law of John Reynolds deceased dated June 17th 1874 in Gonzales County and now on file in the General Land Office be and the same is set aside annulled and forever to be held for naught.

And it is further ordered adjudged and decreed that plaintiff recover of the defendant I. Cayce damages in the sum of one hundred dollars for which he may have execution and that judgment be here entered against all the defendants for all the costs of this suit and that execution may issue therefore. And it is further ordered, in case said Defendants should be

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unable to pay said costs, that execution may issue against the plaintiff and his surety G. B. Freeman for all the costs incurred by said Plaintiff.

4773 The State of Texas vs. Joe Higgins. This day came the State by her Attorney pro tem O. Sheeks Esq., and came also the defendant Joe Higgins in person and by his attorneys and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, to wit: H. B. Hillyer and eleven others, duly elected, tried, empannelled and sworn according to law, heard the indictment, the plea of not guilty, the evidence, argument of counsel and the charge of the court as to the law in this case, and retired to consider of their verdict, and thereupon after due consideration said jury returned into open court the following verdict, to wit: "We the jury find the defendant guilty of assault with intent to murder and assess the punishment at two years in the penitentiary. H. B. Hillyer. Foreman." Whereupon it is ordered & adjudged by the court that the said verdict be and the same is hereby approved, and it is further ordered adjudged and decreed by the court, that the said defendant Joe Higgins be and he is hereby declared guilty of the offense of an assault with the intent to kill and murder, and that he the said Joe Higgins be condemned to be punished by confinement in the State penitentiary to hard labor for the full term of (2) two years in accordance with the finding of the jury in this cause, and that he pay all costs of this prosecution.

This day came into open court the Grand jury of Travis County empannelled at this term of this court and through their foreman J. C. Wilson presented to the court the following indictments to wit:

5005 An indictment against Ben Thompson & James Burditt for murder.

5006 An indictment against Jim Bain alias Jim Jones for murder.

And thereupon said Grand jury retired upon the discharge of the business before them.

3425 The State of Texas vs. Rhodes Whitis. This day came the County Atty and submitted to the court his statement as filed with the papers in this cause, showing why he cant prosecute this cause, and the said reasons appearing sufficient to the court, it is ordered that this cause be dismissed.

4708 The State of Texas vs. Jim Nixon & Joseph Polvidere. Cause continued for service on both defendants.

4777 The State of Texas vs. Frank Loyd & Ed Jones. For reasons given by the County Atty in his statement on file it is ordered that this cause be dismissed.

4539. The State of Texas vs. Charles E. Barnard. The indictment in this cause having been found insufficient in law, the same is quashed and this

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cause ordered to be dismissed. And thereupon Court adjourned till 9 o'clock A. M. to morrow.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4753 The State of Texas vs. Houston Yoakum. Continued by the State.

5007 The State of Texas vs. R. J. Swancoat. It appearing that this court has no jurisdiction to try the above named cause, it is ordered that the same be transferred to the County Court of Travis County and that the clerk of this court do deliver to the clerk of said County court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

4887 The State of Texas vs. Stephen Pound. This day came the State by her attorney and came also the defendant Stephen Pound in person and by Attorney, whereupon came a jury of twelve good and lawful men of Travis County, consisting of J. Crow and eleven others, who, being duly elected tried empannelled and sworn according to law, heard the indictment, to which indictment the defendant Stephen Pound plead guilty. And thereupon said jury was duly charged by the court as to the law in this case and retired to consider of their verdict, and after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant Stephen Pound guilty, and assess the punishment by imprisonment in the penitentiary for fifteen years J. Crow. Foreman" Whereupon it is ordered and decreed by the court that said verdict be and the same is hereby approved. And it is further ordered, adjudged and decreed by the court, that the said defendant Stephen Pound be and he is hereby declared guilty of the crime of theft of a mare, and that he the said Stephen Pound be and he is hereby condemned to be punished by confinement in the State Penitentiary by hard labor for the full term of fifteen (15) years in accordance with the finding of the jury in this cause, and that he pay all costs of this prosecution, for which execution may issue.

4842 The State of Texas vs. Jacob Patterson. This day came the state by her attorney and came also the defendant Jacob Patterson in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County to wit: J. Crow Foreman and eleven others, who heard the indictment the plea of not guilty, the evidence the argument of counsel and the charge of the court & retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant Jacob Patterson not guilty. J. Crow Foreman". Whereupon it is ordered

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adjudged and decreed that said verdict be a the same is hereby approved and that the defendant Jacob Patterson go hence fully discharged and acquitted of this accusation.

4984 The State of Texas vs. Stephen Pound. The defendant Stephen Pound having this day been convicted of another accusation and having been punished by confinement in the penitentiary for fifteen years, it is ordered by the court that this cause be dismissed.

4834. The State of Texas vs. Mariah Hudson. This day came the State by her Attorney and came also the defendant in person and by her attorney, and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County to wit: E. S. Matthews Foreman and eleven others, who after being duly elected, tried, empanelled and sworn, heard the indictment, the plea of not guilty, the evidence, argument of counsel and the charge of the court as to the law in this cause, and retired to dele of their verdict. And thereupon said jury after due consideration returned into open court the following ~~verdict~~ to wit: "We the jury find the defendant guilty as charged and assess the punishment at seven years in penitentiary. E. S. Matthews, Foreman." Whereupon it is ordered and decreed by the court that the said verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed by the court that the said defendant Mariah Hudson be and she is hereby declared guilty of the crime of Assault with the intent to kill & murder, and that she the said Mariah Hudson be and she is hereby condemned to be punished by confinement in the State Penitentiary by hard labor for the full term of (7) seven years in accordance with the finding of the jury in this case, and that She pay all costs of this prosecution.

3830 The State of Texas vs. Joe Fowler. Continued by State.

And thereupon Court adjourned till to morrow 9 o'clock a.m.

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Court met pursuant to adjournment, Present same as first day, when the following proceedings were had, to wit:

4914. A. J. Seeber, assignee of the Corporation of C. R. Johns & Company vs. J. C. Kerbey and C. R. Johns. In District Court of Travis County, April term A D 1877. This Court on a previous day of the present term, having decreed and ordered, that the lands described in plaintiffs petition be partitioned and that Wm Von Rosenberg, G Crow and R D Chadwick be appointed Commissioners to effect said partition, and said Commissioners having in accordance with said order returned into Court, made

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oath the following report:
A. J. Peeler assignee &c. vs. J. C. Kerbey & C. R. Jobeas In District Court of Travis County April term 1877. To Hon. E. B. Turner, Judge of said Court. The undersigned Commissioners appointed by this Court to partition the lands described in plaintiffs petition, being fully advised, from evidence adduced before them, of the value of each tract and of the respective interests of each party, return this, a report of their action in the matter of the partition.

There are twenty eight (28) tracts, aggregating 15,151 61/100 acres of the aggregate value of $ 23,494 90/100, in which the parties hereto are conjointly interested as tenants in common, or part-owners. In 25 of said 28 tracts the interest of the parties is regular, that is to say, A. J. Peeler assignee of the Corporation of C. R. Jobeas & Company is entitled to one half (1/2), the defendant Kerbey, to one third (1/3) and the defendant Jobeas to one sixth (1/6). In the remaining 3 tracts, aggregating 4494 acres of the aggregate value of $ 3768 50/100, the interest of the said Peeler is $ 2668 37/100, of the said Kerbey $ 786.09/100 & of the said Jobeas $ 314.04/100.

The 25 tracts aforesaid were distributed with respect to value as follows: ××××

To A. J. Peeler, assignee &c.

535 acres in Limestone and Hill Counties, near N. W. corner of Limestone, patented to Thos. H. Duggan (№ 13 in Plaintiffs petition.

241 acres in Limestone County, at the head of Christmas Creek, patented to F Everett, assignee of Thos. Toby (№ 20 in Plaintiffs petition)

586 acres in Ellis County, waters of Cummins Creek, patented to James Park, assignee of W. H Ewing (№ 4 in Plaintiffs petition)

160 acres in Ellis County, waters of Mountain Creek, patented to J. C. Kerbey, assignee of J. G. Hayne (№ 5 in Plaintiffs petition

213 1/3 acres in Limestone County part of 640 acres patented to Preston Conlee (№ 18 in plaintiffs petition.

585 acres in Limestone County, patented to Thos H. Duggan (№ 15 in plaintiffs petition.

100 acres in Limestone County patented to Thos H. Duggan (№ 12 in plaintiffs petition

960 acres in Trinity County patented to the Heirs of John Bryand (№ 28 in plaintiffs petition)

780 acres in Falls County, part of 1280 acres patented to Wm Nye (№ 7 in plaintiffs petition.

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717 acres in Ellis County, patented to the heirs of Bradman Canfield (N 3 in plaintiffs petition)
640 acres in Wichita County, patented to E. B Johns & Co, assignees of Southern Pacific Railroad Company. All of which said above mentioned tracts aggregate $ 9863. 20/100, the aggregate value of the interest of the said A. J. Peeler therein.

2. To J. C. Kerbey, defendant ××××

80 1/3 acres of land in Johnson County, patented to Thos H. Duggan (N 11 in plaintiffs petition.
981 acres in Limestone County patented to J. C. Kerbey, assignee of Elijah Wotan (N 16 in plaintiffs petition)
313 acres in Limestone County, patented to W. P. Backster (N 22 in plaintiffs petition
152 acres in Limestone County, patented to the heirs of A. J. Harrison (N 24 in plaintiffs petition)
663 acres in Johnson County, patented to Parker S. Doss (N 10 in Plaintiffs petition; ××××
320 acres in Limestone County, patented to John L Spence (N 25 in plaintiffs petition.
327 acres in Limestone County, patented to Thos H Duggan (N 14 in plaintiffs petition.
168 acres in Limestone County, patented to heirs of A. J. Harrison (N 23 in plaintiffs petition.
213 1/3 acres in Archer County, patented to and part of Thos Freemans 640 acres (N 1 in plaintiffs petition.
151 16/100 acres in Houston County, patented to the heirs of Jno Bryan (N 8 in plaintiffs petition. Said lands aggregate $ 6575 70/100, the aggregate value of his interest

3. To C. R Johns, defendant

104 acres of land in Falls County part of 640 acres patented to James Park, assignee of W. H. Ewing (N 6 in plaintiffs petition)
927 acres in Limestone County patented to to Wm Nege (N 19 in plaintiffs petition)
586 acres in Limestone County, patented to W. P. Backster (N 21 in plaintiffs petition.)
174 acres in Ellis County, patented to the heirs of Buckner Canfield. Said lands aggregating $ 3287 50/100, the aggregate value of his interest.

II The other 3 tracts of the 28 were divided as follows:

To A. J. Peeler assignee &c.

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3754 acres of land in Jasper County patented to Nelson Merrill, assignee of Sarah Gray N°9 in Plaintiffs petition.
601 63/100 acres in Tarrant County out of survey of 1151 acres, patented to Nelson Merrill, assignee of Sarah Gray. Beginning 590 varas North of the S. E. corner of said 1151 acres survey; thence North, with the East line thereof, 2059 varas; thence West 1120 varas intersecting the east line of a 288 acres tract sold out of this survey to B. F. Masterson, thence South 916 varas, to Mastersons S. E. corner, thence West 592 varas to Mastersons corner on one of the West lines of the original survey; thence following the lines of the original survey South 30° East 79 varas to original corner; thence South 60° West 878 varas to original corner thence S. 45 E. 905 varas to a point in the S. W. line 835 varas from the original S W Corner, thence East 1795 varas to the place of beginning being part of N° 27 in plaintiffs petition. — Said lands aggregate $ 2668 37/100, the aggregate value of the said Peelers interest.

To J. C. Kerbey, defendant:
156. 69/100 acres in Tarrant County, out of 1151 acres patented to Nelson Merrill, assignee of Sarah Gray. Beginning at the S E. corner of said survey; thence North 590 varas; thence West 1795 varas to a point in the S W. line of the original survey, thence with said line S. 45° E. 835 varas to the original S. W. corner. thence E with the original South line 1205 varas to the beginning, being part of N° 27 in the plaintiffs petition.
158 acres in Limestone County patented to the heirs of Burrill Ware being N° 17 in plaintiffs petition. Said lands aggregating $ 786 09/100 the aggregate value of said Kerbys interest.

To C. R. Johns, defendant.
104 60/100 acres in Tarrant County, part of a survey of 1151 acres patented to Nelson Merrill assignee of Sarah Gray; Beginning at the N. E corner of said survey; thence West, with its North line 1120 varas to the N. E. corner of 288 acres sold out of this tract to B. F. Masterson; thence South with Mastersons East line 527 varas to the N. W corner of the tract allotted by us to W. J. Peeler assignee, thence East with the North line of said tract 1120 varas to the N. E corner thereof, thence North, 527 varas to the beginning, being a part of N° 27 in plaintiffs petition. Said tract of land valued at $ 317 00/100 represents the value of said Johns interest. (signed) W Von Rosenberg, G Crow, R W Chadwick Commissioners. Sworn to & subscribed before me this 11th day of May 1877. E. Hallmann Clerk.

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— which, not being excepted to, is hereby in all things confirmed; it is therefore ordered, adjudged and decreed, that the lands described in said report as set apart and allotted to the plaintiff and to the defendants, respectively, be, as therein allotted and set apart, held and enjoyed by them in severalty, according to their respective allotments and that they execute mutual conveyances to each other of such respective allotments, according to their respective interests therein; it is further ordered, adjudged and decreed, that the Costs of this proceeding be borne ratably by the plaintiff and the defendants in the following proportions, one half by the said plaintiff, one third by the said defendant J. C. Kerbey, and one sixth by the said defendant C. R. Johns, and that the officers of this Court have execution therefore, it is further ordered that the said Wm Von Rosenberg, G Crow and R. A Chadwick, Commissioners aforesaid, receive for their services in effecting said partition the sum of $ five each, to be taxed as a part of the costs of this proceeding.

7915. A. J. Peeler assee vs. J. C. Kerbey In District Court of Travis County April term 1877. This Court on a previous day of the present term having decreed and ordered, that the lands described in plaintiffs petition be partitioned and that Wm Von Rosenberg, G Crow and R.A. Chadwick be appointed Commissioners to effect said partition, and said Commissioners having, in accordance with said order, returned into Court, under oath, the following report:

A. J. Peeler assg. vs: J. C. Kerbey In District Court of Travis County April term 1877. To the Hon E. B. Turner, Judge of said Court.

The undersigned Commissioners appointed by this Court, to partition the lands described in Plaintiffs petition, being fully advised, from the evidence adduced before them, of the value of each tract and of the respective interests of each party, return this, a report of their action in the matter of the partition.

There are fourteen (14) tracts aggregating 7861 1/2 acres of land of the aggregate value of $ 9803.00 of which the interest of the said A. J. Peeler assignee of the Corporation of C. R. Johns & Company, is $ 7352 25/100 and of the said J. C. Kerbey $ 2450 75/100, and 7/8 lots 5 & 6 in Block 62, in the City of Austin, valued at $ 7000, in which the interest of the said A. J. Peeler is $ 3500, and the interest of the said Kerbey $ 500

These tracts and lots have been partitioned, with respect to quality & value as follows:

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To A.J. Peeler, assignee of 500 acres in Denton County, patented to N. Hargleton, assignee of Wm Carter valued at $1250 (No 2 in plaintiffs petition)

*191 acres in Denton County, patented to N. Hargleton assignee of John Wexzwell valued at $ 477 50/100 (No 5 in Plffs petition)

129 acres in Denton County, patented to N. Hargleton, assignee of Jno Wexzwell valued at $322. 50/100 (No 6 in plaintiffs petition)

†320 acres in Denton County, patented to C R Johns, assignee of Alexander Miller, valued at $800 00 (No 7 in plaintiffs petition)

121 acres in Falls County, patented to C. R Johns assignee of Parker S. Doss, valued at $ 242 00 (No 8 in plaintiffs petition.)

1280 acres in Falls County, patented to W. D Lee, assignee of Jno Marks valued at $ 2560 00/100 (No 12 in plaintiffs petition)

80 acres in Limestone County, part of 320 acres patented to F. G Seeres valued at $ 200 00 (No 13 in plaintiffs petition.

80 acres in Limestone County, part of 320 acres patented to F G Seeres valued at $ 200 (No 14 in plaintiffs petition

†5/6 of Lots 5 & 6 in block 62 in City of Austin, valued at $ 4000. Said tracts and lots aggregating in value $ 10,852 00/100, representing the aggregate value of the said Peeler's interest.

To J. C. Kerby, Defendant

640 acres in Bandera County patented to W D. Lee, valued at $ 480. 00/100 (No 1 in plaintiffs petition)

140 acres in Denton County, patented to N. Hagleton, assignee of Wm Carter valued at $ 350 00/100 (No 3 in Plaintiffs petition)

138 acres, in Falls County, patented to C. R Johns, assignee of Parker S. Doss, valued at $ 276 00/100 (No 9 in plaintiffs petition

785 acres in Falls County, patented to J. C. Kerby, assignee of Thos G. Glass, valued at $ 940 00/100 (No 10 in plaintiffs petition

437 1/2 acres in Falls County, patented to J. C. Kerby assignee of E. Volan, valued at $ 875 00/100 (No 11 in plaintiffs petition. Said tracts aggregating in value $ 2957 00/100, the aggregate value of the said Kerbys interest

Sworn to & subscribed before me this 11th day of May 1877. E. Hallmann Clerk

W Von Rosenberg
G Crane
R A Chadwick
Commissioners

— which, not being excepted to is Kerby in all things confirmed; it is therefore ordered, adjudged and decreed, that the lands described in said report, as set apart and allotted to the plaintiffs and to the defendants respectively, be, as therein allotted set apart, held and enjoyed by them in severalty, according to their respective allottments, and that they execute

* 320 acres in Denton County patented to N. Hargleton assignee of Jesse Morgan valued at $800 (No 4 in plaintiffs petition

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mutual conveyances to each other of such respective allottments according to their respective interests, therein, it is further ordered adjudged and decreed that the costs of this proceeding be borne ratably by the plaintiff and the defendant in the following proportion, (2/3) two third by the said plaintiff and one third by the said defendant, and that the officers of this Court have execution therefore; it is further ordered, that the said Wm Von Rosenberg, G Crow and R.A. Chadwick, Commissioners aforesaid, receive for their services, in effecting said partition, the sum of $ each to be taxed as a part of the costs of this proceeding.

4343 The State of Texas vs. Jacob Patterson. This day came the State by her attorney and came also the defendant in person and by his attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of G. Crow and eleven others who, after being duly elected tried impannelled and sworn according to law, heard the indictment, the plea of not guilty, the evidence, argument of counsel and the charge of the court as to the law in this case, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant Jacob Patterson guilty and assess the punishment to imprisonment in the penitentiary for two years. G. Crow Foreman." Whereupon it is ordered and adjudged by the Court that the said verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed by the court that the said defendant Jacob Patterson be and the same is hereby condemned to be punished by confinement in the State penitentiary to hard labor for the full term of (2) two years in accordance with the finding of the jury in this case and that he pay all costs of this prosecution.

Grand Jury. This day came into open court the Grand Jury of Travis County impannelled at the present term of this court, and presented to the court the following indictments to wit:

5041 The State of Texas vs. Barney Fowler & Robert Dixon for murder.
5042 The State of Texas vs: John Isbell for theft of an ox.
5043 The State of Texas vs. George Bell and George Post Oak for theft of a work ox.
5044 The State of Texas vs. Sanders Griffin and Henry Wright for theft of a work ox.
5045 The State of Texas vs. George Slaughter and Walter Henderson for burglary.
5046 The State of Texas vs. Ed Everett and John Wheat for theft of a pipe value $ 50
5047 The State of Texas vs. Dan James for theft of gelding.
5048 The State of Texas vs. for theft of a mare & horse.
5049 The State of Texas vs. for theft of hides of the value of $ 24
5050 The State of Texas vs. for theft of a milk cow.
5051 The State of Texas vs. for Swindling.

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5052 The State of Texas vs — for theft of ox.
5053 The State of Texas vs. W. J. Sutor for giving a certificate of inspection as inspector of hides & animals without examining the animal.
5054 The State of Texas vs for unlawfully practicing medicine.
5055 The State of Texas vs Ed Everett & John Wheat for theft of postage stamps value $2.25
5056 The State of Texas vs for theft of $3.00
5057 The State of Texas vs. for assault.
5058 The State of Texas vs for carrying a pistol
5059 The State of Texas vs for assault
5060 The State of Texas vs. for theft of cow & heifer.

And the said Grand jury suggesting that their is no further business before them, they were ordered to go hence discharged.

It appearing that the following named persons had served as Grand jurors for 22 days during the present term of this court, to wit: John C. Wilson, Ben Henricks, J. J. McQuistian, R. L. King, R. S. Caperton, Jas W. Berry, Robert Kerr, Jno Dillingham, Thos Vann, P. S. Gardner, W. B. Smith, Reuben Harris, it is therefore ordered that the clerk of this court do issue to said Grand jurors a certificate showing their service as such jurors.

It appearing to the court that the following named persons have served as petit jurors of the fourth week of the present term of this court for the number of days set opposite their names, to wit: S. Brown 5, J. A. Hancock 2, Caleb Cox 2, Thos King 5, John H. Tulk 5, Hugh Cameron 5, W. D. Forehand 5, Danl. Hornsby 5, Hardin Walsh 5, Paul Pressler 5, Jno Wolf 5, Robt Pearson 2, J. A. Bate 5, J. C. Williamson 5, B. T. Gault 5, Ad Smith 5, J. B. Weems 5, J. J. Wade 5, E. S. Mathews 5, L. Strahmer 5, Jacob Leser 5, Jas C. Harber 5, H. B. Tillyer 5, J. A. Leverett 5, W. H. Hornby 5, R. J. Sheldon 1, Pat Smith 1, C. J. Dukey 2, J. F. Fowler 2 days — It is therefore ordered by the court that the clerk of this court do issue a certificate to each juror showing the number of days of such service.

And thereupon Court adjourned till monday morning 9 o'clock A. M.

May 14th 1877.

Court met according to adjournment. Present same as first day.

Whereupon the following proceedings were had to wit.

4736 The State of Texas vs. George Douglass. This day came the State by her Attorney and came also the defendant George Douglass in person & by his attorney, and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of M. C. Muckals Jr. Foreman, and eleven others, who after being duly tried elected, empannelled and sworn according to law, heard the indictment, the plea of not guilty, the evidence, argument of counsel and the charge

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of the court as to the law in this case, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant guilty and assess the punishment at two years in the State penitentiary. M C. Nichols Jr. Foreman." Whereupon it is ordered and adjudged by the court, that the said verdict be and the same is hereby approved; and it is further ordered, adjudged and decreed by the court that the said defendant George Douglass be and the same is hereby declared guilty of the crime of Theft of a steer, and that the said George Douglass be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of two years in accordance with the finding of the jury in this case, and that he pay all costs of this prosecution.

Jury Commissioners.

This day came into open court the Jury Commissioners appointed at the present term, and presented to the court duplicate lists of the Grand Jurors and of the Petit jurors for the 1st 2nd 3rd 4th 5th & 6th week of the October Term 1876 of this Court as selected by said Commissioners; and thereupon the court delivered said list to the clerks of the District & County Courts of this County and administered to both of said officers the oath as prescribed by law in regard to the keeping of said lists.

4844. The State of Texas vs. Jacob Patterson. This day came the State by her attorney and came also the defendant Jacob Patterson in person & by his Attorney; and thereupon said defendant submitted to the court his application for a continuance, which application was by the court overruled, to which ruling said defendant by counsel excepted. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Jonathan Rogers and eleven others, who after being duly elected tried empannelled and sworn according to law, heard the indictment, the plea of not guilty, the evidence, the argument of counsel and the charge of the court, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the prisoner Jacob Patterson guilty and assess the punishment at two years imprisonment in penitentiary. Jonathan Rogers, Foreman." Whereupon it is ordered and adjudged that said verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed by the court that the said defendant Jacob Patterson be and he is hereby declared guilty of the offence of theft of a steer, and that he, the said Jacob Patterson be and he is hereby condemned to be punished by confinement in the State penitentiary to hard labor for the full term of two years in accordance with the finding of the jury in this case, and that he pay all costs of this prosecution. And thereupon Court adjourned till to morrow morning 9 oclock.

May 15th 1877

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

5114 6 The State of Texas vs. Ed Everett and John Wheat. This day came the State by her attorney and came also both defendents in person and by attorn when at the request of the prosecuting attorney this cause was dismissed as to the defendant John Wheat. And thereupon the defendant Ed Everett was placed upon trial, and the State and said defendant Ed Everett announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of M. C. Nichols jr and eleven others, who after being duly elected tried empannelled and sworn according to law, heard the indictment, the plea of not guilty, the evidence the argument of counsel and the charge of the court, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the value of the pipe to be more than twenty dollars, and we find the defendant guilty and assess the punishment at two years in the State penitentiary. M. C. Nichols Foreman." Whereupon it is ordered and decreed by the court that the said verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed by the Court that the said defendant Ed Everett be and he is hereby declared guilty of a felony to wit of theft of property of the value of over twenty dollars, and that he the said Ed Everett be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of (2) two years, and that he pay all costs of this prosecution.

4066. The State of Texas vs. John Isbell. Dismissed for want of evidence

5114 2. The State of Texas vs. John Isbell. This day came the State by her attorney and came also the defendant John Isbell in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of M. C. Nichols Foreman and eleven others, who after being duly elected, tried empannelled and sworn according to law, heard the indictment, the plea of not guilty, the evidence argument of counsel, and the charge of the court, and retired to consider of their verdict. And thereupon said jury returned into open court the following verdict to wit: "We the jury find the defendant not guilty. M. C. Nichols Foreman." Whereupon it is ordered adjudged and decreed by the court that the said verdict be and the same is hereby approved, and that the said defendant John Isbell go hence fully discharged and acquitted from this accusation.

May 15th 1877.

4071 The State of Texas vs John Isbell. This day came the State by her Attorney and came also the defendant John Isbell in person and by his Attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Jonathan Rogers and eleven others, who after being duly tried, elected, empannelled and sworn according to law, heard the ~~indictment~~ indictment the plea of not guilty and the evidence and returned from their seats under the charge of the court the following verdict to wit: "We the jury find the defendant John Isbell not guilty Jonathan Rogers." It is thereupon ordered, adjudged and decreed by the court that the said defendant John Isbell go hence fully discharged and acquitted of this accusation.

4064. The State of Texas vs Wm Isbell. This day came the State by her attorney and came also the defendant Wm Isbell in person and by attorney and both parties announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Jonathan Rogers Foreman and eleven others duly elected, tried, empannelled and sworn according to law, heard the indictment the plea of not guilty, the evidence, the argument of counsel, and the charge of the court, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant William Isbell not guilty. Jonathan Rogers Foreman". It is thereupon ordered adjudged and decreed by the court that the said verdict be and the same is hereby, and that the said defendant William Isbell go hence fully discharged and acquitted from this accusation.

4160 The State of Texas vs Joe Burlage. Indictment quashed, and the offence not being barred, the defendant is committed to the custody of the Sheriff, that proceedings may be again instituted.

4161 The State of Texas vs Joe Burlage. Indictment quashed.

4162 The State of Texas vs Joe Burlage. Indictment quashed.

4237 The State of Texas vs Joe Burlage. Cause continued by State.

4238 The State of Texas vs. Joe Burlage. Indictment quashed.

4709 The State of Texas vs. P. R. Yates. Indictment quashed. On motion it is ordered that the defendant P R. Yates be held in custody untill further proceedings may be instituted.

4765 The State of Texas vs. Neal Cain et al. Continued by State.

4766 The State of Texas vs. Neal Cain et al Continued by State.

4767 The State of Texas vs. Neal Cain. Continued by State.

4768 The State of Texas vs. Neal Cain et al. Continued by State.

4769 The State of Texas vs. Neal Cain et al Continued by State.

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4770 The State of Texas vs. Neal Cain et al. Continued by State.

4779 The State of Texas vs. M. M. Turner. Continued by consent.

4829 The State of Texas vs. R. J. Swancoat. Indictment quashed, because offense barred by the Statute of Limitation.

4747 The State of Texas vs Neal Cain et al. Continued by Defendant.

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

May 16th 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

5008. The State of Texas vs George Slaughter alias John Brown. This day came the State by her attorney and came also the defendant George Slaughter in person and by Attorney, when the said Defendant George Slaughter plead guilty to the charge as contained in the indictment. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of M. C. Nuckols foreman and eleven others, duly elected, tried empannelled and sworn according to law, heard the indictment, the plea of guilty and the charge of the court as to the law in this case, and returned from their seats the following verdict to wit: "We the jury find the defendant George Slaughter guilty of the offense of theft as charged and we assess his punishment at five years in the State penitentiary. May 16th 1877. M. C. Nuckols Jr. Foreman." Whereupon it is ordered and decreed by the court, that the said verdict be and the same is hereby approved; and it is further ordered, adjudged and decreed by the court, that the said defendant George Slaughter be and he is hereby declared guilty of a felony to wit: of theft of property of a value exceeding twenty dollars, and that he the said George Slaughter be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of five years and that he pay all costs of this prosecution.

5009 The State of Texas vs. Walter Henderson. Continued.

5010 The State of Texas vs. Daniel Jackson. This day came the State by her attorney and came also the defendant Daniel Jackson in person and by Attorney. and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of M. C. Nuckols and eleven others duly, elected, tried empannelled and sworn according to law, who heard the indictment, the plea of not guilty, the evidence, argument of counsel and the charge of the court as to the law in this case, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict, to wit: "We the jury find the defendant guilty of an assault with intent to commit a rape and assess the punishment at (7) seven

May 16th 1877

years in the State penitentiary. M. C. Nuckols Foreman." Whereupon it is ordered, adjudged and decreed that the said verdict be and the same is hereby approved and it is further ordered, adjudged and decreed by the court that the said defendant Daniel Jackson be and he is hereby declared guilty of the offence of an assault with intent to commit a rape, and that he the said Daniel Jackson be and he is hereby condemned to be punished by confinement to hard labor in the State Penitentiary for the full term of seven years, and that he pay all costs of this prosecution.

5045 The State of Texas vs. George Slaughter and Walter Henderson. This day came the State by her attorney and came also the defendants George Slaughter and Walter Henderson in person and by their attorneys, when at the request of the prosecuting Attorney this cause was dismissed as to George Slaughter, whereupon the State by her attorney and the defendant Walter Henderson by his Attorney announced ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, duly elected empannelled and sworn according to law, heard the indictment, the defendants plea of not guilty, the evidence, the argument of counsel and the charge of the court, and retirned to consider of their verdict. And after due consideration said jury returned into open court the following verdict, to wit: "We the jury find the defendant guilty of burglary as charged in the indictment and that the burglary was with the intent to commit theft and that the house was entered by actual force and assess his punishment at five years in the State penitentiary. Chas. Sabath, Foreman". Whereupon it is ordered by the court that the said verdict be and the same is hereby approved and it is further ordered, adjudged and decreed by the court that the said defendant Walter Henderson be and he is hereby declared guilty of the crime of burglary as charged in the indictment, and that he the said Walter Henderson be and he is hereby condemned to be punished by confinement to hard labor in the State Penitentiary for the full term of (5) five years in accordance with the finding of the jury: and that he pay all costs of this prosecution.

5047 The State of Texas vs. Dan James. Continued generally.

7955. A. J. Peller, assignee of the Corporation of C. R. Johns & Company vs: Dennis Corwin. In District Court of Travis County April term 1877. This Court, on a previous day of the present term, having decreed and ordered, that the lands described in plaintiffs petition be partitioned, in accordance with the prayer thereof, and that Wm Von Rosenberg, G. Crow and R. A. Chadwick, be appointed Commissioners to effect said partition and said Commissioners having, in accordance with said order, returned into Court, under oath the following report:

16th May 1877.

A. J. Peeler, assignee of the Corporation of C. R. Johns & Company vs: Dennis Corwin No 4955. In District Court of Travis County April term A D 1877. To the Hon. E. B. Turner Judge of said Court. The undersigned Commissioners appointed by this Court to partition, in accordance with the prayer in plaintiffs petition, the lands described therein, being duly advised, from evidence addduced before them, of the value of the lands and of the respective rights of the plaintiffs and defendant therein, and said defendant Corwin having paid over to the said A. J. Peeler assignee of the Corporation of C. R. Johns & Company, the sum of $730 27/100 the balance due by him on the locative contract between him and said Corporation, set out in plaintiffs petition, return this a report of their action in the matter of the partition.

The following tracts have been set apart to A. J. Peeler, assignee of C. R. Johns & Company, plaintiff.

792 acres in Archer County part of 1476 acres in the name of R. T. Blackburn (Tract No in pltffs petition)

320 acres in Archer County, North half of 640 acres in the name of G. B Billups (No 1 in plaintiffs petition)

106 2/3 acres in Archer County, part of 320 acres in the name of Thomas D. Palmer (No 21 in pltffs petition)

173 acres in Archer County, East third of 519 acres in the name of James Webb (No 29 in plaintiffs petition)

320 acres in Archer County North half of 640 acres in the name of Geo. L. Kenman (No 16 in plaintiffs petition.

221 acres in Archer County part of 663 acres in the name of L. Hopson (No 14 in plaintiffs petition)

792 acres in Archer County, part of 1476 acres in the name of L. Hopson (No 13 in pltffs. petition

738 acres in Archer County part of 1476 acres in the name of Jno L. Brooks (No 3 in pltffs. petition.

533 1/3 acres in Archer County, South part of 640 acres in the name of C. B. Gerrard (No 7 in pltffs petition)

640 acres in Archer County, in the name of G. H. & H. R R (No 6 in plaintiffs petition

320 acres in Archer County in the name of David Meyer, South half of 640 acres (No 20 in pltffs petition.

179 1/2 acres in Archer County, South half of 229 acres in the name of John Smith (No 26 in plaintiffs petition.

640 acres in Archer County, North half of 1280 acres in the name of Obron Gayley No 11 in plaintiffs petition

May 16th 1877.

320 acres in Archer County, South half of 640 acres in the name of D. E Bodemeyer (N° 24 in pltffs petition)
160 acres in Archer County, South half of 320 acres in the name of F. F. Bodemeyer (N° 23 in Pltffs petition)
320 acres in Atascosa County, in the name of Wm Mayer (N° 33 in pltffs petition)
160 acres in Archer County, South half of 320 acres in name of J. F. O'Bailey (N° 25 in pltffs petition.
369 acres in Archer County South half of 738 acres in the name of Wm Wards' Heirs (N° 27 in pltffs petition)

The following tracts have been set apart to Dennis Corwin, defendant:

792 acres in Archer County, part of 1776 acres in the name of A. M. Nelson (N° 30 in plaintiffs petition.
320 acres in Archer County, in the name of James Hughes (N° 15 in plaintiffs petition
276½ acres in Archer County, South half of 553 acres in the name of Harvey H. Kirk (N° 17 in plaintiffs petition)
320 acres in Archer County, North East half of 640 acres in the name of Harvey H. Kirk (N° 18 in plaintiffs petition)
209 acres in Archer County South half of 418 acres in the name of Wm Mayer (N° 19 in plaintiffs petition.
6⅓ acres in Travis County, part of 20 acres in the name of Thos. G. Allen (N° 31 in pltffs petition.
792 acres in Archer County, East third of 1776 acres in the name of Matthew Doyle (N° 4 in plaintiffs petition)
738 acres in Atascosa County, North half of 1476 acres in the name of Lewis H. Smith N° 34 in pltffs petition.
320 acres in Archer County part of 960 acres in the name of Harvey Cox (N° 35 in plaintiffs petition
213⅓ acres in McMullen County part of 640 acres in the name of Harvey Cox (N° 36 in Pltffs petition.
640 acres in McMullen County in the name of J. V. Massen (N° 32 in pltffs petition
792 acres in Archer County, East third of 1776 acres in the name of Manuel Estrada (N° 5 in plaintiffs petition)
320 acres in Archer County in the name of German Emigration Company (N° 8 in Pltffs petition (File N° B. 2017)
320 acres in Archer County in the name of German Emigration Company (N° 9 in Pltffs Petition (File B. 2017)

May 16th 1877.

320 acres in Archer County in the name of German Emigration Com=
pany (No 10 in pltffs petition
816 3/4 acres in Archer County, North half of 1633 1/2 acres in the name
of Pleasant B. Beggs (No 22 in pltffs petition)
160 acres in Archer County, South half of 320 acres in the name of Ed.
Hall (No 12 in pltffs petition) signed W Von Rosenberg
Sworn to & subscribed before me " G Crow Commissioners
this 15th day of May A D 1877. " R.A. Chadwick
E. Hallmann Clerk

— which, not being excepted to, is hereby in all things confirmed, it is therefore ordered, adjudged and decreed, that the bounds described in said report as set apart and allotted to the plaintiff & to the de=fendants, respectively be, as therein allotted and set apart, held and enjoyed by them in severalty, according to their respective allotments and that they execute mutual conveyances to each other of such res=pective allotments according to their respective interests therein, it is further ordered, that the costs of this proceeding be borne equally by plaintiff and the defendants, and that W Von Rosenberg, G Crow and R A Chadwick, Commissioners aforesaid, receive for their services in effecting said partition the sum of $5.00 each to be taxed as part of the costs in this proceeding.

3289. Phineas Burchard et als. vs: Potter, Hancock & West

And now on this day come the Parties by their Attorneys and ask the Court to ascertain the share to which each party is entitled in the half league of land mentioned in said Plaintiffs petition, and to appoint Commissioners to partition the same; and the Court hav=ing ascertained from the evidence and admission of the parties, the premises duly considered, and by the Court fully understood. It is therefore ordered and decreed by the Court that John E. Campbell, John F Jones and O.H. Cullen be, and they are hereby appointed Com=missioners to Partition the half league of land more or less, mention=ed and described in said Plaintiffs petition, setting apart one fourth of said half league by metes and bounds according to quality, quan=tity and value to Hancock and West, one fourth of said land to Phi=neas Burchard, one fourth to Fidelia Potter and the other remaining fourth to the heirs of Ann E. Chappell or their assignee or vendee, share and share alike, according to quality, quantity and value and that said Commissioners make a report of said partition with plat and field notes, to the present term of this Court as the law directs.

May 16th 1877.

4375. Jesse J. Northcutt et als. vs: Clement R Johns et als. On this day came the parties by their Attornies and announced themselves ready for trial, and having waived a jury said cause was submitted to the Court upon the law and facts. The Court after hearing the evidence and argument of counsel, and fully understanding the matters at issue between the parties, adjudged the law and the facts to be with the Plaintiffs. It is therefore ordered, adjudged and decreed by the Court that said Plaintiffs do have and recover of and from said Defendants fifty eight sixtieth parts of the following described tract of land: Situated in Travis County State of Texas part of a league & labor survey in the name of Henry Martin to wit: Beginning at a point on the North East line of said survey 1884 vs. N 30° E. from the S. E. corner of said survey. Thence N 30° E. 3768 vs to the N. E. corner of said survey. Thence N 60° W 7600 vs to the N W corner of said survey. Thence S 30° W 3768 vs to a stake. Thence S 60° E 7600 vs to the place of beginning and that said Defendants do have and recover of said Plaintiffs two sixtieths of said tract of land. — It is further ordered that said plaintiffs have their part of said tract of land severed and set apart to them by meets and bounds and that L. H. Luckett, Dennis Corwin and J. E. Campbell be and are hereby appointed Commissioners of partition who will proceed to divide said tract of land in accordance with this decree, giving and setting apart to Plaintiffs fifty eighths sixtieths part thereof according to quality and value, and to the Defendants two sixtieths parts thereof according to quality and value and make report of their action herein under oath to the present term of this Court. — It is further ordered and decreed that Plaintiffs have partition among themselves of the portion of land to be set apart to them as against Defendants in accordance with this decree and that L. H. Luckett, Dennis Corwin and J. E. Campbell be and are hereby appointed Commissioners to partition among said plaintiffs, and said Commissioners are ordered and directed to sever and set apart to each one of them the said plaintiffs by meets and bounds the portion of land to which he or she is entitled, that is to say, said Commissioners will allot to John L. Robinson, Martha J. Wilburn, Sarah Minor, Wm G. Robinson, Arvizinia New, John M. Robinson, Jesse J. Robinson, L. M New, Luke Wood, John R. Burks, Wm C. Burks, Martha R. Boards, Wm Cassius Burks, Elizabeth Harris, B. F Burks, Thomas J. Burks, of Comanche Co Texas, Toliver Webb, Jesse Webb, Milford Webb, Alfred Webb, Wm Burks, C M. Burks, Lidia Sullivan, Nancy M.

May 16th 1877

Gossett, Angeline Sullivan, Thomas J. Burks, of Talladega Co. Ala. John G Smith, Wm T Smith, E A Single, A DuRes, Jesse J. Johnson James M. Johnson, Francis A Maxwell, Edwin B Johnson, Helen H. West, Julia K Wilson, Jesse J Northcutt, Alfred M Northcutt, Luke S. Northcutt, John R Northcutt, Elijah Northcutt, ^Eliza Brazeal, Francis Martin and Lucy A Swindle each, three hundred and thirty six, nineteen thousand one hundred and fifty second ($\frac{336}{19152}$) part of the lands apportioned to Plffs, on partition between them & Defts. — Said Commissioners will set apart to Joshua Marbut and Nancy Wiggins each one hundred and sixty eight, nine ^teen thousand one hundred and fifty second ($\frac{168}{19152}$) parts of plaintiffs land as aforesaid; — to Jesse J Webb, Thomas Webb, Amanda Dodd, Peter Burks, Nannie Burks, Alice Burks, Rufus Kilpatrick, John Kilpatrick, Franklin Kilpatrick, Francis Butler, Lucy Northcutt, daughter of Alexander Northcutt, Indiana Northcutt, Alexander Northcutt, Lucy Northcutt daughter of Wm Northcutt and Thomas Northcutt each one hundred and twelve, nineteen thousand one hundred and fifty second ($\frac{112}{19152}$) parts of Plffs share — To P C. Burks, Mary C. Burks, Martha J. Burks and Narcissa J. Burks each, eighty four, nineteen thousand one hundred and fifty second $\frac{84}{19152}$ parts of Plffs share — To Angeline Knight, Wyatt M Snow, Benjamin Snow, Catharine Duncan, Sarah Singleton and Elizabeth Phillipse, Taylor Hollingsworth, Josephine Hollingsworth, Thomas Hollingsworth, Mary Hollingsworth, Susan F Grilley and Wm L Hollingsworth each fifty six, nineteen thousand one hundred and fifty second $\frac{56}{19,152}$, parts of Plffs share, — To Martha E Chandler, James J. Burks, Thomas J Burks of Scott Co Miss. Mary E McDuffie, Margret L. Burks, Wm M. Burks and Emma Burks each forty eight, nineteen thousand one hundred and fifty second $\frac{78}{19152}$ parts of Plffs share — To John P. Harris, A J. Harris, Martha R Sands, Fannie Harris, Emma A Smith, Homer Harris, James H. Webb Alfred M Webb, Robert S. Webb, Clinton ^Webb, Sarah Fowler, Catherine Hook, Mary Arnold and Carrie Brogan each forty two nineteen thousand one hundred and fifty second $\frac{72}{19152}$ parts of Plffs share — To Thomas B. Harris, James Harris, Maud Harris and Willie Harris each twenty one nineteen thousand one hundred and fifty second $\frac{21}{19,152}$ parts of Plffs Share as aforesaid, according to the quality and value thereof. If said Commissioners cannot partition said land equitably among said plaintiffs, without the sale of said lands, they will so report. — It is further ordered that Defendants pay all costs incurred herein up to the time of the rendition of this judge=

May 16th 1877

ment, for which execution may issue, and that Plaintiffs pay fifty eight sixtieths parts of the Costs of partition and Defendants two sixtieths parts of the costs of partition, for which execution may issue.
And thereupon court adjourned till to morrow morning 9 o'clock.

May 17th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

5144 The State of Texas vs. George Bell and George Post Oak. This day came the State by her attorney and came also the defendants George Bell and George Post Oak in person and by their attorney and all parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Chas Sabath and eleven others, who after being duly elected, tried, empannelled and sworn according to law, heard the indictment and both defendants plea of not guilty, the evidence, argument of counsel, and the charge of the court as to the law in this case, and retired to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendants George Bell, and George Post Oak guilty of the theft of a steer as charged in the indictment and assess the punishment of George Bell at five years confinement in the State penitentiary and also assess the punishment for George Post Oak at five years confinement in the State penitentiary. Chas Sabath Foreman" Whereupon it is ordered by the court, that the said verdict be and the same is hereby approved, and it is further ordered, adjudged and decreed by the court that the said defendants George Bell and George Post Oak be and the same are hereby declared guilty of the crime of theft of a work ox as charged in the indictment, and that the said defendants and each of them to wit George Bell and George Post Oak be and they are hereby condemned to be punished by confinement in the State Penitentiary to hard labor for the full term of five years in accordance with the finding of the jury, and that they pay all costs of this prosecution.

5144. The State of Texas vs. Sanders Griffin & Henry White. This cause being called for trial, it was ordered upon the application of Defendant Henry Wright that a severance be granted, whereupon the defendant Sanders Griffin was placed upon trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of E. M. Wheelock, Foreman, and eleven others who after being duly tried, elected, empannelled and sworn according to law, heard

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the indictment, the plea of not guilty, the evidence and the charge of the court, to which charge the defendant by counsel objected, and retired to consider of their verdict. And after due consideration said jury returned into open court the following verdict, to wit: "We the jury find the defendant Sanders Griffin guilty of the theft of an ox as charged, and assess the punishment at two years imprisonment in the penitentiary. E. M. Wheelock, Foreman." Whereupon it is ordered & adjudged by the court, that the said verdict be and the same is hereby approved. And it is further ordered, adjudged and decreed by the court that the said defendant Sanders Griffin be and he is hereby declared guilty of the crime of theft of a work ox, and that he the said Sanders Griffin be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of (2) two years in accordance with the finding of the jury in this cause, and that he pay all costs of this prosecution, for which execution may issue.

And thereupon court adjourned till to morrow 9 o'clock A. M.

May 18th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4341. The State of Texas vs. Gip Dishay. This day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of O. F. Patterson Foreman and eleven others, who after being duly elected, tried, empannelled and sworn according to law, heard the indictment, the defendants plea of not guilty, the evidence, the argument of counsel and the charge of the court and retired to consider of their verdict. And thereupon after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant Gip Dishay guilty and assess the punishment at five years in State penitentiary. O. F. Patterson Foreman." Whereupon it is ordered by the court, that the said verdict be and the same is hereby approved; And it is further ordered, adjudged and decreed by the court that the said defendant Gip Dishay be and he is hereby declared guilty of the crime of theft of a gelding, and that he, the said Gip Dishay, be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of (5) five years in accordance with the finding of the jury, and that he pay all costs of this prosecution.

4345 The State of Texas vs. Jacob Patterson. This cause is ordered to be continued, the defendant herein having been convicted at this term of a felony

May 18th 1877.

4927 The State of Texas vs. Jacob Patterson. Dismissed.

5012 The State of Texas vs. Sanders Griffin. The indictment in this cause being insufficient in law, the same is quashed, and the defendant ordered to be held in custody for further proceedings.

5048 The State of Texas vs. Bob Timmer. Comes now the County Attorney and submits to the court his statement that there is no testimony to sustain this charge; it is therefore ordered by the court that this cause be dismissed, and that the defendant go hence without day.

5053 The State of Texas vs. Wm. F. Suter. Upon the statement of the County Attorney, that he is unable to sustain this charge for want of evidence, it is ordered, that this cause be dismissed, and that the defendant go hence without day.

4835 The State of Texas vs. Mariah Pledson. Continued generally.

4746 The State of Texas vs Neal Cain et al. Continued by the Defendants.

4749 The State of Texas vs. Ambrose Steele. Continued by the Defendant.

4742 The State of Texas vs. Sparling Young. Continued by the Defendant.

5055 The State of Texas vs. Ed Everett and John Wheat. May 16th 1877. It appearing that this court has no jurisdiction to try the above named cause, it is ordered that the same be transferred to the County Court of Travis County and that the clerk of this court do deliver to the clerk of the clerk of said County Court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

And thereupon court adjourned until to morrow 9 o'clock A. M.

May 19th 1877

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4836 The State of Texas vs. Tom Taylor. This day came the State by her Attorney and came also the defendant in person and by Attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of D. M. Wheelock Foreman and eleven others, who after being duly tried elected empannelled and sworn according to law, heard the indictment, the defendants plea of guilty and the charge of the court and returned from their seats the following verdict, to wit: The State of Texas vs Tom Taylor No 4836. We the jury find the defendant Tom Taylor guilty of Burglary as charged in the Indictment and fix his punishment at two (2) years confinement in the penitentiary. May 19th 1877. D. M. Wheelock Foreman." Whereupon

May 19th 1877.

it is ordered by the court that the said verdict be and the same is hereby approved and it is further ordered, adjudged and decreed by the court, that the said defendant Tom Taylor be and he is hereby declared guilty of burglary as charged in the indictment, and that he the said Tom Taylor be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of (2) two years in accordance with the finding of the jury who tried this case, and that he pay all costs of this prosecution.

4796 Wm T. Horne vs. A. H. & J. B. Horne. This day it was ordered by the court that Judge James B. Sheppard be and the same is hereby appointed Guardian at litem for the minor defendants John B. Horne & Archibald Horne, and upon motion of Defts & Guardian at litem it is ordered that the said parties have leave to amend.

4733 The State of Texas vs John Lindsay. This day came the State by her attorney and came also the defendant John Lindsay in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of E. W. Wheelock Foreman and eleven others, who after being duly elected, tried, empannelled and sworn according to law, heard the indictment, the defendants plea of not guilty, the evidence, the argument of counsel and the charge of the court & retired to consider of their verdict. And thereupon after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant John Lindsay guilty and fix the punishment at fifteen years imprisonment in the penitentiary. E. W. Wheelock. Foreman." Whereupon it is ordered by the court that the said verdict be and the same is hereby approved; and it is further ordered, adjudged and decreed by the court that the said defendant John Lindsay be and he is hereby declared guilty of the crime of theft of a gelding, and that he, the said John Lindsay be and the same is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of (15) fifteen years in accordance with the finding of the jury who tried this cause, and that he pay all costs of this proceeding.

And thereupon court adjourned till to Monday the 21st inst. nine o'clock A.M.

May 21st 1877.

4754 The State of Texas vs. Gip Lindsay. Continued upon the affidavit of the defendant.

4775 The State of Texas vs. Gip Lindsay. The indictment in this cause having been substituted by the indictment in cause No 4841, it is ordered that this cause be dismissed.

5011 The State of Texas vs. W. B. Whitree. Continued upon the affidavit of D statement of County attorney.

May 21st 1877.

5013 The State of Texas vs. Larry Norton. Continued upon the affidavit of the defendant.

5060 The State of Texas vs Thos Patton and D.D. Wright. Alias capias ordered to be issued for Dept D. D. Wright and cause continued by State as to Dept. Thos Patton.

And thereupon Court adjourned till to morrow 9 oclock A. M.

May 22nd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4819 First National Bank of Austin vs. E. A. Knight et al. Upon motion of
Q Plaintiffs Attorney it is ordered that this suit be dismissed and that the plaintiff pay all cost of this proceeding for which execution may issue.

4944 John D. Elliott vs Juliette E. Elliott. And now on this day this cause
11 coming on to be heard the plaintiff comes by counsel and announced ready for trial but the defendant came not but failed to appear and answer the petition of said plaintiff; and it appearing to the Court that said defendant has been duly and legally cited to appear and answer said petition in due time to require her to appear at this term of this court and answer herein, and no jury having been demanded the cause was submitted to the court; and after hearing the pleadings and evidence the court being of opinion that plaintiff is entitled to the relief asked by him in this suit: It is therefore ordered, adjudged and decreed by the court, that the bonds of matrimony heretofore existing between the plaintiff John D. Elliott and the defendant Juliette E. Elliott be and the same are hereby forever dissolved vacated and annulled, and that said parties be and are hereby forever divorced from each other; and it is further ordered that said plaintiff recover from defendant all the costs of this suit for which execution may issue.

4154 The State of Texas vs. Charles Cannon. Cause continued upon the affidavit of Defendant, alias attachments ordered to be issued for Wm Cannon James Gattin Jim Hamilton, & Tom Lester.

7796. W. T. Horne et al. vs: A A. & J. C. Horne. Dcree. And now on
Exec dock 5. page 17. this 22d day of May 1877, this cause came on to be heard, all parties being here represented in Court, and it appearing to the Court that the Commissioners heretofore appointed by this Court to make partition of the Estate of Elizabeth Horne deceased between her heirs at law, have filed their report partitioning the same between said heirs; which Report is in the following words and figures, to wit:

William T. Horne et als. vs. A A & J. C. Horne No. 7796 In

May 22nd 1877

Districts Court of Travis County Apnl term A D 1877. To the Honorable E. B Turner, Judge of said Court. The undersigned Commissioners, appointed by an order of your Honorable Court at its last term in the above entitled cause, to partition lots No 1, 2, 3, 4, 5, and 6 in Block No 28 situated in the City of Austin Travis County, State of Texas, between the heirs of Elizabeth Horne deceased, do, in conformity with law and the aforesaid Court make the following report. That having first viewed and examined said above described Lots and the improvements on each of said lots, and valued each of them and the improvements on the same; the total value of said Lots and the improvements, was by your commissioners considered to be worth the sum Seven thousand eight hundred and seventy five dollars, to be divided in five shares, which gives to each share the sum of one thousand and five hundred and seventy five dollars.

Your Commissioners proceeded to allott and set apart to each share as follows, to wit:

We set apart to A. A. Horne and John C. Horne jointly, children of Archbald Horne deceased, who was the Son of said Elizabeth Horne deceased, as their share in said lots and improvements in right of their said father, Lot No one in Block No twenty eight situated in said City of Austin valued by your Commissioners

at $1200.00

the improvements on said lot, valued at . . . . . " 200.00

Cash to be paid to them by Sarah Brown " 175 00

Total amount of their share $1575.00

We set apart to M G. Horne, who was the Son of said Elizabeth Horne deceased, Lot No two in block No twenty eight, situated in said City of Austin and valued by your Commissioners to be worth $1000.00

Improvements on said lot valued at " 75.00

Cash to be paid to him by Sarah Brown " 500.00

Total amount of his share $1575.00

We set apart jointly to William F. Horne Jr. Samuel D. Horne Sarah M. Jaqua, James M Horne, Mattie L Horne and Nellie G. Horne, children and heirs of William F. Horne now deceased, who was the son of the said Elizabeth Horne deceased, and Mary E. Keel and Robert M. Keel, the children of Marion Keel deceased, formerly Marion Horne, who was the daughter of the said William Horne deceased; — the first six above named in right of their said father and the last two in right of their said grand-

Rec'd Austin Tex July 13th 1877. of Sarah O Brown wife of Saml A Brown by the hands of Saml A Saunders the sum of seventy five $75.00 dollars, in the suit of Sarah O. Brown vs. Wm F. Horne et als No. 4796, and dated May 22nd A.D. 1877.

Received Austin, Texas, August the 11th A.D. 1877 of Sarah O Brown wife of Saml A Brown, through the hands of said S. Brown the amount due me from the said Sarah O. Brown Five hundred ($500.00) dollars, being the amount of five hundred dollars in the suit of Sarah O. Brown vs. Wm F. Horne et als No. 4796 and dated May 22nd A.D. 1877.

State of Texas } Before me Joseph Lee Mortary Public of Travis County this day personally appeared M. G. Horne well known to me to be the original

May 22nd 1877.

father and Mother, Lot No. Three in Block No twenty eight, situated in said City of Austin, valued by your Comrs. at $ 1000.00
Improvements on said lot valued at . . . " 500.00
Cash to be paid them jointly by Sarah Brown " 75.00
To total share of said children and Grand children $ 1575.00

We set apart to Andrew C. Horne, Son of the said Elizabeth Horne deceased Lot No. Four in Block No 28, situated in said City of Austin valued at . . . . . $ 1000.00
and also the West half of lot No. five in Block No 28 situated in said City of Austin, valued at . . . " 500.00
Improvements on said half lot No. five valued at " 75.00
Total amount of his share . . . $ 1575.00

We set apart to Sarah Brown, who was the daughter of the said Elizabeth Horne deceased, Lot No Six in block No Twenty Eight, situated in said City of Austin, valued by your Comrs. at $ 1400.00
and also the East half of lot No. five in block No twenty eight situated in said City of Austin valued . . . . . " 500.00
Improvements on said lot six and said half lot No. 5, valued " 425.00
$ 2325.00
Amount of said Sahra Brown over her share . . . $ 750.00
Total amount of her Share $ 1575.00

Sarah Brown, out of the amount over her shown, she is to pay as follows: To A A & Jno C Horne jointly $ 175.00
" M. G. Horne " 500.00
" Wm T. Horne jr et als. 75.00
Total amount to be paid by said Sarah $ 750.00

All of which your Commissioners respectfully submitted. Given under our hands April — 1877. John B. Costa, G H Burditt A R Morris. Commissioners. Sworn to and subscribed before me April 07th 1877. E. Hallmann Clk D.C.T.C.

And it appearing to the Court that said partition has been fairly made between said heirs and no objection having been made thereto It is ordered and adjudged, that the report of said Commissioners be in all things confirmed, and that the title to the property set apart to the respective heirs as set out in said report be, and the same is hereby fully vested in them, and that they and each of them be divested of all right and title to any portion of said property except that which has been set apart to them respectively according to the report of said Commissioners.

And it is further ordered and adjudged by the Court that Mrs.

State of Texas } Before me Joseph Lee Notary Public of Travis County Texas on this day personally appeared M. G. Horne well known to me who after being by me duly sworn on his oath deposes and says that he signed the above instrument in writing in my presence and acknowledged the same for the purposes and considerations therein set forth and as his act and deed. As to tenancy of Sarah A. Brown. Given under my hand and official seal this the 10th day of August 1877 (Signed) Joseph Lee Notary Public Travis County Texas

Received Austin Texas August the 10th A.D. 1877 of Sarah A Brown wife of Leander Brown through the hands of said L. Brown the sum of Five hundred ($ 500.00) dollars, being the amount due me from the said Sarah A. Brown in the partition of the Estate of Elizabeth Horne deceased as per decree of the District Court of Travis County Texas, on the 22nd day of May A.D. 1877 Cause No 4196 (Signed) M. G. Horne.

May 22nd 1877.

Sarah O. Brown, wife of Leander Brown, in order to equalize said partition, shall pay the various amounts of money to the other heirs as set out in the report of said Commissioners, the same to be paid in cash, for which execution may issue.

And it is further ordered and adjudged by the Court that each party to this decree shall pay his or her pro rata of the costs in this proceeding and that the Clerk of this Court tax in the bill of costs the sum of twelve dollars, to be divided equally between said Commissioners.

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

May 23rd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4740 The State of Texas vs. Henry Burton. This day came the State by her Attorney and came also the defendant Henry Burton in person and by Attorney, and both parties announced themselves ready for trial, whereupon came a jury of twelve good and lawful men of Travis County, consisting of Jno H. Tulk and eleven others, who were duly elected, tried, empanelled and sworn according to law.- And thereupon said Defendant Henry Burton was arraigned before the bar, and the indictment was then and there read to him, to which indictment the said defendant announced his plea of not guilty. And thereupon said jury heard the evidence and argument of counsel and the charge of the court as to the law in this case and retired to consider of their verdict. And after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant Henry Burton not guilty. Jno H Tulk. Foreman." Whereupon it is ordered, adjudged and decreed by the court that said verdict be and the same is hereby approved, and that the said Henry Burton go hence fully discharged and acquitted of this accusation.

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

May 24th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4958 & 4959 ex parte This day came John C. Randolph and came also M. J. McSween and presented to the court their applications for license to practice as Attorney and Counsellor at Law, and at the same time they presented certificates of the County Judge as to their good moral character as required by law. And it was thereupon ordered by the court that the following gentlemen

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to wit: C. L. West, A. W. Terrell, Claude Jetmore & W. Thomas be hereby appointed a committee to examine the said applicants as to their qualifications to practice as attorneys, and that said committee after such examination report to the court at a future day

5506. The State of Texas vs. Jim Cain alias Jim Jones. This day came the State by her Attorney and came also the Defendant Jim Cain alias Jim Jones in person and by his Attorneys and both parties announced themselves ready for trial. When came a jury of twelve good and lawful men of Travis County consisting of H. B. Hillyer and eleven others, who were duly elected tried empannelled and sworn according to law. And thereupon said defendant was arraigned at the bar, and the indictment was then & there read to him, to which indictment said defendant plead not guilty. Whereupon said jury heard the evidence, the argument of counsel and the charge of the court and retired to consider of their verdict. And after due consideration said jury returned into open court the following verdict to wit: "We the jury find defendant guilty of murder in the second degree and assess the penalty at ten years in the penitentiary. H. B. Hillyer. Foreman." Whereupon it was ordered by the court that the said verdict be and the same is hereby approved, and it was further ordered, adjudged and decreed by the Court that the said defendant Jim Cain alias Jim Jones be and he is hereby declared guilty of the crime of murder in the second degree, and that he the said Jim Cain alias Jim Jones be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of ten years in accordance with the finding of the jury, and that he pay all costs of this prosecution.

And thereupon Court adjourned till to morrow 9 o'clock A. M.

May 25th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4844 The State of Texas vs. Richard Morris. This day came the State by her Attorney and came the defendant in person and by Attorney and both parties announced ready for trial. When came a jury of twelve good and lawful men of Travis County consisting of D. M. Wheelock and eleven others duly elected, tried, empannelled and sworn according to law. Whereupon the said defendant Richard Morris was arraigned at the bar, and the indictment was then & there read to him in the presence & hearing of said jury, to which indictment the defendant plead not guilty. Whereupon said jury proceeded to hear the evidence in this case and the argument of counsel and being by the court duly charged as to the law in this case they retired to consider of their verdict. And after due consideration the said jury returned into open court the following verdict to wit: "We the jury find the defendant

May 25th 1877.

Richard Morris not guilty. E. M. Wheelock Foreman." Whereupon it was ordered adjudged and decreed by the court that the said verdict be & the same is hereby approved and that the said defendant Richard Morris go hence discharged and fully acquitted of this accusation.

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

May 26th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4375 Jesse J. Northcutt et al vs. C. R. Johns & Co. This day came the parties to this suit by their Attorneys and the defendants motion for a new trial coming on to be heard, & being fully argued by counsel and by the court duly considered & understood, the same was by the court overruled, to which ruling the defendants by counsel excepted and gave notice in open court of appeal to the Supreme court.

4834. The State of Texas vs. Mariah Pedrson. This day came the parties by their attorneys, and the defendant by her attorney submitted to the court her motion for a new trial in this cause, which motion being fully argued by counsel and being by the court duly considered, was granted, and it was ordered by the court that the judgment heretofore rendered in this cause be set aside and vacated and that a new trial herein be awarded to the defendant.

4249 C. L. Compton vs. S. Cayce et al. This day came the parties by their attorneys and the defendants by their attorneys submitted to the court their motion for a new trial in this behalf, which motion being duly considered by the court was overruled, and thereupon the defendants excepted to such ruling of the court & gave notice in open court of an appeal to the Supreme Court.

4472 James F. Raymond vs. G. W. Glascock et al. This day came the parties by their attorneys and the plaintiff by his attorney submitted to the court his motion for a new trial in this behalf, which motion being duly considered by the court was overruled, and thereupon said plaintiff excepted to such ruling of the court and gave notice in open court of an appeal to the Supreme Court.

4336. J. M. Brass vs. John B. Perry. Upon motion it was ordered by the court that the Sheriff of Travis County be required to pay over to John B. Perry all money collected by said Sheriff as witness fees in this cause to the amount as such fees have been advanced to the several witnesses by the said Perry and have afterwards been transferred by said witnesses to the said Perry.

4730 Wm Shanahan vs. Wm Jenkins et al. This 22nd day of May came the Pff by Atty and dismissed this suit as to the defendant Anderson. And thereupon it was ordered by the court that a writ of inquiry be awarded to as-

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certain the plaintiffs damages as against the defendant Wm Jenkins. Wm Shanahan vs. Wm Jenkins et al. This 26th day of May 1877 came on to be heard the above entitled cause upon writ of inquiry heretofore awarded, and the matter at issue therein having been submitted to the court, and it appearing to the court that the citation issued to the defendant H. H. Anderson has been returned not served and the plaintiff having dismissed his said suit against said Deft. Anderson; and the deft. Wm Jenkins having failed to appear and answer in this behalf, and the court having heard the evidence of the plaintiff upon said writ of inquiry and it appearing to the court that the matters & things set out in plaintiffs petition are true, it is ordered adjudged and decreed by the court that plaintiff do have and recover of the said deft. Jenkins the sum of $776 65/100 Seven hundred & seventy six 65/100 dollars with interest thereon at the rate of eight per cent per annum and shall he have his execution - and further that execution issue against said deft. Jenkins for all costs in this behalf expended, except as to the defendant Anderson.

And thereupon court adjourned till Monday morning 9 o'clock.

May 28th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4816 S. F. Henry et als M. W. Henry et al. Now on this day it appearing to the court, that John W. Henry, Stephen F. Henry, Elizabeth T. Henry, Hugh Edgar Henry, Robert Champs Henry and Louisa Henry are minors and plaintiffs in the above case, who brought this suit by their next friend Louisa S Huff formerly Louisa S. Huff their mother who also is plaintiff in said suit, joined by her husband William D. Huff; who since the commencement of this suit has departed this life, and the said Louisa S. Huff having an interest in the lands adversed to said minors, in the land mentioned in said petition, prayed to be partitioned - It is therefore ordered by the court that O. H. Cullen be and he is hereby appointed special guardian to represent the interest of said minors in the partition of the land mentioned in said petition, and that said Cullen give a bond payable to the clerk of this court or his successors in office for the sum of ($250.00) two hundred & fifty dollars and take the oath prescribed by law.

4812 M. J. Cavenaugh vs. M. A. Taylor et al. Upon motion it is ordered that the defendants have leave to amend.

4810 Hannah Conley vs. Lewis Conley. Upon motion of Plffs Attorney it is ordered that this suit be dismissed.

4770 Evander A. Hicks vs. Julius Quast & James R. Cummings. Upon motion it is ordered that Plff have leave to amend.

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4755 The State of Texas vs. Green Ridgeway et al. On this the 5th day of May 1877 came the parties to this suit by their attorneys, and the motion of defendants, to set aside the judgment nisi heretofore rendered in this cause, coming on to be heard, and it appearing to the court, that the bond, on which this suit was brought, is insufficient in law; It was ordered and decreed by the court that the judgment nisi heretofore rendered against the defendants herein be set aside and vacated, and that the bond be quashed.

3241 Sherk & Berkson vs. E. M. Rome & John Dawson. & R Johns & Co Garnishees. Upon motion of Pepp Atty it is ordered that Plaintiffs have leave to amend.

3867 The State of Texas vs George Crawford. Alias capias ordered to be issued and cause continued.

And now on this 5th day of May 1877 come into open court the Grandjury of Travis County empannelled at the present term of this court and through their foreman J. G. Wilson presented to the court the following indictments to wit:

4887	The State of Texas	vs Stephen Pound.	Theft of a mare
4888	The State of Texas	vs J. J. Grumbles.	Theft of a steer
4889	The State of Texas	vs	Assault with intent to Kill & murder.
4890	The State of Texas	vs	Theft of horse
4891	The State of Texas	vs George Franklin	Theft of hog value & 20cts
4892	The State of Texas	vs	Exhib. Chuckluck
4893	The State of Texas	vs.	Exhib. Chuckluck.
4894	The State of Texas	vs.	Exhib. gaming table called chuckluck
4895	The State of Texas	vs.	Exhib. Keno
4896	The State of Texas	vs.	Exhib. Keno
4897	The State of Texas	vs.	Beting Keno
4898	The State of Texas	vs.	Beting Keno
4899	The State of Texas	vs.	Bet. Keno
4900	The State of Texas	vs.	Bet chuckluck
4901	The State of Texas	vs.	Bet chuckluck
4902	The State of Texas	vs.	Bet chuckluck
4903	The State of Texas	vs.	Bet keno
4904	The State of Texas	vs.	Bet Keno
4905	The State of Texas	vs.	Bet Keno
4906	The State of Texas	vs.	Bet. Keno
4907	The State of Texas	vs.	Bet keno
4908	The State of Texas	vs.	Bet keno
4909	The State of Texas	vs.	Bet keno
4910	The State of Texas	vs.	Bet keno
4911	The State of Texas	vs	Bet keno

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4912	The State of Texas vs.	Bet. Keno
4913	The State of Texas vs	Bet Keno
4914	The State of Texas vs	Bet Keno
4915	The State of Texas vs	Bet Keno
4916	The State of Texas vs.	Bet Keno
4917	The State of Texas vs.	Bet Keno
4918	The State of Texas vs	Bet Keno
4919	The State of Texas vs	Bet Keno
4920	The State of Texas vs	Bet Keno
4921	The State of Texas vs	Bet Keno
4922	The State of Texas vs	Bet Keno
4923	The State of Texas vs	Bet Keno
4924	The State of Texas vs	Bet Keno
4925	The State of Texas vs	Bet chuckluck
4926	The State of Texas vs	Raying cards in a store.

And thereupon said Grandjury suggesting that there was further business before them, they were ordered to retire upon the discharge of the same. —— And now on this 7th day of May came into open court the Grandjury of Travis County empannelled at the present term of this court and through their foreman J. C. Wilson presented to the court the following indictments to wit:

4927	The State of Texas vs Jacob Patterson.	Theft of a steer.
4928	The State of Texas vs	Assault with intent to kill.
4929	The State of Texas vs. Jake Williams. —	Theft of a heifer
4931	The State of Texas vs. Isaac Williams.	Theft of a hog value $20=
4931	The State of Texas vs Isaac Williams	Theft of hogs value $20=
4932	The State of Texas vs George Franklin	Theft of hogs value $20=
4933	The State of Texas vs	Exib monte
4934	The State of Texas vs	Exib chuckluck
4935	The State of Texas vs.	Exib Keno
4936	The State of Texas vs	Exib Keno
4937	The State of Texas vs	Exib Monte.
4938	The State of Texas vs.	Exib. Monte.
4939	The State of Texas vs	Exib Keno
4940	The State of Texas vs.	Exib. Keno
4941	The State of Texas vs	Playing cards in a public place.
4942	The State of Texas vs.	Playing cards in a public place.
4943	The State of Texas vs.	Bet. monte.
4944	The State of Texas vs.	Bet monte
4945	The State of Texas vs.	Bet monte.
4946	The State of Texas vs.	Bet. Keno

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4947	The State of Texas vs.	Bet keno
4948	The State of Texas vs.	Bet keno
4949	The State of Texas vs	Bet monte
4950	The State of Texas vs.	Bet. monte
4951	The State of Texas vs.	Bet keno
4952	The State of Texas vs.	Bet keno
4953	The State of Texas vs	Bet. keno
4954.	The State of Texas vs.	Bet keno
4955	The State of Texas vs.	Bet keno
4956	The State of Texas vs.	Bet. keno
4957	The State of Texas vs.	Bet keno
4958	The State of Texas vs.	Bet keno
4959	The State of Texas vs.	Bet keno
4960	The State of Texas vs.	Bet keno
4961	The State of Texas vs.	Bet keno
4962	The State of Texas vs.	Bet keno
4963	The State of Texas vs.	Bet keno
4964	The State of Texas vs.	Bet keno
4965.	The State of Texas vs	Bet keno
4966	The State of Texas vs.	Bet keno
4967	The State of Texas vs.	Bet keno
4968	The State of Texas vs.	Bet monte
4969	The State of Texas vs.	Bet keno
4970	The State of Texas vs.	Bet keno
4971	The State of Texas vs	Bet keno
4972	The State of Texas vs	Bet keno
4973	The State of Texas vs	Bet keno
4974	The State of Texas vs	Bet keno
4975	The State of Texas vs	Bet keno
4976	The State of Texas vs	Bet keno
4977	The State of Texas vs.	Bet keno
4978	The State of Texas vs	Bet keno
4979	The State of Texas vs.	Bet keno
4980	The State of Texas vs	Bet keno
4981	The State of Texas vs.	Bet keno
4982	The State of Texas vs.	Bet keno
4983	The State of Texas vs.	Bet keno
4984	The State of Texas vs	Bet keno
4985	The State of Texas vs.	Bet keno
4986	The State of Texas vs.	Bet keno

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4987	The State of Texas vs	Bet Keno
4988	The State of Texas vs.	Bet Keno
4989	The State of Texas vs.	Bet Keno
4990	The State of Texas vs.	Bet Keno
4991	The State of Texas vs.	Bet Keno
4992	The State of Texas vs.	Bet Keno
4993	The State of Texas vs	Bet Keno
4994	The State of Texas vs	Bet Keno
4995	The State of Texas vs	Bet Keno
4996	The State of Texas vs	Bet Keno
4997	The State of Texas vs	Bet Keno
4998	The State of Texas vs	Bet Keno
4999	The State of Texas vs.	Bet Keno
5000	The State of Texas vs.	Bet Keno
5001	The State of Texas vs.	Bet monte
5002	The State of Texas vs.	Bet Keno
5003	The State of Texas vs	Bet Keno
5004	The State of Texas vs.	Bet Keno

And said Grand Jury suggesting that there is further business before them, they were ordered to retire upon the discharge of the same.

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

May 29th 1877.

Court met according to adjournment Present same as first day.

Whereupon the following proceedings were had to wit:

3428 The State of Texas vs. Ed Greams. The County Attorney suggesting to the Court that he is unable to procure any testimony to sustain this cause, it was ordered by the court that this cause be dismissed and that the defendant go hence without day.

4850 The State of Texas vs. Fred Peck. This day came the parties to this suit by their attorneys and announced ready for trial. Whereupon it was ordered by the court, that the judgment nisi heretofore rendered in this cause be made final for the amount of ($5.00) five Dollars, and that the balance of the said judgment nisi be remitted, and that the State of Texas do have & recover of & from the said Fred Peck the said amount of ($5.00) five Dollars & all costs of this suit & that a commitment do issue to collect said fine & costs.

4849 The State of Texas vs.

4853 The State of Texas vs.

4854 The State of Texas vs.

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4855 The State of Texas vs.
4856 The State of Texas vs.
4857 The State of Texas vs.
4858 The State of Texas vs.
4859 The State of Texas vs.
4860 The State of Texas vs.
4861 The State of Texas vs.
4862 The State of Texas vs.
4863 The State of Texas vs
4864 The State of Texas vs
4865 The State of Texas vs.
4866 The State of Texas vs
4867 The State of Texas vs
4868 The State of Texas vs.
4869 The State of Texas vs.
4870 The State of Texas vs.
4871 The State of Texas vs.
4872 The State of Texas vs.
4873 The State of Texas vs.
4874 The State of Texas vs.
4875 The State of Texas vs.
4895 The State of Texas vs
4935 The State of Texas vs
4936 The State of Texas vs. It appearing that this court has no jurisdiction to try the above (27) twenty seven causes it is ordered that the same be transfered to the County Court of Travis County and that the clerk of this court do deliver to the clerk of said County Court the indictments and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this Court in regard to the same, and also a bill of costs showing what costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

And thereupon Court adjourned till to morrow 9 o'clock A. M.

May 30th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

Defaulting Juror

It appearing to the court that Ben Walker has been legally summoned to appear before this court on this 30th day of May A.D. 1877 then and there to serve as petit juror in the cause No. 5005 of the State of Texas vs. Ben Thompson and it further appearing that he, after being three times distinctly called

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by the Sheriff of Travis County at the Court House door of said County, failed to appear, - it is ordered by the court that said Ben Walker be fined as defaulting juror in the sum of $20.00 twenty dollars. - and that the State of Texas do have and recover of and from the said Ben Walker the said sum of $20.00 twenty dollars as aforesaid. And it is further ordered that the writ of Scire Facias do issue against said Ben Walker, summoning him to be and appear at the next term of this court to be holden within and for the County of Travis at the Court House thereof in the City of Austin on the fifteenth Monday after the first Monday in July A.D. 1877, to show cause if any he may have, why said judgment nisi as here entered against him, should not be made final and absolute.

Defaulting jurors

It appearing to the court that Franc Schmidt, J. C. Harber and John Maxwell have been legally summoned to appear before this court on this 30th day of May A.D. 1877 then and there to serve as petit jurors in the cause No. 5005 of The State of Texas vs. Ben Thompson; and it further appearing that they after being three times called by the Sheriff of Travis County at the Court House door of said County, failed to appear, - it is ordered by the court that the court that the said Franc Schmidt, J. C. Harber & John Maxwell be fined as defaulting jurors, each in the sum of ($20.00) twenty dollars, and that the State of Texas do have and recover of and from the said Franc Schmidt, J. C. Harber, & John Maxwell ($20.00) twenty dollars each as aforesaid; and it is further ordered that the writ of Scire Facias do issue against the said Frank Schmidt, J. C. Harber & John Maxwell, summoning each of them to appear and answer at the next term of this court to be holden within and for the County of Travis at the Court House thereof in the City of Austin on the fifteenth Monday after the first Monday in July 1877 to show cause if any he may have why said judgment nisi as here entered against each of them, should not be made final and absolute.

5005.

The State of Texas vs. Ben Thompson. It appearing to the court that C. C. Carrington and T. J. Dorn had been legally summoned to appear and testify in behalf of the State in the above entitled and numbered cause, and it appearing that they being distinctly called at the Court House door by the Sheriff of Travis County, failed to appear it is ordered by the court that the said C. C. Carrington and T. J. Dorn be fined each in the sum of ($50.00) fifty dollars, and that the State of Texas do have and recover of and from each of the said defaulting witnesses the sum of $20.00 twenty dollars as aforesaid. And it is further ordered that a writ of Scire Facias do issue against each of the said C. C. Carrington and T. J. Dorn, summoning them to appear at the next term of this Court to be holden on the fifteenth Monday after the first Monday in July A.D. 1877, to show cause if any they may have why this judgment

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nisi as here entered against them should not be made final and absolute.

5005 The State of Texas vs. Ben Thompson. It appearing to the Court that Thos. Forster, Robert Collins, W. H. Tobin and Chip Burlage have been legally summoned to appear on this day before this court to testify on behalf of the State in the above entitled cause, and it appearing that the said witnesses after being destinctly called at the Court House door by the Sheriff of Travis County, failed to appear and wholly made default, it was ordered by the Court that the said Thos Forster, Robert Collins, W. H. Tobin & Chip Burlage be fined each ($ 50^{00}$) fifty dollars, and that attachments issue to bring the said witness into Court instanter.

Thos Forster, Robert Collins, W. H. Tobin and Chip Burlage appearing before this court it was ordered that the judgment heretofore rendered against them be made final to the amount of ($ 5^{00}$) five dollar against each of them, and that the balance of said judgment be remitted, and that the State of Texas do have & recover ($ 5^{00}$) five dollar of each of said persons and all costs of this proceedings against them, and that the said Thos Forster, Robert Collins, W. H. Tobin and Chip Burlage stand committed to the County Jail of Travis County untill the said judgment and costs are paid.

John L. Randolph & M. J. Mc Sween Ex parte. 4858 & 4859. The committe, appointed by this court to examine John L. Randolph and M. J. Mc Sween as to their qualification to practice as Attorneys & Counsellors at Law, having reported that they find both applicants qualified and having recommended that the said applicants be admitted to practice. It is ordered by the court that the said John L. Randolph and M. J. Mc Sween be and they are hereby admitted to practice as Attorneys & Counsellors at Law in the several District and inferior Courts of this State, and that the clerk of this court do issue license to them accordingly.

And thereupon Court adjourned till to morrow 9 o'clock A M.

May 31st

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

Eduard Schuetze. Ex parte. Eduard Schuetze having filed and presented to this court his petition to be admitted a citizen of the United States and the court being fully satisfied by the introduction of a certificate issued by the clerk of the District Court of the United States for the Western District of the State of Texas, showing that the said Eduard had made his declaration of his intention to become a citizen of the United States, before said clerk on

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the day of 1871, and the Court being further satisfied by the evidence introduced, that the said Eduard Schuetze has been a bona fide resident of the United States for more than five years and of the State of Texas for more than one year last past and that the said Eduard Schuetze is a man of good moral character and attached to the principles of the Constitution of the United States, and the said Eduard Schuetze having taken the oath of allegiance as provided & required by act of Congress; It is ordered and decreed by the Court that the said Eduard Schuetze be and he is hereby admitted as a citizen of the United States of America, and it is further ordered that the clerk of this court do issue a certificate to him accordingly.

5005 The State of Texas vs Ben Thompson. This day came the State by her attorney and came also the defendant in person and by attorneys and both parties announced themselves ready for trial, whereupon came a jury of twelve good and lawful men of Travis County consisting of O. H. Patterson and eleven others who were duly elected tried empannelled and sworn according to law. And thereupon the said defendant Ben Thompson was duly arraigned at the bar, and the indictment was then and there read to him in the presence and hearing of said jury to which indictment the defendant plead not guilty: And thereupon said jury proceeded to hear the evidence in this case and the argument of counsel, and being duly charged by the court as to the law in this case, retired to consider of their verdict. And after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant not guilty O. H. Patterson. Foreman." Whereupon it was ordered by the court that the said verdict be and the same is hereby approved and that the defendant Ben Thompson go hence discharged and fully acquitted of this accusation.

4472 James H. Raymond vs. George W. Glascock et al. This 23rd day of April 1877 came the parties plaintiff and defendant by their Attorneys and then came on to be heard the demurrer of the defendants to the plaintiffs original petition and argument of counsel being heard thereon, it is the opinion of the Court that so fer as the demurrer applies to that part of the original petition which sets up claim for expenses and attorneys fees, the law is with the defendants. It is therefore considered by the court that so much of said demurrer as seeks to strike out that part of the plaintiffs petition, which sets up a claim for monies paid out and expended in obtaining a new trial in the case of the United States vs R. M. Lane et als be sustained, and overruled as to other matters: and thereupon came on to be heard the demurrer of the plaintiff to the amended answer of the defendant filed Febr. 22nd 1876. and argument of counsel being heard thereon. it is the opinion of the court as to all those mat-

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ters set up by the defendants in said answer in reference to showing what is therein claimed to be the separate property of Cynthia C. Glasscock that the law is with the plaintiff. It is therefore considered by the court that the said demurrer as to so much said answer be sustained and that it be overruled as to all other matters: and thereupon came on to be heard the demurrer of Plff to the amended answer of defendants filed October 31st 1876 and the argument of counsel thereon being heard it is the opinion of the court that the law is for the plaintiff so far as the demurrer objects to the setting up by defendants of the profits made by the firm of John M. Swisher & Co. in the of exchange on funds deposited with check by one R. N Lane. It is therefore considered by the court that the demurrer be sustained so far as it applies to that portion of the said amended answer as sets up that the said firm of John M. Swisher & Co. made large profits in the way of exchange out of government funds deposited by R. N. Lane with the said firm of John M. Swisher & Co; and that it be overruled as to the balance. And thereupon came on to be heard the demurrer of defendants to the amended petition filed April 23rd 1877 and the argument of counsel being heard thereon and the opinion of the Court thereon being that the law is with the plaintiff. It is therefore considered by the court that the said demurrer be overruled.

4472 Jas. H. Raymond vs. George W. Glasscock et al. And now on this 25th day of April 1877 came the parties plaintiff and defendants by their attorneys and announced ready for trial; and then came a jury of twelve good and lawful men of Travis County, to wit: J. Browning and eleven others, who after being duly elected tried impannelled and sworn well and truly to try the issues joined between the parties upon and after hearing the evidence argument of counsel and charge of the court returned the following verdict: "We the jury find a verdict for the defendants. J. Browning Foreman." It is therefore ordered adjudged and decreed by the court, that the plaintiff Jas H. Raymond take nothing by this suit and that the defendants do recover of and from the said plaintiff all their costs in this behalf expended for which execution may issue.

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

June 1st 1877.

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit:

4888 The State of Texas vs. J. L. Grumbles. This day came the State by her Attorney and came also the defendant in person and by his attorney and both parties announced ready for trial. Whereupon came a jury of

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twelve good and lawful men of Travis County, consisting of T. L. Nevill and eleven others, who after being duly tried, elected, empannelled and sworn, heard the indictment the evidence, the argument of counsel and the charge of the court, and retired to consider of their verdict. And after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant J. D. Grumbles not guilty as charged in the indictment. T. L. Nevill, Foreman." Whereupon it is ordered and adjudged by the Court that the said verdict be and the same is hereby approved, and that the defendant J. D. Grumbles go hence discharged and fully acquitted of this accusation.

4922 William Biles vs. Thomas E. Cater et als Upon motion it is ordered that Geo. Pendexter Esq. be appointed special guardian for the minor defendants in this cause, and that he give bond in the sum of (200^{00}) two hundred dollars for the faithful performance of his duties.

4841. The State of Texas vs. Charles E. Barnard et al. This day came the parties to this suit by their attorneys, and the court having considered the defendants' application for a remittance of the judgment nisi heretofore rendered against them. It was ordered and adjudged by the court that the judgment nisi heretofore rendered against Charles E. Barnard as principal and against A. L. McLamont and A. Carmicael as sureties be and the same is hereby made final and absolute to the amount of (5^{00}) five dollars, and that the balance of said judgment nisi be remitted, and that the State of Texas do have and recover of and from the said Charles E. Barnard as principal and from A. L. McLamont and A. Carmichael as sureties the sum of (5^{00}) five dollars jointly & severally, together with all costs of this suit, for which let execution issue.

4821 Sallie J. Hall vs. Phidella W. Hall. Upon motion of Plaintiff Sallie J. Hall it was ordered by the court that this suit be dismissed, and that the plaintiff and the sureties on her cost bond pay all costs of this suit, for which execution may issue.

4807 Bellie Tucker vs. Peter Tucker. Upon motion it is ordered that Plaintiff have leave to amend

4778 Thomas E. Shelby vs. Elizabeth Shelby. Upon motion it is ordered that defendant have leave to amend.

And thereupon Court adjourned till to morrow 9 o'clock A. M.

June 2nd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

3815. J. A. Burditt et als. vs John A. Green. This day came the parties to this suit by their Attorneys, and the pleintiffs motion for a new trial being sub-

June 2nd 1877

mitted to the court and being fully argued by counsel and by the court duly considered, the same is by the court overruled, to which ruling the plaintiffs by counsel excepted and gave notice in open court of appeal to the Supreme Court.

4843 The State of Texas vs. Jack Patterson. This day came the parties by their attorneys and the defendants motion for a new trial being submitted to the court and being fully argued and duly considered & understood by the court the same is overruled.

4844 The State of Texas vs Jacob Patterson. This day came the parties to this suit by their attorneys, and the defendants motion for a new trial herein being submitted to the court and being fully argued by counsel and by the Court duly considered and understood; it was ordered by the court that said motion be overruled.

4736 The State of Texas vs Geo Douglass. This day came the parties to this suit by their Attorneys, and the defendants motion for a new trial being submitted to the court and being fully understood by the court, It was ordered that said motion be overruled, to which ruling the Defts. by Attorney excepted & gave notice of appeal to the Court of Appeals.

4841 The State of Texas vs. Gip. Dishay. This day came the parties to this suit by their attorneys, and the defendants motion for a new trial being submitted and being duly considered by the court, It was ordered by the court that said motion be overruled.

4445 Jas. M. Swisher vs Jno. M. Swisher et al. And now on this day came on to be heard the report of R. J. Hill the commissioner heretofore appointed by this court to make sale of certain lands, and pay certain debts and charges against the estate of James G. & Elizabeth Swisher deceised, and the same having been heard is received by the court, and because it appears to the court that the action of said commissioner has been and is according to law, it is ordered, adjudged and decreed that the said report be and the same is hereby in all things approved and confirmed, — and the said deeds made, executed and delivered as stated in said report, by said commissioner, to the said J. H. Robinson & Son, and to the said J. M. Litten, and to the said John M. Swisher, be and the same are hereby ratified confirmed and established in all things according to the tenor and legal effect thereof & of each of said deeds. And all the parties to this cause appearing by counsel in open court and consenting thereto, it is further ordered adjudged and decreed that the said commissioner proceed to make sale and assignment of the said two notes of Jno. M. Swisher, one for Three hundred and Fifty Eight & 33/100 dollars ($358 33/100) dated April 3rd 1877 due at six months and the other for Three hundred and Fifty Eight & 34/100 dollars ($358 34/100) of same date due at twelve months both secured by D. M. Shands together with the securities thereon, at private sale at such rate and terms as

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he may be able to procure and at a discount of not more than two per centum 2%, and the purchaser or purchasers and assignee or assignees of said notes from and after such sale and assignments shall be fully entitled to collect enforce and receive payment of said notes; and out of the proceeds of said notes said commissioner shall first pay all expenses and costs of this partition accrued and to accrue and the remainder he shall pay one third to James Monroe Swisher - one third to John M. Swisher and one third to the said minors Newton Givens Lane, James S. Lane & Annie Lane or their legal representative or guardian. But it is ordered that in making said final distribution the share of said minors shall be the same as though said notes had been sold at par, the discount to be born by and charged to the shares of said Jas Monroe & Jno. M. Swisher - and it is ordered & decreed that said report of the said R. J. Hill except the exibits and vouchers thereto attached be copied and incorporated into this degree, said report being in substance as follows to wit:

Jas. M. Swisher
No 4445
vs
Jno M. Swisher et al

Peratition etc.

In District Court Travis County, Texas.

In the above styled and numbered cause comes now R. J. Hill of the County and State aforesaid, who was by the Hon. District Court of Travis County appointed Commissioner in said cause for the execution of the decree of partition therein, and represents to the Court: 1st That both the said J. H. Robinson & Son and the said J. M. Litten elected to receive in satisfaction of their respective claimes against the estate of James G. Swisher & Elizabeth Swisher deceased the portions and tracts of land provided & set apart by decree in said cause & in the manner and upon the terms of said decree, wherefore your said commissioner did make execute and deliver unto the said J. H. Robinson & Son his certain deed as commissioner, conveying title in and to the said tract of land by decree set apart to pay said claim of said Robinson & Son unto said Robinson & Son - said deed being dated the day of A. D. 1877. - and as consideration therefor received the said claim, which was to him by the said J. H. Robinson & Son surrendered and delivered up, and is hereto attached marked "Voucher A." — and afterwards to wit on the day of A. D. 1877 your Commissioner in like manner made executed and delivered his deed as Commissioner as aforesaid vesting and conveying to the said J. M. Litten title to the said tract of land set apart for the satisfaction of said Littens claim, - and in consideration thereof Commissioner took said Littens receipt and acquittance of said claim, which is hereto attached and marked "Voucher B." 2nd That your Commissioner acting under said decree made advertisement as directed of sale of the lands set apart for sale, by said decree for

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the purpose of paying costs of partition, by printed advertisements, copy of which is hereto attached marked Exibit No 1, and by posting one of said notices at place of sale, and one at the Post Office - and one at the entrance to Capitol Grounds, on the 3rd day of March 1877 and afterwards distributing & giving publicity to said sale, and that afterwards to wit; on the 3rd day of April 1877 he proceeded to make sale of the property so set apart & in said notice described, as stated in said notice and according to the terms and direction of said decree — and that Jno M. Swisher of the County of Travis & State of Texas then and there bid and offered for one of said tracts to wit; part 1 as described in said Exibit No 1 — the sum of $550.00, and that being the highest and best bid that could be obtained the same was after due warning sold to him; and in like manner the said Jno M Swisher also bid for the said part No 2 - the sum of $525.00 and that being the highest and best bid the same was after like fair warning sold to him - that is to say said entire portion set apart for the purpose of paying said costs and other expenses, were sold on the terms directed in said decree, to said John M. Swisher, for and at the sum of Ten hundred and seventy five dollars ($1075.00) payable one third cash - one third at six - and remainder at twelve months - deferred payments bearing interest at 10% — and afterwards to wit on-day the said Swisher paid to your Commissioner - in cash and in claims constituting — a charge on the proceeds of said sale the sum of $ 358 33

And his note of April 3/77 due at 6 months — $ 358 33

and his second note same date, due at 12 months $ 358 34

making said amount bid One Thousand & seventy five $ 1075.00

both said notes reciting that they were given as part of said purchase money and providing for 10% interest from date both being secured by E.M. Shands of Travis County Texas, and further by a deed of mortgage executed on same day by said Swisher to your Commissioner with power to sell and apply proceeds to payment of said notes - and thereupon your commissioner - retaining said vendors lien - executed and delivered his deed bearing date on said April 3rd 1877 conveying said land to the said John M. Swisher. — Commissioner reports that out of the proceeds of said sale he has paid as follows:

1st For P. M. Kinney Auditor in said cause (Voucher C.) $ 250.00

2nd Messrs Caldwell & Morris for printing notices (Voucher D) $ 3.00

3rd Claim of J. C. Minter to Jno M. Swisher (Voucher E) $ 7.00

4th " " C. L. Anderson Jr (Voucher F) (on back of E.) $ 50.00

5th The accrued costs of said cause to C. Pallman Clk. Dist. C. T. C. $ 32 75

6th For recording mortgage deed Swisher to Hill $ 1 75

In all $ 344 50

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There remains in hands of Commissioner $13.83 and the said promissory notes secured by said deed of mortgage. ——

3rd Your Commissioner in view of premises asks the confirmation of all the aforesaid acts and that he be allowed for his services herein for making deeds 3 @ $2.50 $7.50 — Commission for making sale & executing decree 10% on gross amount of $1075 — $107.50 making total $115.00. — Commissioner further says that he is informed and believes that all parties at interest desire that said notes for balance of purchase money be sold and assigned and proceeds applied to remainder of costs and charges against the same, and to distribute among the parties entitled to the same under said decree, wherefor he asks authority to make sale of and assign said notes, together with the liens & securities appertaining to them — at a sum of not less than two per centum discount — and apply proceeds to immediate settlement of said business & as in duty &c. — Respectfully submitted R. J. Hill. Comr &c.

The State of Texas } Before the undersigned authority personally appeared
County of Travis } R. J. Hill who says that the matters & things in the foregoing report as Commissioner in the cause No. 4445 by him set out and stated are true, when stated as of his own knowledge & when stated on information & belief, he believes them to be true — and this upon his oath.

(sig) R. J. Hill.

Sworn to and subscribed before me this 5th day of May A. D. 1877.

(sig) C. Hallenaun Clk D. C. T. C.

4114 B. B. Rose et als. vs. Jane A. Rose et al Wm Little Intervr } In this cause the motion of Wm Little as Intervenor together with his petition and demurrer having been duly argued by the counsel representing the various parties before the court, and submitted, and considered by the court, and it appearing to the court, that attention had been for the first time called — and by the Intervenor — to the facts disclosed by the record that all the parties plaintiffs and defendants, except two of the plaintiffs who reside in Grayson County, are non residents of the State of Texas and that none of the lands in the petition described are situate in Travis County but are situate in other and remote counties, and that this court has never had and still has not jurisdiction over the parties or over the subject matter involved in this suit: Therefore it is ordered, adjudged and decreed that no further action be taken in this cause and that so much thereof as remains undisposed of be and is hereby dismissed, — and believing that the court has no authority to set aside, annull or change any adjudication of a former term of this court, — if adjudication it be — no order in regard thereto is made, leaving the parties at interest thereto in the same condition as when the last

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term of this Court was adjourned. The unpaid costs to be taxed to plaintiff. This order is not to be construed as aiding or curing any irregularity or other defects in the proceedings in this cause, — to which ruling and judgment by the court the plaintiffs by their attorneys except and give notice in open court of appeal to the Supreme Court.

4778 Thomas E. Shelby vs. Elizabeth Shelby. This cause having been submitted to the Court was this day withdrawn from the court by consent of parties.

4961. Hugh L. Barton Ex parte. Hugh L. Barton having been introduced to the Court ex parte. by Messrs John B. Rector, David Sheeks & Thos. J. Sneed, practicing attorneys of this Court, as a man of good reputation for moral character and honorable department, and the said Barton having submitted to the court his license to practice as Attorney in all the courts of the State of Mississippi; It was ordered by the Court that the said Hugh L. Barton be and he is hereby admitted to practice as an Attorney and Counsellor at Law in the several District and Inferior Courts of the State of Texas, and that the clerk of this court issue to him a certificate accordingly.

3961 E. L. Chance vs. Andrew Potter. This cause having been confirmed by the Supreme Court, it is ordered that it be dropped from the docket.

4731 Amanda J. Wynne et al vs. Louis Felton et al. Upon motion it is ordered that Defendants Felton have leave to amend.

4830 Florence Chesenworth et al. vs. B. Brown et al. Upon motion it is ordered that W. H. Sparks have leave to intervene in this cause, and it is further ordered that this cause be continued generally.

4912 W. J. Montgomery vs. John L. Burleson et als. Continued for service.

4514. J. M. Swisher et al. vs. Thompson & Cunningham. Upon motion of Plaintiffs' Attorneys it is ordered that this cause be dismissed and that the plaintiffs herein pay all the costs of this proceeding, for which execution may issue.

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

June 4th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4527 John S. Mills vs. Geo. B. Zimpelman & B. M. Odom. This day came the parties to this suit by their attorneys and announced themselves ready, and no jury having been demanded, this cause was submitted to the court. And the defendants demurrer to plaintiffs petition having been overruled and the court having heard all the pleadings the evidence and the argument of counsel, and it appearing to the court that the law is with the plaintiff. It was ordered, adjudged and decreed that the plaintiff John S. Mills

June 4th 1877.

do have and recover of and from the defendants Geo. B. Zimpelman and B. M. Odem the sum of ($1009 45/100) One thousand and nine 45/100 dollars with interest thereon from date at the rate of eight per cent per annum ~~from date~~ until paid - and all the costs of this proceedings, for which several amounts execution may issue.- to which ruling & judgment the defendants by counsel excepted and gave notice in open court of appeal to the Supreme Court. — And thereupon Court adjourned till to morrow 9 A.M.

June 5th 1877.

Court met according to adjournment. Present same as first day, whereupon the following proceedings were had to wit:

4521 W. R. Davis vs. Alfred Scott. Continued

4522 Miller & Dowell & Pendexter vs. Alfred Scott. Continued.

4556 C. S. West Exectr vs F. M. Hauks et al. Continued generally

4557 C. S. West Exectr vs F. M. Hauks. Continued generally.

4558 C. S. West Exectr vs F. M. Hauks. Continued generally.

4571 J. M. Costley vs. John Anderson. This day came the parties to this suit by their attorneys, when upon motion it is ordered that this cause be dismissed and that the defendant pay all costs of this proceeding, and that execution issue to collect said costs.

4584 Mary Danse vs. George Danse. Continued generally.

4591 Amalie Herzog vs. H. & T. C. R. R. Co. Continued

4608 H. & T. C. R. R. Co. vs Catharine H. Horan. Continued.

4610 H. & T. C. R. R. Co. vs. M. W. Townsend. Continued.

4626 S. Jacobs & Beckhardt vs. F. Blause & Co. Continued for service.

4629 C. N. Worthington vs. T. B. Wheeler Mayor & the board of Aldermen. Cont'd

4635 Jacob Cotes vs. Andrew Jackson & Lucy Jackson. Continued.

4659 R. J. Swancoat vs. James Finley & Wm Finley. Continued.

4667 Margaret White vs. Fred White. The rule for security for costs, as entered herein during a former term of this court, not having been complied with, it is ordered by the court that this cause be dismissed. —

4672 A. F. Scroggins vs. Ida Lake. Continued.

4674 The Republican Insurance Company vs. E. W. Sands. Continued generally.

4687 C. F. Millett vs. M. J. Randle. The death of the defendant having been suggested, it is ordered that this cause be continued to make parties defendant herein.

4690 Idella F. Kirk vs. C. C. Kirk. The rule for security for costs, as entered herein during a former term of this court, not having been complied with it is ordered that this cause be dismissed and that the plaintiff pay all costs of this proceedings, for which execution may issue.

4692 Loomis & Christian vs. H. C. Turney & C. J. Jones. Defendant by counsel having asked the court for leave to amend his pleadings, such leave is by the court given to him

June 5th 1877.

4718 R. F. Campbell vs Mary E. Orr et al. Continued.

4731 Amanda J. Wynne et al. Louis Felton et al. Upon motion it is ordered that defts have leave leave to amend, and cause continued.

4740 M. J. Batchelder vs. Ed Storm Trustee. Upon motion it is ordered that defendent have leave leave to amend, & cause continued.

4748 Q Zacharias Ochsner vs. Auguste Ochsner. It is ordered that this cause be dismissed and that the plaintiff pay all costs of this proceeding, for which execution may issue.

4752 James L. Chandler vs. W. L. Glasscock & M. B. Glasscock. Continued.

4768 E. L. Compton vs. The heirs of Henry Reinhart. Continued generally

4769 W. W. & Chas E. McLaughlin vs. John D. Logan et al. Continued by consent.

4771 W. J. Lyster vs. Pelina Lyster. The rule for costs as entered herein not having been complied with, it is ordered that this cause be dismissed.

4773 Amos Morrill vs Geo W. Sampson et al. Continued by consent.

4775 Jonathan Rogers vs. Life Association of America. Continued.

4777 James Shelton vs David Bainter et al. Continued.

4778 D/C Thomas E. Shelby vs. Elizabeth Shelby. Upon motion it is ordered that plaintiff have leave to amend.

4780 J. S. Willings vs. Missouri R. Willings. Continued generally.

4782 Louisa Williams vs. Swante J. Swenson. Upon motion of Pltffs Attorneys it is Q ordered that this cause be dismissed and that Pltff pay all costs of this proceeding, for which execution may issue.

4783 Martin Belger vs. Moses Raynor. The rule for costs as entered herein during Q a former term of this court not having been complied with, it is ordered that this cause be dismissed and that the plaintiff pay all costs of this proceeding for which execution may issue.

4784 C. R. Jones et al. vs. Benj. W. Townsend et al. The rule for costs as entered Q. in this cause during a former term of this court, not having been complied with it is ordered that this cause be dismissed and that the plaintiffs herein pay all the costs of this proceeding for which execution may issue.

4785 Forster Lugflow & Co vs. D. L. Gross. Continued generally.

4787 B. B. Wilkins vs. Adaline & Anthony Ferrell. Upon motion it is ordered that the plaintiff have leave to amend, and that this cause stand continued

4792 W. P. Buttery et al. vs. Joseph Taylor. Continued.

4793 Whitefield Chalk vs Stephen H. Darden Sampstr Continued to await mandate.

4794 John B. Rector vs. Denmark Walton. Upon motion it is ordered that defendent have leave to amend, a cause continued generally

4795 John C. Duval et al. vs. Robert Greenbaner. Continued generally.

4798 William J. Mathews vs. A. S. Mair. Continued.

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4800 W. L. Davidson Guardian vs. Austin Joint Stock Building Company et al. Upon motion of Defts' Atty's, it is ordered that defendant have leave to amend; and it is further ordered that this cause be continued as upon the affidavit of plaintiff.

4802 Michael D. Miller vs. W. A. H. Miller & John Dowell. Continued.

4807 Bellie Tucker vs. Peter Tucker. Upon motion it is ordered that plaintiff have leave to amend & cause continued.

4808 S. Lockwood vs. Chas W. Lucas. Continued.

4809 David Stewart vs. Charles Robinson. Continued.

4811 D. M. Harrell vs. T. C. Tullis. Continued by agreement.

4812 M. J. Cavenaugh vs. M. A. Taylor et al. Continued generally.

4813 Edward F. Austin Exec^r vs. James H. Bell. Continued the defendant not served in time for this term of court.

4815 Charles Krohn vs. Thomas F. Purnell. Continued generally.

4816 S. F. Henry vs. M. W. Henry et al. Upon motion it is ordered that James A. Littlepage, James Thompson & John B. Wallace be appointed commissioners to make partition.

4817 Henrietta Siebel vs. Penny Manor. Continued generally.

4818 Mary J. Lee vs. Thos Shubb et al. Continued to make parties.

4822 Jobe & Robinson vs. I. P. Horbach. Continued generally.

4827 The Galveston & B. & B. N. G. R. R. Co^e vs J. J. Gross Commissioner. Continued to await mandate.

4828 Bethel Coopwood & Andrew B. Carothers vs. William Alexander. Continued.

4831 Mrs Mary Duffau vs. Milton Wallace & John Conner. Continued.

4832 L. V. Spring vs. J. Eisenach & wife. Upon motion leave is given to E. T. Moore Atty to become security for costs.

4872 W. A. Faires vs. Forster Ludlow & Co^e Upon motion it is ordered that plaintiff have leave to amend.

4877 W. H. Firebaugh vs. G. A. Riddell et al. Upon motion it is ordered that defendant Travis County have leave to amend.

4906 U. H. Keath vs Capital Ice Company. Upon motion it is ordered that defendant have leave to amend.

4907 The State of Texas vs. Jas A. Barkley et al. Continued as upon affidavit of Defts.

4918 B. O. Stavely vs. Joseph Pealore. Defendant has leave to amend.

4941 Wm Hudson vs. C. R. Jones & Co^e Upon motion it is ordered that Defendants have leave to amend.

3289 Phineas Burchard et als vs Fidelia Potter et al. And now on this day came the parties by their Attorneys, said minors mentioned in said petition

June 5th 1877

in the above cause have arived at legal age since the commencement of this suit and before the last term of this court; also came the commissioners appointed by this court at its present term, to partition the tract of land mentioned in said petition, and filed their report sworn to by them, and no exception being made to said report, the premises considered: It is therefor ordered and decreed by the court that said report be and is hereby approved, and the same made a part of this decree, which report is in words and figures following, to wit:

Phineas Burchard et al
vs
Potter, Hancock & West

To the Hon. District Court of Travis County Texas. — The undersigned commissioners appointed at the spring term of said District court 1877 to make partition of a certain tract of land in the name of John Saffora situated in Milam County Texas containing but 1400 acres not being half league as supposed, between John Hancock and E. L. West, Phineas Burchard, Fidelia Potter and the heirs of Ann E. Chappell or their assignee or vendee, make the following report, to wit: To John Hancock and E. L. West they have allotted and set aside Lot No 1 according to the plat of said tract of land containing 400 acres, the field notes of which are as follows to wit: Beginning of bank of Little River at the upper corner of L. L. Childes survey Thence N. 30° W. 2820 vs cor. of South line of league No 20 — Thence S. 60° W. 781 vs cor. on South line of league No 20 - Thence S. 30 E. 2961 vs cor. on bank of Little River — Thence down same with its meanders to the place of beginning containing 400 acres of land. — —

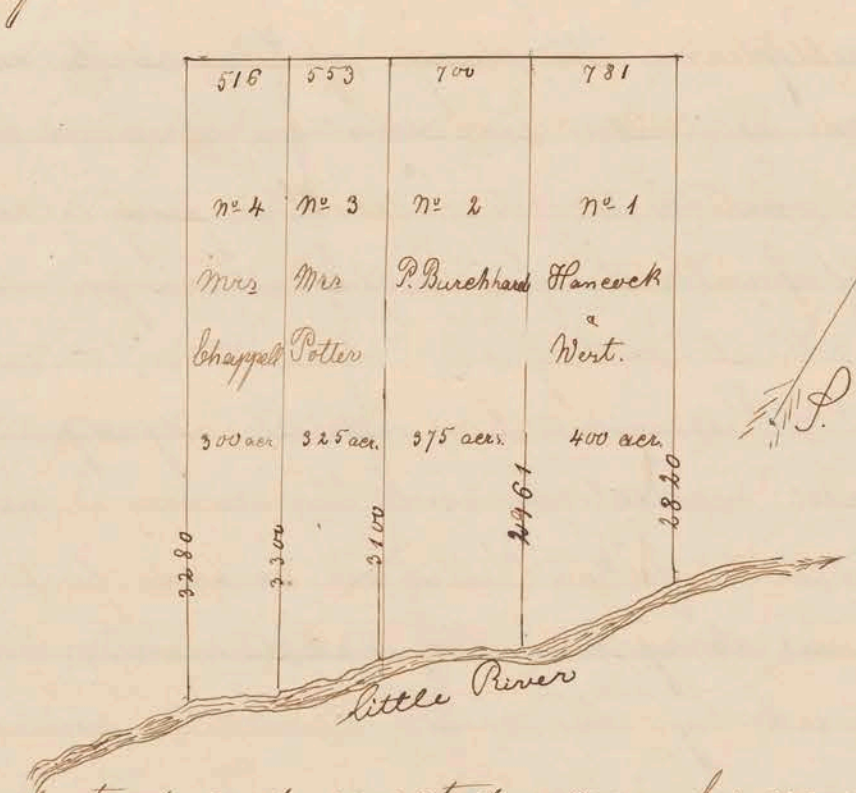
To Phineas Burchard they have allotted and set apart Lot No 2 according to said plot, containing 375 acres the field notes of which are as follows to wit: Beginning on bank of Little river at upper cor. of Lot No One Thence N 30° W 2961 vs to corner of No 1. — Thence S. 60° W 700 vs cor. on South line of League No 20 — Thence S. 30° E. 3100 vs cor. on bank of Little river — Thence down same with its meanders to Beginning, containing 375 acres of land. —

To Fidelia Potter they have allotted and set apart Lot No 3 according to said plot containing 325 acres, the field notes of which are as follows to wit Beginning at upper cor. of No 2 — Thence N. 30 W. 3100 vs to cor of No 2. — Thence S. 60 W. 553 vs cor. of South line of League No 20 — Thence S. 30 E. 3300 vs corn. on bank of Little river - Thence down same with its meanders to Beginning, containing 325 acres of land. —

We set apart to Mary Eanes, Fidelia P. Sanders, William Chappell and Amosa B. Chappell, the heirs of Ann E. Chappell, or their assignee or vendee they have allotted and set apart Lot No 4 according to said plot containing 300 acres, the field notes of which are as follows to wit: Beginning at upper cor. of No 3 - Thence N. 30 W 3300 to N. E. cor. No 3 on South line

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of league No 20 — Thence S. 60 W. 516 vs to S. W. cor. of league No 20 — Thence S. 30 E. 3280 vs to corn on bank of Little River — Thence down same to beginning containing 300 acres of land.



And it is understood and so acted upon by your commissioners that all parties at interest herein have agreed to and ratified the above and foregoing allotment & distribution. —

The State of Texas } Before me the undersigned authority this day
Travis County } personally appeared Jno F. Jones, Jno D. Campbell and D. H. Cullen Commissioners in above report who being duly sworn depose and say the same above report is correct and true in substance and in fact. Jno F. Jones, Jno D. Campbell, D H. Cullen. — Sworn to & subscribed before me this 23rd day of May 1877 D Hall Clk.

It is further ordered and decreed by the court, that the interest of each party in said land be and is hereby divested out of each of them and same be and is hereby vested in each of said party, to the extent of each of his her or their share, so set apart to each of them as set forth in said report and plot, and that this decree stand as monument of title to each of said party as to their respective share as stated in said report. —

And it is further ordered and decreed by the court that each party pay their pro rata portion of the costs according to the amount of interest of each in said land for which execution may issue against each of said party for his her or their share of said costs.

And thereupon court adjourned till to morrow morning 9 o'clock A. M.

June 6th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4929. The State of Texas vs. Jake Williams. This day came the State by her Attorney and came also the defendant Jake Williams in person and by his attorneys and both parties announced themselves ready for trial.

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And thereupon came a jury of twelve good and lawful men of Travis County consisting of Robt Jones Foreman and eleven others, who being duly tried elected empannelled and sworn according to law, heard the indictment and the defendants plea of guilty and the charge of the court and retired to consider of their verdict. And after due consideration the said jury returned into open court the following verdict to wit: "We the jury find the defendant Jake Williams guilty of the theft of a heifer as charged in the indictment and fix his punishment at Two years in the penitentiary. June 7th 1877 Robt Jones Foreman". Whereupon it is ordered adjudged and decreed by the Court that the said verdict be and the same is hereby confirmed and that the said defendant Jake Williams be and he is hereby declared guilty of theft of a heifer as charged in the indictment, and it is further ordered adjudged and decreed by the court that the said defendant Jake Williams be and he is hereby condemned to be punished by confinement to hard labor in the State penitentiary for the full term of two years, and that he pay all costs of this prosecution.

4937 B. L. Buford & Co vs. Ruthrauf, Sinclair & Co. Upon motion of Plffs' Attorney it is ordered that this suit be dismissed and that the plaintiffs pay all costs of this proceeding, for which execution may issue.

4938 Mitchell Lewis & Co vs. Ruthrauf, Sinclair & Co Upon motion of Plffs' Attorney it is ordered that this cause be dismissed, and that the plaintiffs pay all costs incurred in this behalf, for which execution may issue.

5013 The State of Texas vs. Larry Norton. This day came the State by her Attorney and came also the defendant Larry Norton in person and by his Attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of Robert Jones, Foreman, and eleven others, who after being duly tried elected, empannelled and sworn according to law, heard the indictment the defendants plea of not guilty, the evidence, argument of counsel and the charge of the court and retired to consider of their verdict. And thereupon after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant not guilty. June 6th 1877 Robert Jones Foreman" Whereupon it is ordered and adjudged by the court that the said verdict be and the same is hereby approved, and that the defendant Larry Norton go hence fully discharged and acquitted of this accusation.

5005. The State of Texas vs. Ben Thompson & James Burditt. This day came the State by her attorney and came also the defendant James Burditt in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful

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men of Travis County consisting of W. S. Hotchkiss, Foreman, and eleven others who, after being duly tried, elected, empannelled and sworn according to law, heard the indictment the defendants plea of "guilty of a simple assault" the evidence and argument of counsel and the charge of the court and returned to consider of their verdict. And thereupon said jury after due consideration returned into open court the following verdict to wit: "We the jury find the defendant guilty of a simple assault and assess his fine at twelve dollars. W. S. Hotchkiss. Foreman." Whereupon it is ordered and adjudged that the said verdict be and the same is hereby approved, and that the defendant James Burditt be and he is hereby declared guilty of a simple assault, and that the State of Texas do have and recover (12^{00}) twelve dollars as a fine of and from the said defendant, and all the costs of this proceeding; and it is further ordered that the said James Burditt stand committed to the county jail of Travis County untill said fine and costs are paid.

4932 The State of Texas vs. George Franklin. This day came the State by her attorney and came also the defendant George Franklin in person and by his attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County consisting of W. S. Hotchkiss and eleven others, who after being duly tried, elected, empannelled and sworn according to law: heard the indictment the plea of the defendant of not guilty, the evidence, the argument of counsel and the charge of the court, and retired to consider of their verdict. And thereupon after due consideration the said jury returned into open court the following verdict to wit: "We the jury find the defendant George Franklin guilty as charged in the indictment, and that the hogs were worth less than 20^{00}, therefore assess the punishment at confinement in the penitentiary for the term of one year. W. S. Hotchkiss Foreman." Whereupon it is ordered, adjudged and decreed by the court that the said verdict be and the same is hereby approved, and that the said George Franklin be and the same is hereby declared guilty of theft of hogs of the value less than 20^{00}, and that the said George Franklin be condemned to be punished by confinement to hard labor in the State penitentiary for the full term of one year, and that he pay all costs of this prosecution.

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

June 7th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4755 The State of Texas vs. Joe Simms. It is ordered by the court

June 7th 1877

4847 that attachment issue for Geo Hampton a material witness for the State, and that this cause be continued as affidavit of the defendant. The State of Texas vs. Jake Williams. For reasons given by the County Attorney in his statement, submitted this day to the court, it is ordered that this cause be dismissed.

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

June 8th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4816 S. F. Henry vs. M. W. Henry et als. Partition of land. — And now on this day came the parties by their attorneys, and the minors by A. H. Cullen special guardian appointed for them by the Court, and move the court to appoint Commissioners to partition the land described in the petition in this case as hereinafter directed, and it appearing to the court that the land to be partitioned amounts to Eight hundred (forty eight) acres, more or less, and that the same was community property between John D. Henry deceased and Elizabeth Henry the surviving wife of the said John D. Henry deceased, and one of the defendants in this case, and by law said Elizabeth is entitled to one half of said land, and it further appearing to the court, that the said Elizabeth Henry did by deed, executed and delivered to the other parties in this suit, conveying to them all her right and title to said land, except two hundred acres, reserved by her for her interest in the same, which said two hundred reserved by her is fully described in said deed, dated September the 18th 1876 and duly recorded in the County Clerks office of Travis County in Book No 32 page 618, 619 & 620, and the balance of said land being 648 acres to be devided between the other parties in this suit, the premises duly considered and by the court fully understood: It is therefore ordered and decreed by the Court, that James A. Littlepage, James Thompson and John B. Wallace be and they are hereby appointed commissioners to partition said land; giving to the said Elizabeth Henry the two hundred acres with improvements thereon mentioned and described in her said deed and the remaining 648 acres more or less, said commissioners will set apart according to the quantity quality and value to Meredith W. Henry one share, to Elizabeth T. Bailes one share, to David N. Henry one share to Mary J Brown one share, to Amanda M. Jogdan one share, to Thomas J. Henry one share to James M. Henry one share, to Franklin D. Henry one share, to Texana C. Henry one share; the above named parties being the children of the said John D. Henry deceased and the said Elizabeth Henry, and one share of said land be set apart to the minors, John W. Henry, Stephen F. Henry, Elizabeth T Henry, Hugh

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E. Henry, Robert Champ Henry and Louisa S. Henry jointly, in right of their father Hugh G. Henry deceased who was the son of the said John D. Henry deceased and the said Elizabeth Henry; and the said commissioners will set apart one third of the last mentioned share to Louisa S. Huff, formerly Louisa S. Henry, the surviving wife of the said Hugh G. Henry deceased, as her life estate in the same; and said commissioners to make due report of said partition with the plat and field notes of each share, to the present term of this court and if they find that partition cannot be made in kind, they will so report as the law directs.

4306 R. N. Lane et als. vs. Aetna Life Insurance Company. - And now at this day this cause being called for trial the plaintiffs R. N. Lane suing in his own right and his children Newton G. Lane, James D. Lane, and Annie Lane represented by said R. N. Lane as their natural guardian and next friend, appeared by their attorneys Walton Green & Hill and the defendant the Aetna Life Insurance Company of Hartford, Connecticut, appeared by its attorneys Fancock West & North and no jury being called for by either party and it appearing that the plaintiffs and defendant have compromised and settled the matters in controversy between them in the following manner to wit: by the payment by said defendant to said to said plaintiffs of the sum of seven hundred and eleven dollars in full satisfaction of all claims of said plaintiffs against said defendant under policy of Insurance No. 46.528 issued by said defendant to said plaintiff R. N. Lane for the sum of Five thousand dollars payable at his death to his said children Newton G, James D, and Annie Laine and dated the 15th day of February A. D. 1868 and countersigned the 24th day of February A.D. 1868 and in words and figures substantially as follows to wit: "Aetna Life Insurance Company, Hartford Connecticut: Participating Policy No. 46528. Ten annual payments $ 629.20 Note for one half each year. Sum insured $ 10,000.00 . This policy of Insurance witnesseth: That the Aetna Life Insurance Company in consideration of the sum of Six hundred and Twenty nine dollars and twenty cents to them in hand paid, by Richard N. Lane for the benefit for his children Newton G., James D. & Annie Lane and of the annual premium of Six Hundred & Twenty nine dollars and twenty cents to be paid to said Company on or before the fifteenth day of February in every year during the term of ten years, do assure the life of Richard N. Lane of Austin in the County of Travis, State of Texas in the amount of ten thousand dollars for the term of his life. And the said Company do hereby promise and agree to and with the said assured their executors, administrators and assignees well and truly to pay or cause to be paid the said sum insured, to the said assured, their executors, administrators, or assignees, or guardians, if under age, within ninety days after due notice and proof of the death of said

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Richard M. Lane and in either case all indebtedness of the party to the Company shall be deducted from the sum insured. – Provided always, and it is hereby expressly declared to the true intent and meaning of this policy and the same is accepted by the assured upon there express conditions, that in case the said Richard M. Lane shall die upon the seas, or shall without the consent of this Company previously obtained and endorsed upon this Policy, pass beyond the settled limits of the United States (excepting into the settled limits of the British Provinces of the two Canadas, Nova Scotia, or New Brownswick) or shall, without such previous consent thus endorsed, visit those parts of the United States which lie South of the thirty sixth degree of the North Latitude, between the first of June and the first of November, or shall, without such previous consent thus endorsed, pass to or west of the Rocky Mountains, or shall, without such previous consent thus endorsed enter into any military or naval service whatsoever (the militia not in actual service excepted;) or shall without such previous consent thus endorsed, be personally employed as an Engineer or Fireman in charge of a steam engine, or as a conductor or brakeman upon a Railroad, or as an officer, hand or servant of any steam vessel or in the manufacture or transportation of gunpowder, or in case he shall become so far intemperate as to impair his health seriously and permanently, or induce delirium tremens, or shall die by his own hand, or in a duell or in consequence thereof, or by the hands of justice or in the known violation of any law of the States, or of the United States, or in consequence thereof, or of any government where he may be, – this Policy shall be void, null and of no effect. —— And it is also understood and agreed to be the true intent and meaning hereof, that if the proposal, answers and declaration, made by the said Richard M. Lane and bearing date the Twenty fourth day of January 1868 and which are hereby made part and parcel of this Policy, as fully as if herein recited, and upon the faith of which this agreement is made, shall be found in any respect false or fraudulent, then and in such case this Policy shall be null and void: or in case the said assured shall not pay the said annual premiums on or before the several days herein before mentioned for the payment thereof, then and in every such case the said company shall not be liable to the payment of the sum insured, or any part thereof: and this Policy shall cease and determine: but it is agreed that in the event this Policy lapses from the non-payment of Premium after two payments of premium have been made, to issue a paid up policy for 2-10 of the amount insured; 3 payments 3-10, and so on.. And it is further agreed, that in every case, where this policy shall cease or be or become void, all payments

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made thereon shall be forfeited to the said Company — and also all profits and dividends credits accruing therefrom. — In witness whereof the said Aetna Life Insurance Company have by their President and Secretary, signed and executed this contract in the City of Hartford, this fifteenth day of February 1868 but the same shall not be binding until countersigned by Benjamin B. Richardson Agent at Galveston Texas. T. O Enders Secretary. - E A. Balkeley President. — Countersigned at Galveston this 24th day of February 1868 Benjamin B Richardson Agent. — — Participating Policy. № 46528. The Aetna Life Insurance Company of Hartford Conn. Assets January 1st 1866 $2,036,823.45 - Assurance on the life of Richard N. Lane. Amount $10.000=. Date February 15, 1868 Term of Life. Ten Annual Premiums $629 20 Extra Annual Prem. $ —— When due Febr. 15th= Policy $1st=630 20= Register — Page —.

And it appearing to the court that said sum of $711 has been duly paid to said plaintiffs, and it appearing to the court that said compromise and settlement is beneficial to said minor plaintiffs the said Newton G. James S. and Annie Lane, it is ordered adjudged and decreed that said compromise and settlement be and the same is hereby in all things satified and confirmed; it is further ordered, adjudged and decreed that said policy of insurance be and is hereby satisfied and cancelled and said defendant released from any and all liability under the same; it is further ordered, adjudged and decreed that all indebtedness and notes of said plaintiff R. N. Lane to said defendant for the unpaid portion of any and all premiums under said policy be and the same are hereby satisfied and cancelled; it is further ordered adjudged and decreed that the plaintiffs pay all costs in this behalf expended and that the same be paid by said R. N. Lane who is also the guardian of the estate of his said children, in due course of administration.

4792 (Ex. dock. № 5 page 19.) W. P. Buttery and wife vs. Joseph Taylor. On this the 7th day of June A.D. 1877 came the parties by their attorneys in the above entitled and numbered cause and the order of continuance heretofore entered in this cause at this term of the court having been by the consent of the parties set aside and said case called for trial both parties announced ready for trial and a jury not having been called for by either party the cause was submitted to the court, whereupon the court after hearing the pleadings and evidence in the case with the argument of counsel thereon and duly considering the same gave judgment in favor of the plaintiffs W. P. Buttery and Ann Buttery his wife against the defendant Joseph Taylor for the sum of five hundred and twelve dollars and forty nine cents in coin as bail

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ance of the unpaid purchase money of the following described tract of land to wit: Survey No 519 containing Three hundred and twenty acres of land in the County of Travis and State of Texas patented to the plaintiff W. P. Buttery as assignee of Wayman F. Wells per letter Patent No 88 Vol. 13 of date the 8th day of May 1862 Beginning S. 38° E 380 varas from the East corner of Survey No 472 Stone mound from which an Elm 8 in dia brs S 60° W. 18 varas a do 4 in dia brs S 82 E. 14 vrs. Thence down the river with its meanders as follows to wit S. 15½ E 430 varas N 89° E 435 vrs a stone mound on the bank of the river from which a life Oak 16 in dia brs N. 25° W 5½ vrs a Lito 8 in dia brs N 44° W 5¾ vrs Thence N 30° E 258 7/2 varas stone mound on S. side of the mountain. Thence N 60 W 672 varas stone mound on west side of the mountain, from which a live oak 10 in dia brs S 20° W 27 vrs. — Thence S. 30° W 251 7 41/112 vrs to the place of beginning so as to contain said three hundred and twenty acres of land as described in said plaintiffs petition and for all costs of suit. And it further appearing to the court that heretofore to wit on the 9th day of June 1875 the plaintiff W. P. Buttery and Ann Buttery his wife executed to said defendant Joseph Taylor their bond for title in which they obligated themselves to make to said defendant Joseph Taylor a warranty title to the above described tract of land upon the payment of the balance of the purchase money thereof and that the judgment heretofore given is for said unpaid purchase money, it is therefore ordered adjudged and decreed that said title bond described as aforesaid be cancelled annulled and set aside and be for nothing held. And it further appearing to the court that for the purpose of carrying out their obligation as expressed in said title bond on the institution of this suit the said plaintiffs W. P. Buttery and Ann Buttery his wife tendered to said Joseph Taylor Defendant as aforesaid their warranty deed to the above described tract of land of date the 16th day of 1876 which said deed is attached and made a part of their original petition filed in said cause upon the payment of said unpaid balance of said purchase money upon said land and said defendant Joseph Taylor as is evidenced by this judgment has failed to pay said balance of said purchase money as aforesaid and take out said deed it is therefore ordered adjudged and decreed that the said deed described as aforesaid be also cancelled set aside and for nothing held. And as the said sum of Five hundred and twelve dollars and forty nine cents Coin as aforesaid is for a balance of the unpaid purchase money of said above described tract of land it is ordered adjudged and decreed that same is a lien and a charge upon said land for its payment as aforesaid and that said land be sold for the satisfaction of the same and if insuffi-

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to pay off principal, interest and costs execution issue for the balance so unpaid.

4799 W. A. Ryan vs. John S. McEwen & Emily S. McEwen. And now on this
execut. dock. 5. page 13 day came the parties to this suit the plaintiff by his attorneys and the defendants in proper person - and issue being joined - the matters in controversy were submitted to the court, and the court being advised in the premises as to the law and the facts is of the opinion that the law of the cause is with the plaintiff - It is therefore ordered adjudged and decreed by the court, that the plaintiff W. A. Ryan, do have and recover of the defendant Jno. S. McEwen the sum of seven hundred and seven dollars & sixty five cents ($707 65/100) in the lawful coin of the United States and all costs in this behalf expended and because the said indebtedness is found to constitute a valid and subsisting lien for purchase money upon the following tract of land to wit: Fifty five acres of land situated in Travis County Texas, and being the tract sold by deed of Ann f. Jackson and her husband f J. Jackson to John S. McEwen dated the day of 1874 and being part of the f. b. Brooks Survey - lying on Walnut Creek about ten miles North East of Austin City - & part of homestead tract of said f. J. & Ann f. Jackson - Beginning at the North West corner of a tract of - acres out of said f. b. Brooks survey, sold by U. V. Ezell to D. M. Ezell Thence North 60° West to the boundary line of a tract of land of 218 acres described in a deed from John Ezell & D. M. & Mary E. Ezell to f. J. Jackson recorded in Travis County Records of Deeds Book X pp. 184, 185, & 186 the same being the said north boundary line being in the centre of a ravine, - Thence in a southwesterly direction with said line of said 218 acre tract in centre of said ravine, to an old road. - Thence South 19° West 97 varas to the South boundary line of said Brooks survey, a stone mound. - Thence South 60 East 375 varas with the South line of said Brooks survey to the South west corner of said tract sold by U. V. Ezell to D. M. Ezell, the same being North 60 West 375 varas from the North East corner of said f. b. Brook survey. - Thence North 22½ East 375 varas with the West line of said D. M. Ezell tract to the beginning. - And it is further ordered and adjudged that said lien be and the same is foreclosed, and the said tract of land is subjected to the payment of said debt, and the clerk of this court is ordered to issue an order of sale of said tract of land for the purpose of satisfying this judgment according to law, directed to the Sheriff of Travis County, and that said order direct that out of the proceeds of the sale of said tract of land the aforesaid sum of seven hundred and seven & 65/100 Dollars in coin together with interest thereon at the rate of ten per centum per annum from and after the date of this judgment, and all costs of this suit, and that if said land shall sell

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for an amount more than sufficient to pay said amount and costs, the excess thereof shall be by said sheriff paid over to the defendant John P. McEwen - and it is further ordered and adjudged that if said tract of land shall not sell for an amount sufficient to satisfy the judgment, that execution issue against the said John P. McEwen for the amount of said judgment interest & costs so remaining unpaid.

4934 Richard Blackwell vs. Josephine Blackwell. And now on this day this cause being called for trial the plaintiff appeared by his attorneys Pancock West & North and the defendant though duly served personally with process more than five days before the commencement of this term, failed to answer and appear, and no jury having been demanded the court proceeded to try the issues between the parties, and the court having heard the pleadings read, the evidence adduced and the argument - and being satisfied by the proof of the truth of the allegations of plaintiffs petition, it is considered, ordered, adjudged and decreed that the bonds of matrimony heretofore existing between the said Richard Blackwell and the said Josephine Blackwell be and the same are hereby dissolved; and it appearing that the following described property is the community property of said Richard Blackwell and Josephine Blackwell the same is hereby divided and partitioned between them as follows, to wit: To the said Josephine Blackwell the following property is hereby set apart and the title to the same vested in her in fee simple: All that certain tract of land situated in said County of Travis on the divide between the waters of Cross and Cypress Creeks and described by metes and bounds as follows: Being the Richard Blackwell pre-emption survey beginning on the West line of a survey made for M. Grisby at a stone mound N. 19° W. 200 varas from the S. W. corner of the same from which a live oak 3 inches in dia. bears N. 80° E. 6 varas, another bears S. 87° E. 8 varas; Thence N. 19° West 950 varas a stone mound from which a cedar 3 inches in dia. bears S. 63° E. 15 vrs.; - Thence S. 71° W. 950 varas, a stone mound from which a cedar 10 inches in dia. bears E. 10 vrs. another bears N. 60° E. 8 vrs. - Thence S. 19° E. 950 vrs a stone mound, - Thence N. 71° E. 950 vrs. to the place of beginning containing one hundred and sixty acres together with the improvements thereon and the household furniture thereon. Also one (1) yoke of ~~oxen~~, one (1) horse branded Y and one roan horse unbranded and eleven (11) head of stock cattle. And to the said Richard Blackwell the following property is hereby set apart and the title to the same vested in him in fee simple: All the other property of whatever kind not herein set apart to said Josephine Blackwell. And the custody and maintainance of the child of said Richard and Josephine, the said Ida

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Blackwell is hereby awarded to the said Richard Blackwell. It is further ordered and decreed that said Richard Blackwell pay all the costs of this proceeding for which let execution issue.—

4770 Evander A. Hicks vs. Julius Quast & James R. Cummings. Continued by the plaintiff.

4834 Lina Lyster vs. W. J. Lyster. Continued.

4837 D. M. Farrell vs. T. B. Wheeler. It is ordered by the court that this case be dismissed and that plaintiff pay all costs of this proceeding.

4848 Bettie C. Watson vs. Archer & Wilde. Continued.

4871 Jos. F. Johnson vs. G. T. Hume, Jos L. Hume & Geo B. Zimpelman. This day came the plaintiff by his attorneys when upon his motion it was ordered by the court that this case be dismissed, and that the plaintiff pay all costs incurred in this behalf, for which execution may issue.

4874 H. A. Hancock vs. Mariah Hancock. Continued.

4901 John H. Robinson jr. vs. Andrew S. Mair & Geo B. Zimpelman. This day came the parties by their attorneys when by consent of parties it was ordered that this suit be dismissed and that the defendants herein pay all the costs of this proceeding, for which execution may issue.

4922 William Biles vs Thomas D. Cater et als. Upon motion it is ordered that defendants have leave to amend.

4928 Peter Gregg vs. Dorcas Gregg. This day came the plaintiff by his attorney and the defendant,—though duly cited to appear befor this court and answer in this behalf,— came not but wholly made default; and no jury being demanded the case was submitted to the court; and it appearing to the court after hearing the pleadings and the testimony and argument of counsel, that the allegations of Plaintiffs petition are true and that he is entitled to the relief asked for;—It is therfore ordered adjudged and decreed by the court, that the plaintiff Peter Gregg be and he is hereby divorced from the defendant Dorcas Gregg, and that the bonds of matrimony,—heretofore existing between the said Peter and Dorcas Gregg,— be and the same are hereby annulled, vacated and held for naught, and it is further ordered that the plaintiff pay all costs incurred in this behalf, for which execution may issue.

4941 Wm Hudson vs. C. R. Johns & Co Continued generally.

4942 Geo. B. Zimpelman vs. Int. & Ge. North. R. R. Co This day came the parties to this suit by their Attorneys when by consent of parties it was ordered by the court that this suit be dismissed and that the defendants pay all costs of this proceeding, for which execution may issue.

And thereupon court adjourned till to morrow morning 9 o'clock A— M.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4718 (execn. Book 5. page 12.) R. F. Campbell vs. Mary E. Orr et al. Now on this day came on to be heard the above styled and numbered cause and the plaintiff announced ready for trial, and the defendant James T. Brown by his Attorney N. G. Shelley announced ready for trial, and the defendants Mary E. Daniels, formerly Mary E. Orr and W. H. Daniels came not but wholly made default, whereupon a jury being waived and the matters both of law and of fact submitted to the court, the court after hearing all the evidence both for and against all the parties as well those who had not answered and those who had, and also the argument of counsel, is satisfied that the law is with the plaintiff, wherefore it is ordered, adjudged and decreed that the plaintiff Robert F. Campbell do have and recover of and from the defendants James T. Brown, Mary E. Daniels and William H. Daniels the real estate sued for, to wit: The East two thirds (2/3) of lot No seven (7) and the West (2/3) two thirds of lot No six (6) in Block No Seventy three (73) of the City of Austin in Travis County Texas, also the South half of lot No (5) five and the South half of the remaining one third (1/3) of the said lot No 6 in said Block No (73) seventy three of Austin City Texas, together with all the improvements on said lots situated and all costs in this behalf expended, and it is further ordered that the writ of possession issue requiring the Sheriff of Travis County to put the plaintiff R. F. Campbell in possession of said lots and improvements and that execution issue for said costs, and it further appearing that said premises were sequestered by the plaintiff Campbell and were on the 6th day of March 1876 replevied by the defts Mary E. Daniels and James T. Brown with Th. F. Dohme and R. Platt as their sureties on their replevying bond for the sum of three thousand dollars, and it also appearing that the rental of said premises since the date of said bond has been reasonably worth the full sum of One hundred and eighty (x180=) dollars - it is therefore ordered and decreed that the plaintiff Robert F. Campbell do have and recover of the defendants James T. Brown and Mary E. Daniels, and the sureties on their replevy bond F. Dohme and R. Platt the sum of One hundred and Eighty dollars and all costs of suit for which execution may issue. (see order reforming judgment Page 391.)

4876 A. E. Davidson vs. James Davidson. Continued by operation of law.

4920 Caroline Newman vs. A. B. Newman. Upon motion of Plaintiffs Attorney it is ordered that Plaintiff have leave to amend.

5044 The State of Texas vs. Sanders Griffin and Tenny Wright. This day came the State by her Attorney and came also the defendant Sanders Griffin.

Filed June 18th 1877 Seventy $4
R. F. Campbell —
By Cash $ Seventy four dollars —

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by his attorney when came on to be heard the motion of the defendant Sanders Griffin for a new trial, and said motion being fully argued by counsel and duly considered by the court, the same is by the court overruled, to which ruling of the court the said defendant by counsel excepted and gave notice in open court of appeal to the court of appeal.

4508 Risher & wife vs. Brass & wife. This day came the parties to this suit by their attorneys and the defendants motion for a new trial coming on to be heard, and being fully argued by counsel and by the court duly considered the same is by the court overruled, to which ruling of the court the defendants by counsel excepted and gave notice in open court of an appeal to the Supreme Court.

4527 Jno. S. Mills vs. Simpelman & Odom. This day came the parties by their attorneys when the came on to be heard the defendants' motion for a new trial, which motion after being fully argued by counsel and duly considered by the court, were by the court overruled, to which ruling the defendants by counsel excepted and gave notice in open court of an appeal to the Supreme Court.

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

June 11th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4909 (Exec. dock 5. page 15.) L. F. Millett vs. L. Stroehmer et al. And now on this day came the plaintiff by his attorney and the said defendants having failed to appear and answer in this behalf but wholly made default. Wherefore the said plaintiff L. F. Millett ought to have and recover of the said defendants his damages by occasion of the premises. And it appearing to the court that the cause of action is liquidated and proved by an instrument of writing to wit: a promissory note. It is ordered that the clerk do assess the damages sustained by the said plaintiff; and the said clerk having now here assessed the said damages at the sum of $543 33/100 principal and interest and the further sum of $40.00 being 10 per cent for attorney fees, the costs of collection. It is therefore ordered and adjudged by the court that the said plaintiff L. F. Millett do have and recover of and from the defendants L. Stroehmer, James M. Brown Curtis Rierson and Robert Masterson the said sum of $543.33/100 with interest thereon at the rate of two per cent per month and the further sum of $40.00 being ten per cent attorneys fees the costs of collection. And it further appearing to the court that the said note was executed by defendants to secure to plaintiff money due to him for lumber and building material furnished by him to

June 11th 1877.

This Lawsuit has been settled in full as per
written Order of Sale.
Time Order of Execution
H. Everett Agent for Gen. Asylum
October 2nd 1877.

them to be used by them and which were used by them in making and erecting fences and other improvements on the following tracts of land to wit: 1st A part of the George A. Martin Survey situated in Travis County Texas about 13 miles from the City of Austin and described as follows: Beginning at N. W. corner of No 7 for the S. W. corner of this survey. Thence N. 30 E. 1900 vs to a stone mound for the N. W. corner of this survey. Thence S. 60 E. 633 1/3 varas to a stake for the S. E. corner of this survey. Thence S. 30 W. 1900 vs to a stake for the S. W. corner of this survey. Thence N. 60 W. 633 1/3 vrs to the beginning, containing 213 1/3 acres. — and 2nd beginning at the S. E. corner of the previous survey for the beginning corner of this survey Thence S 60 E. 1266 2/3 vs to the corner of Survey No 9 for the N. E. corner of this survey. — Thence S. 30 W. 950 vs to a stake for the S. E. corner of this survey — Thence N. 60 W. 1266 2/3 vrs to a stake for the S. W. corner of this survey — Thene N. 30 E. 950 vrs to the beginning, containing 213 1/3 acres and 3rd Beginning at the S. E. corner of the last preceding survey for the S. E. corner of this survey. Thence S. 30 W. 950 vrs to the S. E. corner of Survey No 9 Thence N. 60 W. 1266 2/3 vrs. to J. M. Brown S. E. corner for the S. W. corner of this survey — Thence N. 30 E. 950 vrs to Gustave Ruman's S. W. corner for the N. W. corner of this survey. Thence S. 30 E. 1266 2/3 vs to the beginning, containing 213 1/3 acres. The first of these surveys having been transferred by Robert Masterson to James M. Brown and the second by same party to Gustave Rieman and the third by same party to Ludwig Stroehmer and these tracts being parts of the Geo. A. Martin Survey. And it further appearing to the court that the said note constituted a mechanics lien on all of the aforesaid property together with all of the improvements thereon to secure the prompt payment of the same, it is therefore ordered adjudged and decreed by the court that the said mechanics lien as it existed on the 11th day of April A. D. 1876 upon the aforesaid property be and the same is hereby foreclosed, and that the clerk of this court do issue an order of sale according to law, commanding the sheriff or any constable to sell the aforesaid property as under execution and that he apply the proceeds of said sale to the satisfaction and payment of this judgment together with all interest that may be due thereon and all costs of this suit. And it further appearing to the court that the defendant Robert Masterson is but a surety, it is therefore ordered adjudged and decreed that execution do first issue against the other defendants.

4917 Chas F. Millett vs. David O. Whiting, Anna T. Whiting and A. M. Jackson. This day the above cause coming on to be heard, came the parties by their attorneys and announced ready for trials, and no jury having been demanded the matters of fact as well as of law were submitted to

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the court, and the plaintiffs cause of action is liquidated as is evidenced by the promissory note of the defendants David O. Whiting, Anna T. Whiting and A. M. Jackson dated June 31st 1875 and it appearing to the court that there is now due the plaintiff the sum of $842 97/100 principal and interest on said note and the further sum of $63 14/100 Attys fees due according to the terms of the same, and it further appearing to the court that said note was given to secure a mechanics lien on certain real estate with all improvements thereon, described as follows to wit: Lot No (5) Five part of subdivision of Out Lot No B in Division D. of the City of Austin State of Texas - designated as lot No (5) Five in Block No B also lots Nos 26. - 27 - 28 - 29 and 30 in Block No B of what is known as Hart Addition to the City of Austin - and that said note has been duly recorded according to law - It is therefore considered, ordered, adjudged and decreed by the court that the plaintiff do have and recover of and from the defendants the sum of $842 97/100 eight hundred and forty two and 97/100 dollars with interest thereon at one and one half per cent per month from this date and the further sum of $63 17/100 sixty three & 14/100 dollars with eight per cent interest from date and for all costs of suit; and that the mechanics lien for the said sum of $842 97/100 on the above described property as it existed on the 31st day of July 1875 be and the same is hereby established and foreclosed, and that an order of sale do issue to the proper officer commanding him to seize and sell said property as under execution - and to apply the proceeds of said sale to the satisfaction of the amount of this judgment for which the said mechanics lien is foreclosed with all interest that may accrue on the same up to the date of said sale and costs of suit; - and should the property sell for an amount insufficient to pay said sum, then that plaintiff have execution for the balance. It is further ordered that execution issue against the defendants for said sum of $63 17/100 Attys fees as aforesaid, - And it appearing that the defendant Jackson is a security on said note, it is ordered that execution first issue against the property of the other defendants. It is further ordered that no execution issue against the defendant Ann T. Whiting except foreclosure of the mechanics lien as above stated.

4949 M. A. Taylor vs. John G. James. And now on this day this cause being called for hearing came the plaintiff and defendant by attorney and announced ready for trial and the said cause being before the court after hearing the pleadings and the evidence adduced is of opinion that the law and the evidence is with the plaintiff, and that the defendant is indebted to the plaintiff in the sum of three hundred thirty eight dollars and fifteen cents in the lawful coin of the United States upon four promissory notes bearing interest at the rate of ten per cent per annum, and because it

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appears that the said debt sued upon is a valid and subsisting lien upon the following described real property, situated in the County of Travis and State of Texas to wit: A certain lot described in the plan of the City of Austin as Out Lot No (5) five in Division "Z" of the Out Lots of said City less a strip on the south side of the same - dedicated as a street in lieu of the old street which was a ravine - also about 25 feet off the old street between Lots Nos 4 & 5 in said Division "Z" also an additional strip of land adjoining said lot No 5 to the north which is embraced by running a line from the N. W. corner of lot No 5 S. 66½° E. 135 feet to the centre of Shoal Creek and thence down the creek with its meanders to the N. E. corner of said Lot No (5) five in Div. "Z" including in part the old street on the North boundary of said Lot No 5 together with all the improvements buildings fixtures & appurtenances thereon or thereunto belonging or appertaining, - said premises being commonly known as the Texas Military Institute grounds. - It is therefore ordered adjudged and decreed that the said lien be and the same is hereby foreclosed and the clerk of this Court is ordered to issue an order of sale directed to the sheriff of Travis County Texas - directing him to make sale of all the above described property as under execution according to law, and that out of the proceeds of such sale he pay unto the plaintiff in this cause, the aforesaid sum of $ 338.15 together with interest thereon from the date of this judgment at the rate of ten per cent per annum and all costs of this suit, and the remainder if any he shall pay to the defendant John G. James or his legal representatives and if the proceeds of said sale shall be insufficient to pay said debt, then for said deficiency said plaintiff shall have execution and fee costs, and it is ordered that the plaintiff Mathew L. Taylor do have and recover of and from the defendant John G. James in this behalf the sum of three hundred thirty eight & 15/100 dollars in the lawful coin in the United States together with interest thereon at (10) ten per cent per annum and all costs of this suit, for which execution may issue.

Filed 9/87. This judgment satisfied in full. M. L. Taylor

4924 Charles G. Jones vs. B. M. Odom. This day came the parties to this suit by their attorneys and announced ready for trial; and no jury being demanded, the matters of fact as well as of law were submitted to the court. And after hearing all the pleadings the evidence and argument of counsel, the court is of the opinion, that the law and the evidence is with the plaintiff, and that the defendant is indebted to the plaintiff in the sum of ($2047.50/100) two thousand and forty seven & 50/100 Gold dollars, and in the further sum of ($1223.40) one thousand two hundred and twenty three & 40/100 U. S. Currency dollars, as is evidenced by two promissory notes on file in this cause. - It is therefore ordered, adjudged and decreed by the court that the plaintiff Charles G. Jones do have and recover of and from the defendant B. M. Odom the aforesaid sums of ($2047.50/100) two thousand

(Exc. Dock No 5. page 20) Judgment satisfied in full. Oct. 9th 1877. See Receipt on execut. docket.

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and forty seven & 50/100 Gold dollars and ($1223 40/100) One thousand two hundred and twenty three & 40/100 U. S. currency dollars, together with interest on both sums at the rate of two per cent per month from date until paid and the further sum of ($110.00) One hundred and ten dollars Attorneys fees, and all costs of this proceeding, for all which several amounts execution may issue.—

4908 W. E. Rogers & H. C. Ferel vs. John C. Wilson et al. Continued.

3666. A R Valls & Grace Valls vs: E A Minter, J. C Minter, Mary A. Linn, John C. Linn, Henry Linn, Lula M Linn, Katie Linn.

And now on this day this cause coming on to be heard and considered upon the report of the Commissioners heretofore appointed to make partition of the property belonging to the estate of Edward Linn deceased; filed in this Court on the 12th day of May 1877; and said report having been considered by the Court, and no objections or exceptions be made or filed thereto and the same appearing to have been fairly and equitably made It is ordered adjudged and decreed by the Court that said report be, and the same is hereby approved and confirmed, and that said report, together with the plot accompanying the same be entered of record as part of this decree, in words and figures as follows, to wit:

A.R. Valls & Grace Valls vs: E. A. Minter et als. } In District Court of Travis County April term 1877.

To the Hon. E. B. Turner, Judge of the 16th Judicial District

Your Commissioners John B. Costa, B M. Odom, and W. A H. Miller, appointed by You at the Oct. term 1876. of this Court to partition the Estate of Edward Linn dec'd. amongst the Six children of said Linn viz: Grace; John E; Mary E; H. A; Lula M; and Katie Linn and his widow Mrs E A. Minter - respectfully submit the following report, to wit: We find the separate property of the Estate to consist of one tract of (land of) 700 acres of land in Lavaca County being a portion of John Linns H. R. League, and 840 acres in Victoria County Texas being a portion of the league granted to John Linn and 320 acres of land in Victoria County Texas patented to Edward Linn per Letter patent No. 173 Vol 3 and also fourteen town lots in the town of Victoria Texas and numbered as follows, to wit: Lots Nos 1, 2, 3 & 4 Blk 6. Range 1. $55.00

Lots 1, 2, 3, & 4 Blk 7. Range 1 valued . 55.00

" 2 & 3 Blk 8 Range 1, Lots 1 & 2 Blk 46, Range 4

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Lot 1 Blk. 74, Range 6, valued $ 55.—
Farm Lot N° 5, Range 2, twenty acres. " 110.—
The 700 acres in Lavacca County Texas valued at " 1050.—
The 840 acres in Victoria County, Texas valued at " 3700.—
The 320 acres in Victoria County Texas valued at " 235.—
We find total value of separate property to be $ 7980.—

We find the Community land of the Estate to be:
138 acres in Mc Mullen County, Texas, being the lower half of 1/3 L. of land patented to James Rees April 20/61 per patent N° 285 situated on Rio Frio valued at $ 369.—
471 2/3 acres in Bexar County Texas granted to Abraham Gozney per letter patent N° 823 Vol 3., Survey N° 117 Sec. 3 valued at " 942.80
388 acres in Coleman County out of a tract of 582 acres patented to W. E. Dundes per letter patent N° 69 Vol 16. dated Sept 8th 1859 valued at " 388.—
139½ acres in Lavacca County Texas and being an undivided half of 279 acres patented to F. A Sherman per letter patent N° 304 Vol. 16. dated Nov. 13, 1860 valued at " 139.—
640 acres in Lavacca County patented to A. B. Williams " 130.—
320 acres in Lavacca County patented to heirs of H. Warren " 81.—
320 acres in Lavacca County patented to Y. P. Preston valued " 81.
269 acres in Lavacca County patented to heirs of Harvey Martin " 70.00

Total value of Community lands. $ 2221.00.

In accordance with the order of the Court we commuted the interest of Mrs E. A Minter (the surviving wife) in and to the Separate property of the Estate according to the prescribed rules and forms and find said interest to be $ 1110.50 and in settlement and satisfaction of her said interest in the separate property of said Estate, we have allotted and set apart to her, the said Mrs E. A. Minter, the interest of her children in and to the above described Community lands in addition to her one half interest in the same.

The separate lands of the Estate we have partitioned between the six children as follows, to wit:
To Mrs Grace Valls (formerly Miss Grace Lisso) we have allotted Lot N° (1) one of a subdivision of the 840 acres tract in Victoria County, said lot N° 1 containing 120 acres and valued at $ 600.00 And lot N° (1) one, of Subdivision of the tract of 700 acres in Lavaca County, said lot N° 1 containing 116 2/3 acres and valued at $ 175.00. and also town-

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lots Nos 1, 2, 3, & 4 in Blk 6 Range 1 in the town of Victoria valued # 55.00. Total value of same being # 830.00

To John E. Linn we have allotted lot No 2 of said tract of 840 acres in Victoria County containing 120 acres according to the Subdivision of said tract a plat of which subdivision is hereto attached and made a part hereof, said 120 acres valued # 600.00 and lot No (2) two of the subdivision of the tract of 700 acres in Lavacca County, a plat of which subdivision is hereto attached and made a part hereof said lot No 2 contains 116 2/3 acres valued at # 175.00 and also lots Nos. 1, 2, 3 & 4 in Blk 7, Range 1 in the town of Victoria Texas valued at # 55.00. Total value of this share being # 830.00

To Mary E. Linn we have allotted lot No (3) three of the subdivision of the tract of 840 acres in Victoria County containing 120 acres valued # 600.00
and lot No (3) three of the Subdivision of the tract of 700 acres in Lavacca County containing 116 2/3 acres valued at " 175.00
and also lots Nos 2 & 3 in Blk. 8 Range 1; Lots 1 & 2 Blk 46, Range 7; Lot 1 Blk 74 Range 6 in the town of Victoria Texas, and valued at " 55.00
Total value of said Share being # 830.00

To Wm. A. Linn we have set apart Lot No 4 of the Subdivision of the tract of 840 acres in Victoria County containing 120 acres valued at # 600.00
and Lot No 4 of the Subdivision of the tract of 700 acres in Lavacca County Texas containing 116 2/3 acres valued at 175.00
and an undivided half interest in Farm lot No Five (5) Range (2) two in the town of Victoria Texas said lot containing 20 acres valued 55.00
Total value of share being # 830.00

To Lula M Linn we have set apart lot No 5 of the Subdivision of the 840 acres of land in Victoria County containing 160 acres valued at # 400.00
and lot No (5) Five of the Subdivision of the tract of 700 acres of land in Lavacca County valued " 175.00
and also 320 acres of land in Victoria County on the Casa Blanca patented to Edward Linn per Patent No 173 Vol 3 valued at " 255.00
Total value of said share being # 830.00

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To Katie Lisso we have set apart Lot N 6) Sec of the Subdivision of the tract of 840 acres of land in Victoria County containing 200 acres of land valued at $ 600.00 and Lot N 6) Sec of the Subdivision of the tract of 700 acres of land in Lavaca County containing 116 2/3 acres valued at $ 175.00

and also an undivided half Interest in Farm lot N 5) five Range 2. in the town of Victoria containing twenty acres valued at " 55.00

Total value of share being $ 830.00

Which report is respectfully submitted. John B. Costa
B. M Odom, W. A H. Millett

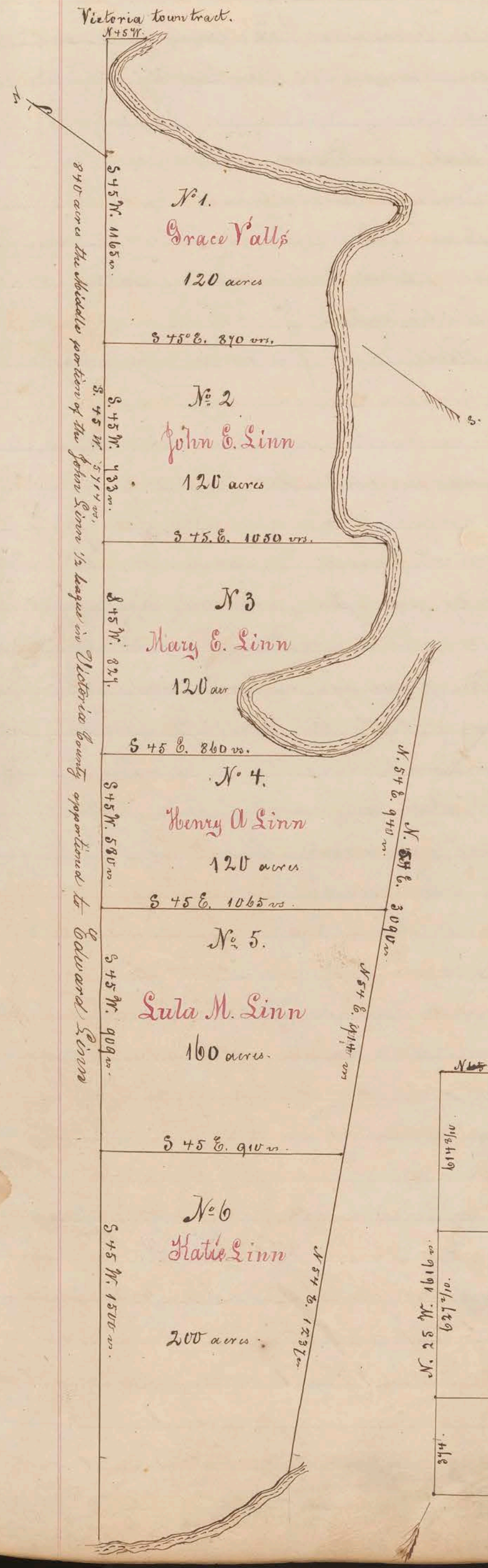
Sworn to and subscribed before me this 12th day of May AD 1877. E. Hallmann Clerk.

It is further ordered, adjudged and decreed by the Court that all of the title and interest of the children (of the children) of the said Edward Lisso deceased in and to the all of the Community lands belonging to the said Edward and E. A. Lisso as mentioned in the report of the Commissioners aforesaid be and the same is hereby divested out of said children and that said title be, and the same is hereby vested in the said E. A. Mosier formerly E. A Lisso

It is further ordered, adjudged and decreed by the Court, that the life estate of the said E A Mosier, formerly the wife of Edward Lisso deceased in the seperate estate of the said Edward Lisso be and the same is hereby discharged and ordered satisfied and released, and that the same vest in the said Grace Valls, Mary A Lisso, John C. Lisso, Henry Lisso, Lula M. Lisso and Katie Lisso. It is further ordered adjudged and decreed, that the titles to the allottments of the several portions of the said seperate estate of the said Edward Lisso dec. as made and designated in said report of Commissioners and the plat or map accompanying the same, be and the same is hereby vested in the parties respectively as mentioned in said report, and divested out of the parties respectively, so that the allottments to the several parties respectively shall be free and unincumbered by any claims or assertion of title by any of the other parties. It is further ordered that the costs of this suit and proceeding be paid by the parties as follows: one half of the costs by the defendant E. A. Mosier

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in her own right and three twelfths of the costs by her as Guardian of the minors, and three twelfths of the costs shall be paid by the plaintiffs and John C. and Mary A Linn and that execution may issue against the Defendants E. A Minter John C. Linn and Mary A Linn in favor of the officers of the Court for said costs; and three twelfths of the costs being paid by the Defts E. A. Minter Guardian as aforesaid, shall be a charge against the Estate of said Minors.



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4836 M. C. Hamilton vs. R. G. Blanton et als. Upon motion it is ordered that plaintiff have leave to amend, and cause continued.

4879 Sallie Ann Denton vs. John R. Denton. Continued for service.

4880 Mrs. Mildred P. Goodloe vs. Winter Goodloe. This cause being called for trial in its regular order & no counsel appearing, the same is continued.

4887 J. R. Nixon & wife vs. T. & P. R. R. Co. Continued generally.

4888 The State of Texas vs. A. J. Wright et als. Continued.

4896 Joseph Able Jr. vs. B. Brown et als. Continued for service.

4902 S. R. Yates vs. Mrs. S. Nichols et als. No counsel appearing to prosecute it is ordered by consent of defts Atty that this cause be continued.

4903 Ida Currier vs. Thomas Currier. Continued.

4910 H. C. Still & Bro vs. Edmund J. Davis et al. No counsel appearing & cause regularly called is continued

4911 John B. Gildart vs. Int. & Gr. N. R.R. Co. No counsel for plff. appearing & this cause regularly reached the same is continued.

4918 B. O. Stavely vs. Joseph Pedore. Continued no counsel appearing.

4919 James D. Doxey vs. Jack Carter. This day came the parties to this suit by their attorneys and announced ready for trial, and no jury being demanded the matters of fact as well as of law in this case were submitted to the court; — and after hearing all the pleadings, evidence and argument of counsel, the court is of the opinion that the plaintiff did not establish the title to the land in controversy in himself; It is therefore ordered, adjudged and decreed by the court, that the plaintiff take nothing by this suit, and that the defendant do have and recover of and from the plaintiff all costs in this behalf expended for which execution may issue.

4927 Richard Gildart et als. vs. Int. & Gr. N. R R Co. Continued under the rule for costs.

4933 M. A. Taylor vs. Mary A. & Ernst Saffrai. Upon motion it is ordered that Defendants have leave to amend & cause continued.

4936 N. A. Morris vs. M. R. Scudder et al. This cause being regularly reached for trial and no counsel appearing appearing for the plaintiff. This cause is continued.

4940 Lucy Robinson et al. vs. D. W. Erwin et al. Continued under the rule for costs.

4943 Ruthrauf & Miller vs. Travis County. Continued for service.

4951 First National Bank vs. Jas E. Shepherd et al. No counsel appearing for plff. when this cause was regularly called for trial, the same is continued.

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

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4778 (Exc. dock. 5. page 19) Thomas E. Shelby vs. Elizabeth Shelby. And now come the parties to this cause by their Attorneys and announce themselves ready for trial; and no jury having been demanded, the cause is submitted to the court; - and the court, after hearing the evidence, being satisfied that a divorce ought to be granted in favor of the plaintiff: It is therefore ordered, adjudged and decreed by the court that the bonds of matrimony heretofore existing between said plaintiff and defendant be and the same are hereby forever dissolved, set aside, vacated and annulled; and it is further ordered and decreed that the title of the property described in the answer of defendant to wit: Lots No 7 & 8 in Block No 2 in the subdivision of Out Lots 43, 44, 45, 54 & 55 in Division "D" of the City of Austin, Travis County Texas being the same property conveyed by deed from Charles L. Roberts by W. L. Roberts Atty in fact to Elizabeth Turner; be and the same is hereby divested out of said plaintiff and fully vested in the defendant and that defendant be forever quieted in her title and possession to the same - And it is further ordered that plaintiff recover from defendant all the costs of this suit for which execution shall issue.

4903 Ida Currier vs Thomas Currier. Upon motion it is ordered that the continuance heretofore entered in this case, be set aside.

4965 J. B. Harris & parte. J. B. Harris Esq. having introduced to the court his license to practice in all the courts of the State of Mississippi and being represented to the court by Messrs D. C. Thomas & C. D. Johns practicing attorneys of this court, as a man of good reputation for moral character and honorable deportment - It is ordered by the Court that the said J. B. Harris be admitted to practice as an attorney and counsellor at law in the several District and inferior courts of this State, and that the clerk of this court issue to him a license accordingly.

4903 Ida Currier vs. Thomas Currier. Upon motion it is ordered that the plaintiff have leave to amend.

4809 David Stewart & wife vs. Charles Robinson. Upon motion it is ordered that the continuance heretofore entered in this case be set aside and that the defendant have leave to amend.

4751 A. J. Wynne et al vs. M. A. Taylor. Upon motion it is ordered that the continuance, heretofore entered in this cause, be set aside, and that the defendant have leave to amend.

4773 The State of Texas vs. Joe Higgins. The defendant Joe Higgins having been convicted on a previous day of the present term of this court of the crime of assault with intent to kill & murder, was this day brought into open court in charge of the Sheriff, and the said deft. being asked

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and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause; It is ordered by the court that the said defendant Joe Riggins be and he is hereby sentenced to confinement at hard labor in the State penitentiary for the full term of (2) two years, in accordance with the verdict of the jury who tried this cause, and it is further ordered by this court that the body of the said Joe Riggins be taken by the Sheriff of Travis County and safely conveyed and delivered to the superintendant of the State penitentiary for the purpose aforesaid

4913 Ida Currier vs. Thomas Currier. This day came on to be heard the above entitled cause, the plaintiff appears by her Attorneys leave of the court being given amends her pleadings; and thereupon the defendant failing to appear, and it appearing due personal service had been made, the court appointed J. B. Harris Esq. to defend in this behalf, and the matter of controversy, as well of fact as of law being submitted to the court, and the evidence and argument of counsel having been heard and fully understood; It is considered by the court, and it is hereby adjudged and decreed, that the marriage between the said Pltff Ida Currier and Deft. Thomas Currier be and the same is hereby dissolved.— And it is further ordered that the plaintiff is entitled to and shall have the care custody and education of the infant daughter of the parties, in the pleading mentioned until further order of this court.— It is further ordered that the Deft pay all costs in this behalf incurred for which execution may issue.

4887 The State of Texas vs. Stephen Pound. The defendant Stephen Pound having been convicted on a previous day of the present term of this court of the crime of theft of a mare was this day brought into open court in charge of the Sheriff, and the said defendant being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause; It is ordered by the court that the said defendant Stephen Pound be and he is hereby sentenced to confinement at hard labor for the full term of (15) fifteen years in accordance with the verdict of the jury who tried this cause, and it is further ordered by the court that the said Stephen Pound be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary there to be confined to hard labor for the full term of (15) fifteen years.

4843 The State of Texas vs Jacob Patterson. The defendant Jacob Patterson having been convicted on a previous day at the present term of this court of the present term of this court of the crime of theft of a

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steer was this day brought into open court in charge of the Sheriff, and the said Deft being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause; It is ordered by the court that the said defendant Jacob Patterson be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (2) two years in accordance with the verdict of the jury who tried this case, and it is further ordered by the court that the body of the said Jacob Patterson be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

4844 The State of Texas vs. Jacob Patterson. The defendant Jacob Patterson having been convicted on a previous day of the present term of this Court of the crime of theft of a red and white pricded Steer was this day brought into open court in charge of the Sheriff, and the said Deft being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause; It is ordered by the court that the said defendant Jacob Patterson be and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (2) two years, in accordance with the verdict of the jury, who tried this cause; and it is further ordered by the court, that the body of the said Jacob Patterson be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

4718 R. F. Campbell vs Mary E. Orr et al. This day came the parties to this suit by their attorneys when upon motion it was ordered by the Court that the judgment rendered herein on the 9th day of June A. D. 1877 be reformed so as not to hold the sureties on defendants replevy bond responsible for the costs of this suit.

4809 David Renfro & wife vs. Charles Robinson. Upon motion it is ordered that Plffs have leave to amend.

5046. The State of Texas vs: Ed. Everett. The defendant Ed. Everett having been convicted on a previous day of the present term of this Court of the crime of theft of property of the value of $20.00 — was this day brought into open Court in charge of the Sheriff, and the said Deft. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause: It is ordered by the Court, that the said defendant

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Ed. Everett be, and he is hereby sentenced to confinement at hard labor in the Penitentiary of the State for the full term of (2) two years, in accordance with the Verdict of the Jury, who tried this cause, and it is further ordered by the Court that the body of the said Ed. Everett be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

5008 The State of Texas vs: George Slaughter alias John Brown. The defendant George Slaughter alias John Brown having been convicted on a previous day of the present term of this Court of the crime of Theft of property of a value over 20^{00}, was this day brought into open Court in charge of the Sheriff, and the said Defft. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court, that the said defendant George Slaughter alias John Brown be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (5) five years, in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court, that the body of the said George Slaughter alias John Brown be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitenteary for the purpose aforesaid.

5010. The State of Texas vs: Daniel Jackson. The defendant Daniel Jackson having been convicted on a previous day of the present term of this Court of the crime of assault with intent to rape, was this day brought into open Court in charge of the Sheriff, and the said Defft. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court that the said defendant Daniel Jackson be and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (7) seven years, in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court that the body of the said Daniel Jackson be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

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5045. The State of Texas vs: Walter Henderson. The defendant Walter Henderson having been convicted on a previous day of the present (day) term of this Court of the crime of Burglary, was this day brought into open Court in charge of the Sheriff, and the said Deft. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court, that the said defendant Walter Henderson be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (5) five years in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court that the body of the said Walter Henderson be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

5043 The State of Texas vs: George Bell & George Post Oak alias George Williams. The defendant George Bell having been convicted on a previous day of the present term of this Court of the crime of Theft of a work ox, was this day brought into open Court in charge of the Sheriff, and the said Deft being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court that the said defendant George Bell be and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (5) five years, in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court, that the body of the said George Bell be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

5043 The State of Texas vs: George Bell & George Post Oak alias George Williams. The defendant George Post Oak alias George Williams having been convicted on a previous day of the present term of this Court of the crime of the Theft of a work ox, was this day brought into open Court in charge of the Sheriff, and the said Deft. being asked and giving no sufficient reason, why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause, It is ordered by the Court, that the said defendant George Post Oak alias George Williams be, and he is hereby sentenced

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to confinement at hard labor in the State Penitentiary for the full term of (5) five years, in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court, that the body of the said George Post Oak alias George (Washington) Williams be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

7841. The State of Texas vs: Gip Dishay. The defendant, Gip Dishay, having been convicted on a previous day of the present term of this Court of the crime of Theft of a gelding, was this day brought into open Court in charge of the Sheriff, and the said Defd. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court, that the said defendant Gip Dishay be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (5) five years, in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court, that the body of the said Gip Dishay be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid. 49

7836. The State of Texas vs: Tom Taylor. The defendant Tom Taylor having been convicted on a previous day of the present term of this Court of the crime of Burglary, was this day brought into open Court in charge of the Sheriff, and the said Defd. being asked, and giving no sufficient reason, why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court that the said defendant Tom Taylor be and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (2) two years, in accordance with the Verdict of the Jury, who tried this cause; and it is further ordered by the Court. that the body of said Tom Taylor be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid

7733. The State of Texas vs: John Lindsay and John Brown. The defendant John Brown having been convicted during the October term 1876 of this Court of the crime of Theft of a gelding, was this day brought into open Court in charge of the Sheriff, and the said Defd.

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being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court, that the said defendant John Brown be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (5) five years in accordance with the Verdict of the Jury, who tried this cause, and it is further ordered by the Court that the body of the said John Brown be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

4733. The State of Texas vs: John Lindsay and John Brown. - The defendant John Lindsay having been convicted on a previous day of the present term of this Court of the crime of Theft of a gelding was this day brought into open Court in charge of the Sheriff, and the said Defts. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court that the said defendant John Lindsay be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (15) fifteen years, in accordance with the Verdict of the Jury, who tried this cause, and it is further ordered by the Court, that the body of the said John Lindsay be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid

5006. The State of Texas vs: Jim Cain alias Jim Jones. The defendant Jim Cain alias Jim Jones having been convicted on a previous day of the present term of this Court of the crime of Murder in the second degree, was this day brought into open Court in charge of the Sheriff, and the said Defts. being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the Verdict of the Jury and the Judgment of the Court heretofore rendered in this cause; It is ordered by the Court that the said defendant Jim Cain alias Jim Jones be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (10) ten years, in accordance with the Verdict of the Jury, who tried (him) this cause, and it is further ordered by the Court that the body of the said Jim Cain alias Jim Jones be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent

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of the State Penitentiary for the purpose aforesaid.

4929 The State of Texas vs. Jake Williams. The defendant Jake Williams having been convicted on a previous day of the present term of this court of the crime of theft of a heifer was this day brought into open court in charge of the Sheriff and the said Deft being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the fury and the judgment of the court heretofore rendered in this cause, It is ordered by the court that the said defendant Jake Williams be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (2) two years in accordance with the verdict of the jury who tried this cause, and it is further ordered by the court that the said defendant Jake Williams be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

4932 The State of Texas vs. George Franklin. The defendant George Franklin having been convicted on a previous day of the present term of this Court of the crime of hogs of a value under $20.00, was this day brought into open court in charge of the Sheriff and the said Defendant being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause, It is ordered by the court that the said defendant George Franklin be, and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (1) one year in accordance with the verdict of the jury who tried this cause, and it is further ordered by the court that the body of the said George Franklin be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

4305 The State of Texas vs. Bob Sprout. This day came the parties to this suit by their attorneys, when came on to be heard the defendants motion for a new trial, which motion after being fully argued by counsel & duly considered by the court, was by the court overruled, to which ruling the defendant excepted and gave notice in open court of an appeal to the court of appeals.

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

June 13th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4873 Henry Hirshfeld vs. W. S. Biles & wife. Upon motion it is ordered that

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the defendants have leave to amend.

4315 The State of Texas vs. Bob Sprout. This day came the defendant Bob Sprout in person and by his Attorney into open court and withdrew his notice of appeal and asked that sentence be passed upon him.

4315 The State of Texas vs Bob Sprout. The defendant Bob Sprout having been convicted on a previous day of the present term of this court of the crime of theft of a calf, was this day brought into open court in charge of the Sheriff, and the said Deft being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered in this cause, It is ordered by the court that the said defendent Bob Sprout be and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of 2 years in accordance with the verdict of the jury who tried this case; and it is further ordered by the court that the body of the said Bob Sprout be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid. And thereupon Court adjourned till 9 oclk A. M. to morrow morning

June 14th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4873 Henry Hirshfeld vs W. S. Biles & wife. Upon motion it is ordered that the Defendant have leave to amend and that this cause be continued.

4872 Wm A. Faires vs. Forster Ludlow & Co Continued

4922 William Biles vs. Thomas B. Cater et als. Continuance is upon motion set aside & leave given to defendant & to plaintiff to amend their pleadings

4834 Lisa Lyster vs Wm F. Lyster. Upon motion it is ordered that plaintiff have leave to amend

5144 The State of Texas vs. Sanders Griffin & Penny Wright. This day came the defendant Sanders Griffin into open court and being by the court interrogated, states that he be allowed to withdraw his notice of appeal and that he now be sentenced in accordance with the judgment heretofore rendered against him.

5144 The State of Texas vs Sanders Griffin & Penny Wright. The defendant Sanders Griffin having been convicted on a previous day on the present term of this court of the crime of theft of a work ox was this day brought into open court in charge of the Sheriff and the said defendant being asked and giving no sufficient reason, why sentence should not be passed upon him in accordance with the

June 14th 1877.

jury and the judgment of the court heretofore rendered in this cause.
It is ordered by the court that the said defendant Sanders Griffin be and he is hereby sentenced to confinement at hard labor in the State Penitentiary for the full term of (2) two years in accordance with the verdict of the jury, who tried this cause, and it is further ordered by the court that the body of the said Sanders Griffin be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

4692 Loomis & Christian vs Chas H. Tumey & Charles G. Jones. And now on this day June 5th 1877 came the parties, the plaintiffs by their attorneys and the defendant Charles G. Jones by his attorneys, and the deft. Tumey came not and it being shown to the court that said deft Tumey had been duly served with citation, judgment by default was adjudged against said Tumey and thereupon the court hearing all the testimony adduced by the parties and argument of counsel and it appearing to the court that as to defendant Tumey the plaintiffs cause of action as alleged is proven, but that the facts set out by the defendant Jones in his answer and as sustained by testimony stands as to him Jones a valid defense.— Therefore the Court does consider adjudge and decree that the plaintiffs do have and recover of the defendant Charles H. Tumey three hundred and eighty eight 50/100 ($388.50) Dollars coin & interest from this day at two and one half per cent per month & all costs for all of which execution may issue, and that plaintiffs take nothing by their suit against defendant Jones, and that the defendant Jones recover of Plaintiffs all his costs for which execution may issue; to which judgment as to the defendant Jones the plaintiffs excepted and gave notice in open court of appeal to the Supreme Court of Texas.

And thereupon court adjourned till to morrow morning 9 oclock.

June 15th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4920 Caroline Newman vs. A. B. Newman. Came the parties by their attorneys and the court after hearing the pleadings and the demurrer & exceptions of the defendant being read, the court after argument of counsel being of the opinion that the exceptions as to jurisdiction are well taken, & the plaintiff declining to amend thereupon the court dismisses the said cause, wherefore it is considered by the court that the plaintiff take nothing by her suit and that defendant recover of her all costs herein expended for which execution may issue,— to which ruling & decision of the court the plaintiff excepted and in open court gives notice of appeal to the Supreme Court.

June 15th 1877.

4808 S. Lockwood vs B. W. Lucas. On this the 14th day of June 1877 the above entitled and numbered cause coming on to be heard both parties appearing in person and by attorney announced ready for trial and a jury having been waived the cause was submitted to the court and the court after hearing the pleadings, evidence & argument of counsel and duly considering the same gave judgment in favor of the defendant in the sum of four hundred and thirty seven dollars and sixty three cents the same to be paid in whisky in bond at the rate of one dollar per gallon, said whisky to be proof or one hundred per cent;- whereupon it is ordered, adjudged and decreed by the court that the defendant B. W. Lucas do have and recover of the plaintiff Sylvester Lockwood the sum of four hundred and thirty seven dollars and sixty three cents the same to be paid in whisky in bond at the rate of One dollar per gallon said Whisky to be proof or one hundred per cent, and all costs of suit in this behalf expended.- And it appearing to the court that the said sum of four hundred and thirty seven dollars and sixty three cents was given as part of the purchase money of a one half interest in a certain distillery known as B. W. Lucas distillery No 13 Dist 3. at Lockwoods Sin in the County of Travis and State of Texas and that for its prompt and secure payment a first class lien was reserved on said distillery, it is therefore ordered, adjudged and decreed that the above and foregoing judgment is a lien upon said distillery and that the same be sold to satisfy said judgment, for which order of sale will issue and in case said distillery when sold fails to pay off and satisfy said judgment and costs,- execution shall issue for said unpaid balance.

4834. Lina Lyster vs. Wm J. Lyster. This day came the plaintiff to this suit by her attorneys and announced ready for trial, and the defendant,- though duly cited to appear and answer in this behalf,- came not but wholly made default,- and no jury being demanded the case was submitted to the court. And after hearing all the pleadings, the evidence and the argument of counsel the court is of the opinion that the allegations contained in plaintiffs petition are true and that the plaintiff is entitled to the relief sought;- It is therefore ordered adjudged and decreed by the court, that the bonds of matrimony heretofore existing between the plaintiff Lina Lyster and Wm J. Lyster are hereby forever dissolved vacated and annulled, and that the plaintiff do have & recover all costs of this proceeding, for which execution may issue.

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

June 16th 1877.

June 16th 1877

The Court met pursuant to adjournment: Present, the same as on first day, when the following proceedings were had, to wit:

4869. Susie M. Townsend et als. vs: W L. Townsend et als. — Now on this day came the plaintiffs by their attorney and the defendants by their attorney and James W. and Palmer G. Townsend minors by their special Guardian R. A Smith Esqr. and the Report of the Commissioners coming on to be heard, which Report is as follows: State of Texas, County of Travis. Susan M. Townsend et als. vs: W. L. Townsend et als. No 4869. To the Honorable E. B. Turner Judge of the District Court of the 16th Judicial District of the State of Texas. — We the undersigned Commissioners appointed by Decree of Your Honorable Court pronounced in the above entitled cause to partition the Estate of Nathaniel Townsend decd. in accordance with the terms of said decree, beg leave to submit the following as the report of our action in the premises:

1st We find belonging to said Estate, promissory Notes, in which B R Townsend has an interest amounting to the sum of $ 6972.36

Out of this amount we set apart to B. R. Townsend,

as directed by the decree, the sum of " 1162.74

and one sixth (1/6) of the remainder ($ 5775.62) which is " 962.60.

making in all Notes set apart to B. R. Townsend $ 2129.34

The Notes thus set apart to him are the following:

J. J. Simmons,	note and interest	$ 178.72
J. M. Craddock	" " "	" 216.82
A Moseley	" " "	" 103.16
A. M Beauchamp.	" " "	" 177.90
Thomas Barron	" " "	" 864.10
Susan Mc. Voight	" " "	" 255.18
J. B Beauchamp	" " "	" 356.25
W. L. Davis	" " "	" 2.65
J. J. Thompson	" " "	" 6.95

2nd We found after setting apart the notes as stated to B. R. Townsend, the remainder of those in which he had an interest, principal and interest, the sum of $ 7813.02

There are also notes belonging to said Estate in which B B Townsend has no interest, amounting principal & interest to the sum of " 1394.85

which, with the above, makes the sum of $ 6207.87

This sum in notes, we set apart as directed by the Decree to

The personal property of said Estate

June 16th 1877.

Mrs. A. L. Townsend " to satisfy the indebtedness incurred by Her for the benefit of the Estate". The notes so set apart to Her are as follows:

Obediah Smith	principal & interest	$ 115. 47.
Jerry Plummer	" " "	" 719. 44.
" "	" " "	" 719. 44.
Robert Hornsby balance of	" " "	" 37. 20.
" "	" " "	" 179. 00
Alexander Patterson	" " "	" 113. 65.
George Dockery	" " "	" 113. 65
L. L. McKinly	" " "	" 152. 77.
J. C. Holt	" " "	" 233. 63.
W. S Ryan	" " "	" 17. 60
C. C. Pearson	" " "	" 51. 83.
F. A. Gober	" " "	" 131. 05.
R. G. Henderson	" " "	" 187. 44.
H. Beauchamp	" " "	" 165. 50
J. J. Crawford	" " "	" 284. 15.
G. W. Cooper	" " "	" 109. 50.
John Farrar	" " "	" 385. 23.
Thomas Barrow dated Sept. 17. 73	" " "	" 877. 79.
Elizabeth A Pitts	" " "	" 210. 79
Jas M. Crawford	" " "	" 238. 88.
W. J. Carrell	" " "	" 247. 75.
Thomas Brooks	" " "	" 165. 25.
George W. Prewett	" " "	" 146. 63.
J. C & A C. Pipkin	" " "	" 177. 24.
Daniel Johnson	" " "	" 30 80.
J. C. Molloy	" " "	" 102. 91
J. T. Golightly	" " "	" 95. 50.
Burts & McAdams	" " "	" 249. 00
R. G. Muller	" " "	" 168 70.
Julius Schuchard	" " "	" 267. 78.
J. D. Daugherty	" " "	" 118. 97.
making, as above stated the sum of		$ 6207. 87.

3rd The Lands belonging to said Estate we value as follows:

Those in which B. R. Townsend has an interest with the other heirs, we value at $ 122,012. 50

Those in which B. R. Townsend has no interest having previously received or sold his interest " 61,000. 00

making a total value of lands $ 183. 012. 50.

* The personal property of said Estate we value at $ 1000. 00
more or less, under the control of Mrs. A. L. Townsend, making a total value of the Estate, as above $ 184,012. 50.

June 16th 1877.

4th Out of the Lands in which B. R. Townsend has an interest we ask apart to Send the following tracts, to wit: (designating each tract by the description given in the answer of the Defendants & the amended petition of the Plaintiffs filed in this cause, except the tracts or parcels of land out of the Peña grant in Ellis County which will be referred to by subdivisions, as shown upon the maps of the survey of said grant on record in Ellis County)

first – Out of the lands in Frio County we set apart to said B. R Townsend, the James Hughs 640 acre tract, Known upon the abstract of patented Lands in said County as number 215 patented to Nathaniel Townsend as the assignee of said Hughs by letter patent No 84. Vol. 5 Bounty.

second – Also the James Currier 320 acre tract in said Frio County, abstract number 174 patented to said Nathaniel Townsend assignee of said Currier by letter patend No. 85 Vol 5 Bounty.

third – Also the James Small 104 acres tract in Jackson County, abstract No 72, granted to said James Small by the Government of Coahuila & Texas on the 29th day of November 1830 and conveyed by said Small to said Nathaniel Townsend by deed dated July 6th 1836 recorded in book A page 118 of the records of deeds of said Jackson County.

fourth – Also a tract of 136 acres in which is now Lee County, formerly Burleson, being part of the Stephen F Austin 4 league grant, abstract No 2 conveyed by Horatio Chrisman to Nathaniel Townsend by deed dated March 1 1838, recorded in Burleson County in book F. on pages 241 & 242.

fifth Also a tract of 106 acres in Milam County, part of a 640 acre tract in the name of Anthony Jones, abstract No 187, conveyed by Thomas C. Thompson to Nathaniel Townsend by deed dated March 16th 1860.

sixth Also a tract of 362 acres in which is now Lee County formerly Burleson, being a part of the John Y. Wallace League, abstract No 111. being the unsold portion of 900 acres of land conveyed to Nathaniel Townsend by Nathaniel Greer by deed dated Decbr. 8. 1851. recorded in book K. page 118 of Washington County records, to which reference is made for a full description of said 900 acres, and reference is also made to the Records in Burleson County, for a description of the land sold by said Townsend out of the said 900 acres

Out of the unsold portion of the Rafael de la Peña Eleven league grant in Ellis & Kaufman Counties, and in accordance with the

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map or plat of the Subdivision of said Grant made by the Exe=
cutors and Executrix of the said Nathaniel Townsend which
is recorded in Ellis County in book H. on pages 532 and 533,
we set apart to the said Benjamin R Townsend the following
tracts (the word Fractional as used herein, meaning the fraction
or part unsold)

Div. 1. Of the Sub-divisions in Division No 1. East of Baseline and North
of Red Oak Creek as shown on the map or Plat, we set apart to him
The N. E 1/4 of Sec 2 160 acres; Fractional N E 1/4 of Sec. 3, 130 acres;
S W 1/4 of Sec. 9, 160 acres; N W 1/4 of Sec. 7, 160 acres; Fractional
N W 1/4 Sec 12, 120 acres; Fractional S E 1/4 of Sec 14, 30 acres;
Fractional N W 1/4 of section 16, 32 acres; Fractional S E 1/4 of
Section 17 1/2, 30 acres; Fractional S W 1/4 of Section 20, 157 acres;
and S E 1/4 of Section 9, 160 acres.

Div 2. Out of division No 2 East of Base line and South of Red
Oak Creek, we set apart to him;
The S. E. 1/4 of Sec 3, 160 acres; S. W. 1/4 of Sec 5. 160 acres; N E 1/4 of
N E 1/4 of Sec. 7, 40 acres; N 1/2 of N W 1/4 of Sec. 8, 80 acres; Fractional
S E 1/4 of Sec 11, 120 acres; Fractional S W 1/4 and frac. S E 1/4 of Sec
14, 100 acres; Fractional N W 1/4 of Sec 16. 100 acres; Fractional N. E.
1/4 of Sec 19 and Fractional N W 1/4 of Sec. 20, 65 acres; Fractional
S. W 1/4 of Sec 21, 55 acres; S. E 1/4 of N W 1/4 of Section No 23, 40 acres;

Div 3 Out of division No 3 West of Base line we set apart to him:
The Fractional N W 1/4 of Sec 1. 130 acres; E 1/2 of S W 1/4 of Sec. 3.
80 acres; S W 1/4 of Sec. 5; 160 acres; S E 1/4 of Sec. 10, 160 acres;
S E 1/4 of Sec. 11, 160 acres; N W 1/4 of Sec. 11, 160 acres; Fractional
N W 1/4 of Sec 12, 100 acres; N W 1/4 of Sec 15, 160 acres. Fractional
S E 1/4 of Sec 17, 35 acres; Fractional N W 1/4 of Section 20, 146 acres
Fractional W 1/2 of N E 1/4 of Section 21, 80 acres; Fractional S. E.
1/4 of Sec 24, 22 acres; Fractional N. E 1/4 of Section 29, 93 acres.

Div 4. Out of division 4 Timber lots South of Red Oak and South
of Grove Creek we set apart to him the following Lots: Nos.
2, 11, 22, 31, 46, 55, 63, 72, 107, 113, 117, 123, and 128.

Div. 5. Out of division 5. Timber Lots South of Red Oak and
North of Grove Creek we set apart to him Lots Nos 20, 33, 33 1/2
and 38.

Div 6. Out of division 6 Timber Lots East of Trinity River in
Kaufman County we set apart to him Lots Number one (1)
and thirteen (13)

Div 7. Out of division 7 Farm Lots adjoining the town of Bristol

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we set apart to him the following lots: N° 8, containing 5½ acres; N° 31, containing 11 acres; N° 36 containing 28 acres; N° 53 containing 8⅓ acres; N° 60 containing 25½ acres; & N° 74 containing 11 acres. We value the entire Lands thus set apart to him at $ 20,335.42½ which is one sixth (1/6) of the entire value of the lands ($ 122,012.50) belonging to the Estate in which he is interested.

5th After setting apart the interest of B. R. Townsend in the Lands belonging to the Estate, we divide the remaining property as follows:

First To Mrs A. L. Townsend, we set apart Lot 18 in Division "E" of the Out lots of the City of Austin and the improvements thereon valued at $ 15,000.00

North ½ of Lot 5 in Block 83 in the City of Austin (Store House) " 11,000.00

West half of the E½ of Lots 5 & 6 in Block 124 City of Austin & Improvement " 2600.00

East half of the E½ of Lots 5 & 6 in Block 124 City of Austin & Improvement " 3000.00

Also a tract of 355 acres being a part of the unsold portion of 2000 acres out of the J. C. Tannehill League, which was conveyed to Nathaniel Townsend by the said J. C. Tannehill by deed dated April 25th 1835, recorded in Travis County in book N pages 356 and 358. and is further described in the decree of the District Court of Travis County in the case of Nathaniel Townsend vs: J. C Tannehill et als, which decree is also on record in Travis County in book P. pages 65, 66 & 67 of the Records of Deeds. The said 355 acres being that part of the unsold portion of the said 2000 acres; which lies South of the H & T C R R track and is marked N° 26 on the Plot hereto attached and is valued at " 17500.00

We also set apart to her the personal property belonging to said Estate, consisting of 1 cow $ 10.00 2 Horses $ 110. 1 Wagon $ 75. 1 Sett Wagon Harness $ 25. 2 old Buggies & Harness $ 100. 1 Piano $ 300. 1 Cabinet Organ $ 50. Sewing Machine and Household & Kitchen Furniture $ 330. making total value 1000.00

Total value of the property set apart to Mrs Townsend for her natural life $ 50,100.00

☞ After deducting the interests set apart to B. R. Townsend and Mrs. A. L. Townsend there remains of the Estate in Lands $ 113,557.08. to be divided among Five Heirs, making for each thereof $ 22,711.72.

Second To James W. Townsend we set apart the following lands:

1st The James D. Elliott 640 acres tract in Travis County abstract N° 171, patented

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to Nathaniel Townsend assignee of said James D. Elliott by Patent No 363. Vol. 7 Bounty

2d One Landon Webster 320 acres tract in Frio County, abstract No 325 patented to Nathaniel Townsend as assignee of said Landon Webster by letter patent No 366 Vol 7 Bounty.

3d Also one fifth (1/5) or 442 4/5 acres out of the Freeman Pettus 2214 acres tract in Matagorda County, being the S W 1/2 of the league No 28 abstract No 71, which was conveyed to Nathaniel Townsend by Samuel A Pettus and Edward C. Pettus heirs of Freeman Pettus, by deed dated Apl. 15. 1837 and recorded in Spanish Records book A page 115 and 118 in Matagorda County and further described in a deed from Edward C. Pettus to Nathaniel Townsend dated April 21st 1838 recorded in book B. pages 713 and 714 in Matagorda County. The 442 4/5 acres here referred to and set apart are designated as No 1 on the Plat or Sketch of the subdivision of the said 2214 acres hereto attached and on which the name of James W Townsend is written

4th Also 342 acres in Johnson, Hood and Summerville Counties, being part of the Vicente Soto tract, conveyed by M. W. Townsend Trustee of J. A Black to F W. Chandler for the use of Estate of Nathaniel Townsend dec'd by deed dated September 12th 1866, to which deed reference is made for a description of the land.

5th Also 1 1/3 acres out of Out Lot 75 in Division D of the out Lots of the City of Austin with the improvements thereon and which is fully described in a deed from Wm and Eliza A Smyth to Angelina L. Townsend which deed is on record in Travis County in book 37 pages 305, 306 and 307.

6th Also a tract of 177 acres in name of Arthur Henrie in Brazoria County, abstract No 164 described in deed from said Henrie to Nathaniel Townsend dated July 11th 1874 and recorded in book B. page 741 of Brazoria County records.

7th Out of the unsold portions of the Rafael de la Pena 11 Leagues grant in Ellis County we set aside of the subdivision as shown upon the map of same recorded in book H. pages 532 & 533 in Ellis County the following:

Div 1. Out of division No 1 East of Base line and North of Red Oak Creek we set apart to Lein N W 1/4 of Sec 2. 160 acres; Fractional S E. 1/4 of Sec 3. 70 acres; N E. 1/4 of Sec 4, 160 acres; Fractional S W. 1/4 of Sec 5, 155 acres; N E 1/4 of Sec 10, 160 acres; S E. 1/4 of Sec 11. 160 acres; S W. 1/4 of Sec 12, 160 acres; Fractional S E. 1/4 Sec 13, 120 acres

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N E 1/4 of Sect 17, 160 acres; Fractional N E 1/4 of Sect. 19. 158 acres; Fractional S. E. 1/4 of Sec 19 (being Lots 5 & 6) 80 acres.

Div 2. Out of Division N 2 East of Base line and South of Red Oak Creek, we set apart to him: S W 1/4 of Sec 4, 160 acres; Fractional S W 1/4 of Sec 6. 80 acres; Fractional N E 1/4 of Sec 8, 72 acres; N W. 1/4 of Sec 11, 160 acres; Fractional S W 1/4 & Fractional S E 1/4 of Sects. 13, 170 acres; Fract. N 1/2 Sec. 14, 115 acres; Fractional S E. 1/4 of the S. E. 1/4 of Sec 16, 30 acres; Fractional N. E 1/4 of Sec 18, 60 acres; Fractional N. E. 1/4 of Sec 22, 15 acres; W 1/2 of S W 1/4 and Fractional N W 1/4 of Sec. 24, 88 acres.

Div 3. Out of division N 3 West of Base line, we set apart to him: Fractional N E 1/4 of the N E. 1/4 of Sec 1, 12 acres; Fractional S. E. 1/4 of Sec 1. 22 acres; N 1/2 of the N E. 1/4 of Sec. 4. 80 acres; S. E. 1/4 of Sec 6. 160 acres; N W 1/4. of Sec 9. 160 acres; S W 1/4 of Sec 10. 160 acres; S W 1/4 of Sec. 12. 160 acres; S W 1/4 of the S W. 1/4 of Sec 15; 40 acres; Fractional S. W. 1/4 of Sec 18, 30 acres; Fractional S. W. 1/4 of Sec 20, 120 acres; Fractional N E 1/4. of Sec. 27, 50 acres; Fractional S 1/2 of Sec. 32. 165 acres.

Div 4. Out of division 4 Timber lots South of Red Oak and South of Grove Creek we set apart the following Lots: N 1, N 9, N 26, N 37 N 67, N 76, N 88, N 98, N 100, N 105, N 112, N 124 and N 132.

Div 5. Out of division N 5 Timber lots South of Red Oak and North of Grave Creek we set apart the following lots: N 8, N 23, N 29, N 36 and N 39.

Div 6. Out of division N 6 Timber lots East of Trinity River in Kaufman County we set apart the following lots: N 2 and N 7.

Div 7. Out of division N 7, Farm lots adjoining the town of Bristol, we set apart the following Lots: N 2 containing 7 1/2 acres; N 6 containing 6 3/4 acres; N 11 containing 5 1/2 acres; N 16 containing 5 1/2 acres; N 28 containing 8 1/3 acres; N 42 containing 13 1/4 acres; N 56 containing 8 1/3 acres; N 70 containing 16 1/4 acres and N 75 containing 27 1/3 acres.

We value the entire Lands thus set apart to him at $ 22.711.72 which is the value of the share he is entitled to.

Third. To Mrs Anna L Blackburn we set apart the following lands:

1st The W. H. Shadborne 640 acre tract in Frio County abstract N 299 patented to Nathaniel Townsend as assignee of said W H Shadborne by letter patent N 82 Vol 5 Bounty

2nd Also the N. J. Devenny 320 acre tract in Frio County, abstract 166 patented to Nathaniel Townsend as assignee of said Devenny by letter patent N 367 Vol 7 Bounty

3d Also one fifth (1/5) or 442 4/5 acres out of the Freeman Settlement

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4. acres in Matagorda County being the S W 1/2 of the League N° 38, abstract 71 which was conveyed to Nathaniel Townsend by Saml. O. Pettus and Edward C. Pettus heirs of Freeman Pettus by deed dated April 15th 1834, recorded in Spanish records Book A page 115 and 118 Matagorda County and further described in a deed from Edward C. Pettus to Nathaniel Townsend, dated April 21st 1838, recorded in book B. page 413 and 414 Matagorda County. The 442 5/5 acres here referred to and set apart, are designated as N° 2 on the Plat of the Subdivision of the said 2214 acres here to attached, and on which the name of Mrs. Anna L. Blackburn is written.

4th Also the Thomas Boggess 166 acres in Williamson County, Abstract N° 62 conveyed by Horatio Chrisman to Nathaniel Townsend by deed dated March 16 1860, recorded in Book Vol 8 on pages 146 and 147 Williamson County.

5th Also 375 acres, undivided, out of the James Campbell 750 acres, (part of the said James Campbell league) in Lavaca County conveyed to Nathaniel Townsend by D H. Tobin Sheriff of Colorado County as the property of James Campbell by deed dated June 2d 1841 recorded in book D pages 123 & 124 Lavaca County and further described in a decree of the District Court of Lavaca County made Nov 2d 1869 in the case of James Campbell vs. A L. Towns-end et als.

6th Also the S. W. 1/4 of Lot 17 in Division E of the Out Lots of the City of Austin.

7th And out of the unsold portion of the Peña 11 league grant in Ellis & Kaufman County we set aside of the Subdivisions as shown upon the map of same, which is on record in Ellis County in book H. pages 532 and 533, the following:

Div 1. Out of Division N° 1 East of Baseline and North of Red Oak Creek, we set apart to Her: S W. 1/4 of Sec 2. 160 acres; N W 1/4 of Sec 3 160 acres; S. E 1/4 of Sec 5. 160 acres; Fractional N. E. 1/4 of Sec 6. 35 acres; Fractional N W 1/4 of Sec 7, 38 acres; N E 1/4 of Sec 12. 160 acres; S. E. 1/4 of Sec 12, 160 acres; N W 1/4 of Sec. 9. 160 acres; N 1/2 of N E 1/4 of Sec 17. 80 acres; Fractional N W 1/4 of Sec 17, 150 acres; N E. 1/4 of Sec 20, 160 acres;

Div 2. Out of division N° 2. East of Baseline and South of Red Oak Creek we set apart as follows: S. E 1/4 of Sec 4. 160 acres; Fractional S. E. 1/4 of Sec. 6 55 acres; Fractional N. E. 1/4 of Sec 10. 25 acres; E 1/2 of S W 1/4 of Sec 11. 80 acres; Fractional S. W. 1/4 of Sec 12. 80 acres; N E. 1/4 of Sec 17. 160 acres; Fractional N W 1/4 Sec 18, 45 acres; Fractional

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N W 1/4 of Sec 22. 25 acres; Fractional S.E. 1/4 of Sec 24, 80 acres.

Div 3. Out of Division 3 West of Base line we set apart as follows: Fractional N W 1/4 of Sec 2, 62 acres; Fractional N W 1/4 of Sec 4, 160 acres, S E 1/4 of Sec 5, 160 acres; N E. 1/4 of Sec 8. 160 acres; S W 1/4 of Sec 9 160 acres; N E 1/4 of Sec 11, 160 acres; Fractional S.E. 1/4 of Sec. 12, 120 acres. Fractional S. E 1/4 Sec 18, 72 acres; Fractional N E. 1/4 Sec 19. 83 acres; W 1/2 of N E. 1/4 of Sec. 21, 80 acres; Fractional N W 1/4 of Sec 27 50 acres;

Div 4 Out of Division No 4, Timber Lots South of Red Oak and South of Grove Creek we set apart as follows; No 4, No 17, No 27 No 42, No 56, No 61, No 69, No 77, Frac No 82, No 89 No 99 No 106, No 117 and No 126.

Div 5. Out of division 5 Timber Lots, South of Red Oak and North of Grove Creek we set apart as follows: No 9, No 25 and No 30.

Div 6. Out of division No 6 Timber lots East of Trinity River in Freestone County we set apart as follows: No 3, No 8 and No 10.

Div 7. Out of division No 7 Farm lots adjoining the town of Bristol, we set apart as follows: No 7 containing 6 3/4 acres; No 15 containing 5 acres; No 32 containing 11 acres, No 43 containing 21 acres; No 51. containing 17 1/2 acres and No 71 containing 11 acres.

We also set apart to Her (Mrs Downs & Blackburn) any property which may have been omitted and not specially mentioned in this partition either real or personal

We value all the lands and property thus set apart to Her at $ 22.711.42, which is the value of the share she is entitled to.

Fourth To P G. Townsend we set apart the following lands;

1st The Rufus McLellen 640 acres tract in Frio County, abstract 252, patented to Nathaniel Townsend as the assignee of said McLellen by letter patent No 77 Vol 3 County.

2 Also a tract of 177 acres in the name of Nathaniel Townsend in Frio County abstract No 301, patented to said Townsend by letter patent No 881 Vol 6 of 1st Class.

3. Also one fifth (1/5) or 442 4/5 acres out of 2214 acres of the Freeman Pettus League No 28 in Matagorda County abstract No 71, which 2214 acres is the S W 1/2 of the league and was conveyed to Nathaniel Townsend by Samuel C. Pettus and Edward Pettus heirs of said Freeman by deed dated April 15th 1834, recorded in book A pages 115 - 118 of Spanish Records in Matagorda County and further described in a deed from Edward C. Pettus to Nathaniel Townsend dated April 21st 1838, recorded in Book B. pages 713 & 714 in Matagorda County. The 442 4/5 acres here referred to and set

* Div 1. Out of division No 1. East of Base Line

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apart is designated on the Plat of the subdivisions of said 2221 4 acres as No 3 and on which the name of P. G. Townsend is written. Sketch or plat is hereto attached.

7 Also a tract of 60 acres in Travis County a part of the James Framnell 1/3 league, abstract No 324, conveyed to Nathaniel Townsend as the property of S. H. Pugh by Jonathan G. Frazier a Constable of said Travis County by deed dated September 1. 1857 recorded in book L. on pages 570 - 572 of Travis County Records.

5 Also 200 acres out of the unsold portion of the 2000 acres out of the Fannehill League in Travis County, which was conveyed to Nathaniel Townsend by Jesse C. Fannehill, by deed dated April 25. 1835 recorded in Book N. pages 356 - 358 Travis County Records and is further described in a decree of the District Court of Travis County in the case of Nathaniel Townsend vs. J. C. Fannehill et als, recorded in book P. pages 65, 66, & 67 Travis County Records. The part hereby set apart lies immediately North of the H & T. C. R R line and is designated and shown upon the Plat of the subdivision of said 2000 acres hereto attached, as No 25 on which the name of P. G. Townsend is written.

6. Also the S.E. 1/4 of Lot 17 in Division E of the out Lots of the City of Austin.

7 And out of the unsold portion of the Rafael de la Peña grant in Ellis County and Kaufman County we set apart of the Subdivision as shown upon the map of same which is on record in Ellis County in book H. pages 532 and 533 the following: * S E 1/4 of Sec 2. 160 acres; S 1/2 of Sec 4. 320 acres; Fractional S. E. 1/4 of Sec. 6, 60 acres; Fractional N E 1/4 of Sec 13, 80 acres; Fractional N W 1/4. and Fractional S W 1/4 of Sec. 14. 80 acres; Fractional N E 1/4 of Sec 18 145 acres; N W 1/4 of Sec 20 160 acres;

* Div 1. Out of division No 1. East of Base line and North of Red Oak Creek we set aside the following: Fractional N E 1/4 and Fractional N W 1/4 of Sec 5, 140 acres; S E. 1/4 of Sec 7. 160 acres; N W 1/4 of Sec 7. 160 acres; W 1/2 of S W 1/4 of Sec 10, 80 acres; N 1/2 of the N 1/2 of Sec 15, 160 acres; Fractional N W. 1/4 of Sec 17. 120 acres; Fractional N W 1/4 of section 19, 68 acres; Fractional S W. 1/4 of Sec. 22, 120 acres;

Div 2. Out of division No 2. East of the Base line and South of Red Oak Creek we set aside the following: Fractional N E 1/4 and Fractional N W 1/4 of Sec 5, 140 acres; S E. 1/4 of Sec 7. 160 acres; N W 1/4 of Sec 7. 160 acres; W 1/2 of S W 1/4 of Sec 10, 80 acres; N 1/2 of the N 1/2 of Sec 15, 160 acres; Fractional N W. 1/4 of Sec 17. 120 acres; Fractional N W 1/4 of section 19, 68 acres; Fractional S W. 1/4 of Sec. 22, 120 acres;

Div 3. Out of division No 3 West of Base line we set apart the following: Fractional N E. 1/4 of Sec 3, 120 acres; S W 1/4 of Sec 4, 160 acres; N. E. 1/4 of Sec 6, 160 acres; W 1/2 of N W 1/4 of Sec 8. 80 acres; S W 1/4 of Sec. 8. 160 acres; S 1/2 of S E. 1/4 of Sec. 9. 80 acres; S W 1/4 of Sec. 11, 160 acres; Fractional N E. 1/4 of Sec 14, 140 acres; Fractional N E 1/4 of Sec. 15, 120 acres;

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N W 1/4 of Sec. 21, 160 acres; S W. 1/4 of Sec 27, 160 acres;

Div 4 Out of division No 4 South of Red Oak and South of Grove Creek we set apart the following Timber lots: No 5, No 12, No 13, No 18 No 29 and No 62, No 93 and No 102.

Div 5 Out of division No 5, Timber lots, East of Trinity River in Trammon County we set apart the following: No 4 and No 12.

Div 7. Out of division No 7 Farm lots adjoining the town of Bristol, we set apart the following: No 9 containing 5 1/2 acres; No 44 containing 12 1/2 acres, No 59 containing 25 1/2 acres, No 19 containing 5 1/2 acres; No 41 containing 9 1/4 acres, No 50 containing 17 1/2 acres.

The lands thus set apart to him we value at $ 22,711.42., which is the value of the share he is entitled to in the lands.

Fifth To Susan N. Townsend we set apart the following lands;—

1st The Robert Oliver 640 acres tract in Frio County, abstract No 260, patented to Nathaniel Townsend assignee of said Oliver by letter patent No 363 Vol 4 Bounty.

2nd Also the James Small 369 acres tract in Frio County, abstract No 274 patented to Nathaniel Townsend assignee of said Small by letter patent No 858 Vol 6. of 1st Class.

3rd Also one fifth (1/5) or 442 4/5 acres out of the Freeman Pettus 2221 4 acres in Matagorda County abstract No 71. The said 2221 4 acres is the S W. 1/2 of the said Pettus league No 28, conveyed to Nathaniel Townsend by Samuel C. Pettus and Edward C. Pettus heirs of said Freeman Pettus by deed dated April 15th 1837 recorded in Spanish Records Book "X" on pages 115 - 118 Matagorda County and further described in a deed from Edward C. Pettus to Nathaniel Townsend dated April 21. 1838, recorded in book B pages 413 & 414, Matagorda County. The 442 4/5 acres are shown & designated on the Plat of the Subdivision of said 2221 4 acres as No 4, hereto attached.

4th Also the Thomas Kinney tract in Lee County of 257 acres, being a part of the said Thomas Kinney league, abstract No 39 (of Burleson County abstract) The same being the unsold portion of the half of said league conveyed by F P Smith to Nathaniel Townsend by deed dated Decr. 1st 1839, recorded in Milam County and reference is had to the Records of Burleson County for a description of the number of acres sold by said Townsend in his life time and since his death by his Executors, for description of the remaining lands, which is hereby set apart.

5th Also 148 acres out of the J. C. Tannehill league in Travis County, being a part of the unsold portion of 2000 acres which were conveyed to Natha-

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uriel Townsend by said Jesse C. Tannehill by deed dated April 25th 1835 recorded in Travis County in book N pages 356-358 and further described in the decree of the District Court of Travis County in the case of Nathaniel Townsend vs. J. C. Tannehill et als, recorded in book P. pages 65, 66 and 67 Travis County. The part hereby set apart being No. 27 in the Plat of the subdivisions of said 2000 acres hereto attached and on which the name Susan M Townsend is written.

6th Also the N E 1/4 of lot 14 in Division E of the Out lots of the City of Austin.

7th And out of the unsold portion of the Rafael de la Pena 11 leagues granted in Ellis & Kaufman Counties, we set aside to her of the subdivisions as shown upon the maps of the same which is on record in Ellis County in book H. pages 532 & 533 the following:

Div 1. Out of Division No 1 East of Base line and North of Red Oak creek we set aside to her the following: N E 1/4 of Sec 5, 160 acres; Fractional N. E. 1/4 & Fractional S E 1/4 of Sec. 7. 135 acres; N 1/2 of S. E. 1/4 of Sec 10, 80 acres; Fractional N W 1/4 of Sec 13, 120 acres; Fractional N E. 1/4 of Sec. 15. 45 acres; Fractional N W 1/4 of Sec 18 30 acres; S E 1/4 Sec 20, 160 acres;

Div 2. Out of division No 2 East of Base line and South of Red Oak creek we set apart the following: Fractional S E 1/4 of Sec. 5, 125 acres; Fractional S W 1/4 of Sec 7, 13 acres; S 1/2 of S E. 1/4 of Sec. 10. 80 acres; Fractional S. E 1/4 of Sec. 12, 65 acres; N 1/2 of N E. 1/4 of Sec. 16, 80 acres; Fractional S W 1/4 of Sec. 17, 130 acres; Fractional S W 1/4 of Section 20, 120 acres; S. E. 1/4 and to Grove Creek Sec. 22, 110 acres.

Div. 3. Out of division No 3 West of Base line we set apart the following; Fractional S W 1/4 of N E. 1/4 of Sec 1. 20 acres; Fractional N W 1/4 of Sec 3 130 acres; S 1/2 of N W 1/4 of Sec. 14, 80 acres; S. E 1/4 of Sec 7, 160 acres; S. E 1/4 of Sec 15, 160 acres; N W 1/4 of Sec. 5, 160 acres; N 1/2 of N W 1/4 of Sec 6. 80 acres; Fractional S. E. 1/4 of Sec 21, 120 acres; S E. 1/4 of Sec 8 160 acres; Fractional S E. 1/4 of Sec. 27, 90 acres; N E. 1/4 of Sec 10. 160 acres; S W 1/4 of N W 1/4 and Fraction S W 1/4 of Sec 19 - 72 acres.

Div 4. Out of division 4 Timber Lots South of Red Oak Creek and South of Grove Creek we set apart the following: Lots No 7 No 14, No 19 No 30 No 51, No 65, No 69 (Grave) 70; No 79, No 81, No 84, No 91, No 108, No 118; and No 129.

Div 5. Out of division No 5 Timber lots South of Red Oak and North of Grove Creek we set apart the following Lots: No 11; No 22; No 26; No 32; and No 40.

Div 6. Out of division No 6 Timber Lots East of Trinity River in

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Div 7. Kaufman County we set aside the following: N° 5 and N° 9.

Out of division N° 7 Farm lots, adjoining the town of Boiston we set apart the following; N° 4 containing 4 1/2 acres; N° 40 containing 9 1/4 acres; N° 45 containing 8 1/2 acres; N° 34 containing 8 1/2 acres; N° 42 containing 11 acres, N° 43 containing 11 acres.

We value the lands thus set apart to her at $ 22,711.42. which is the share she is entitled to out of the Lands belonging to the Estate.

Sixth To Pauline L. Townsend we set apart the following Lands:

1st The L. L. Haigler 640 acres track in Frio County, abstract N° 216, patented to Nathaniel Townsend assignee of said Haigler by letter patent N° 364 Vol 4 Bounty.

2d Also the Moses Bain 320 acres track in Kerr County abstract N° 14 patented to Nathaniel Townsend assignee of said Moses Bain by letter patent N° 346 dated Decbr 31. 1874.

3d Also one Sixth (1/6) or 442 4/6 acres out of the S W 1/2 of the Fouman Pettus League N° 28 in Matagorda County abstract N° 71, which half league or 2214 acres was conveyed to Nathaniel Townsend by Samuel C. Pettus and Edward C. Pettus heirs of said Fouman Pettus by deed dated April 15 1834 recorded in Spanish records Book A pages 115 - 118 Matagorda County and further described by deed from Edward C Pettus to Nathaniel Townsend dated April 21st 1838, recorded in Book B. pages 413 and 414 Matagorda County. The 442 4/6 acres is shown and designated on the plat of the subdivision of said 1/2 league as N° 5 on which the name of Pauline L. Townsend is written

4 Also the 327 acres out of the Thomas Stubblefield 667 acres Survey in Hood County formerly a part of Erath County and described in a deed from N. W Townsend trustee to F W Chandler for the use of the N. Townsend Estate dated September 12th 1866.

5 Also subdivisions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of the unsold portion of the Farmehill league as the same is shown and designated on the plat hereto attached of the Subdivisions of the 2000 acres conveyed by Jesse C Farmehill out of said League to Nathaniel Townsend by deed dated April 25th 1835, recorded in Travis County in book N pages 356 - 358 and further described in the decree of the District Court of Travis County in case of Nathaniel Townsend vs J. C. Farmehill et al., recorded in Travis County in book F. pages 65, 66 and 67.

6 Also N W 1/4 of Lot 17 in Division E of the Out Lots of the City of Austin

7 And out of the unsold portion of the 11 league grant in name of Rafael de la Pena in Ellis and Kaufman Counties, we set

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aside to her of the subdivisions as shown upon the map of same which is on record in Ellis County in book H. pages 532 and 533, the following:

Div 1. Out of division No 1 East of Base line and North of Red Oak Creek we set apart the following subdivisions: S W 1/4 of Sec 3. 160 acres; fractional N W 1/4 of Sec 5, 155 acres; N E 1/4 of Sec. 9, 160 acres; fractional S W 1/4 of Sec 10, 120 acres; S W 1/4 of Sec. 11. 160 acres; fractional S W 1/4 of Sec. 13. 80 acres; fractional N E. 1/4 of Sec. 16, 74 acres; fractional S. E. 1/4 of Sect. 18, 85 acres.

Div 2. Out of division No 2 East of Base line and South of Red Oak Creek we set apart the following: N E. 1/4 of Sec 3, 160 acres; fractional N W 1/4 of Sec 3, 125 acres; fractional N W 1/4 of Sec 6. 115 acres; fractional N E 1/4 & fractional N W 1/4 of Section 13 120 acres; fractional N E 1/4 of Sec 11. 145 acres; fractional S W 1/4 of Sec. 16. 110 acres; fractional S. E. 1/4 of Sec. 17. 100 acres; fractional S E. 1/4 of Sec 20, 120 acres; S E. 1/4 of S E. 1/4 of Sec 23, 40 acres;

Div. 3. Out of division No 3 West of Base line we set aside the following: fractional S W 1/4 of Sec. 1, 120 acres; fractional S E. 1/4 of Sec 3, 120 acres; N E 1/4 of Sec 5, 160 acres; fractional S 1/2 of S W 1/4 of Sec 6. 75 acres; N 1/2 of N E. 1/4 of Sec. 9, 80 acres; N W 1/4 of Sec 10. 160 acres; S E 1/4 of N E 1/4 of Sec. 12, 40 acres, S W 1/4 of Sec. 17, 160 acres; Frac. S E. 1/4 of Sec 14, 120 acres; fractional N E 1/4 of Sec 17, 25 acres; fractional N E. 1/4 of N E. 1/4 of Sec 20, 15 acres; fractional N 1/2 of S W 1/4 of Sec. 23, 72 acres, fractional S 1/2 of Sec 29, 110 acres; and fractional N 1/2 of Sec. 32, 165 acres;

Div 4. Out of division No 4 Timber lots South of Red Oak and Grove Creek we set apart the following Lots: No 8, No 15, No 21, No 33, No 48, No 52, No 66, No 71, No 80, No 87, No 92, No 103, No 109, No 120 and No 130

Div 5 Out of division No 5 Timber Lots South of Red Oak and North of Grove Creek we set apart the following Lots: No 24 and No 35.

Div 6. Out of division No 6 Timber Lots East of Trinity River in Kaufman County we set apart the following: No 6 and No 11.

Div 7. Out of division No 7 Farm Lots, adjoining the town of Bristol we set apart the following Lots: No 3 containing 47 1/2 acres; No 5 containing 47 1/2 acres; No 10 containing 51/2 acres, No 18 containing 8 acres; No 46 containing 8 1/3 acres; No 55 containing 8 1/3 acres; No 67 containing 37 acres.

We value the lands thus set apart to Sue at $ 22,711.42 which is the value of the Share she is entitled to out of the lands belonging

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to said Estate.

The foregoing embraces all the property that has been brought to our notice, and in submitting this report we beg to say, that we have made the values from the information and data furnished us and if the partition should be found hereafter to be in some respects unequal, it must be attributed to the fact that we acted from incorrect information. We further state, that we have been occupied in making said partition about seven days and submit that we are entitled to $200.00 as compensation. Respectfully submitted. Joseph Spence, P. C. Kerbey, L. H. Luckett.

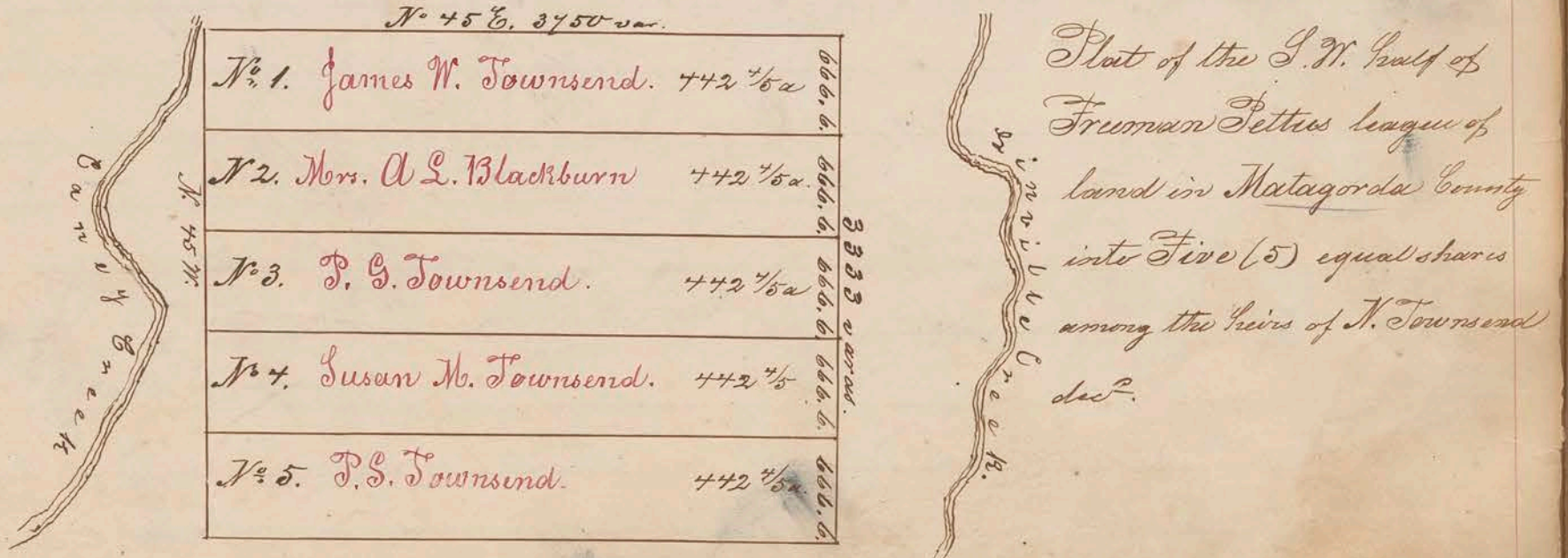
Sworn to and subscribed before me this 15th day of June A D 1877.

E. Hallmann Clk. D C. C. C.

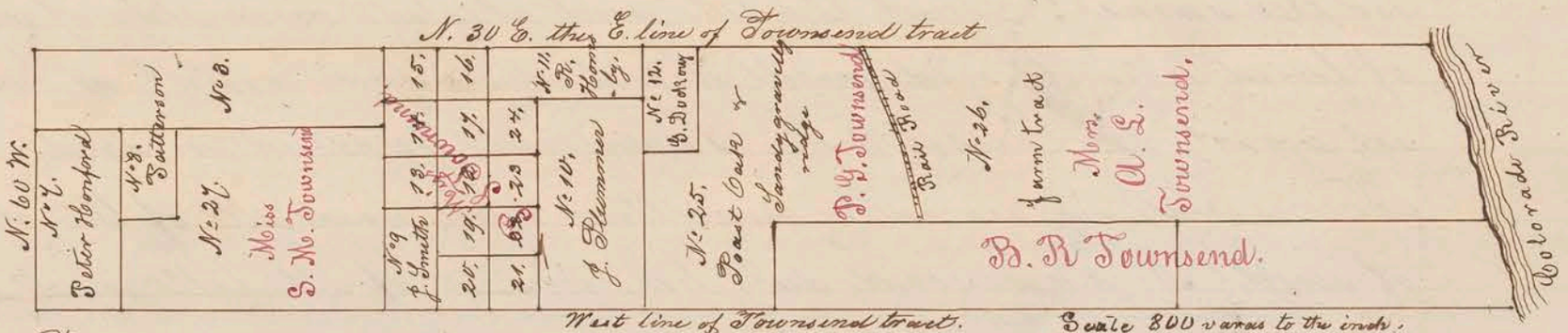
-- and there being no objection to said report and the same appearing to the Court to be a just and fair partition of said Estate of said Nathaniel Townsend deceased, It is therefore ordered, adjudged and decreed by the Court that said report be confirmed and that the title and absolute ownership of the promissory notes and tracts of land mentioned and described in said report as set apart to said Benjamin R. Townsend be vested in said Benjamin R. Townsend in severalty and that as to the same each and all of the other heirs of said N. Townsend dec'd. be divested of all title and interest, that the title and absolute ownership of these promissory notes and other personal property mentioned and described in said report as set apart to Mrs. Angelina L. Townsend be vested in said Angelina L. Townsend and that each and all of the other heirs of said N. Townsend dec'd be divested of all title and interest to the same; that as to those tracts of land mentioned and described in said report as set apart to said A. L. Townsend, she have full and absolute control of the same during her natural life and of all the income derived from the same, free from the claim of each and all of the other heirs of said N. Townsend; that the title and absolute ownership of all those tracts of land mentioned and described in said report as having been set apart to James W. Townsend be vested in said James W. Townsend in severalty and that each and all of the other heirs of said N Townsend dec'd be divested of all title and interest in the same: That the title and absolute ownership of all those tracts of land mentioned and described in said report as having been set apart to Palmer G. Townsend be vested in said Palmer G. Townsend in severalty and that each and all of the other heirs of said N. Townsend dec'd. be divested of all title and interest

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in the same: That the title and absolute ownership of all these tracts of land mentioned and described in said report as having been set apart to Susan M. Townsend be vested in said Susan M. Townsend in severalty and that each and all of the other heirs of said N Townsend dec'd be divested of all title and interest in the same: That the title and absolute ownership of all these tracts of land mentioned and described in said report as having been set apart to Pauline L. Townsend be vested in said Pauline L. Townsend in severalty and that each and all of the other heirs of said N. Townsend deceased be divested of all title and interest to the same: That the title and absolute ownership of all these tracts of land mentioned and described in said report as having been set apart to Anna L. Blackburn together with all and singular the other property, both real and personal belonging to the estate of N Townsend deceased, not specially mentioned in said report and not herein described and wherever situated, be vested in said Anna L Blackburn and that each and all of the other heirs of said N Townsend deceased be divested of all title and interest in the same. That F W Chandler and Benjamin R. Townsend, as Executors and Angelina L Townsend as Executrix be divested of title and interest in and to all property belonging to said estate of said N Townsend except as herein especially mentioned and that they be discharged of their trust. That the sum of $ 200.00 be allowed to the Commissioners as compensation for their services in making said partition and that Mrs A L. Townsend pay one seventh of the Costs for herself and two sevenths of the costs to be charged against the Estate of James W. Palmer G Townsend and that each of the other heirs pay one seventh of the entire costs, for which execution may issue respectively.



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Plat of that part of N. Townsend tract off of Tannehill League in Travis County not sold and is partitioned among the Heirs of "J."

3030 Giles H. Burditt vs: W. B Burditt et als. In this Cause coming on to be heard the Supplimental report of the commissioners to divide and value the lands of the Estate of Jesse Burditt situated in Van Zandt County, to wit, the tract of land granted to Jesse Burditt assignee of Antonio Ybarbo, showing how they had valued the same among the heirs, which report is as follows:

3030. Giles H. Burditt vs W. B. Burditt et al. In District Court Travis County. To the Honorable District Court of Travis County.

The undersigned Commissioners who were appointed to divide the Antonio Y Barbo tract of land in Van Zandt County among the heirs and distributees of Jesse Burditt, and who at the last term (October term 1876) were required to make a supplemental report in said cause, showing the value of the allotments made out of the position of said land which is supposed not to conflict with other claimants and which was allotted to all of said heirs except the children of Joel A. Burditt — beg leave to report: That they have performed that duty, and here show the value of said shares were equal in value, viz:

250 acre share No 1 allotted to Giles H. Burditt was valued at $ 700.00
250 " share No 2 " " Josephine Buford " " " " 700.00
250 " share No 3 " " Henry Newton Burditt " " " " 700.00
255 " share No 4 " " Heirs Newell W. Burditt " " " " 700.00
327 " share No 5 " " Wm B Burditt per assignee Giles H. Burditt was valued at " 700.00
327 " share No 6 " " M C. Burditt per assignee Giles H. Burditt was valued at " 700.00
227½ " share No 7 " " Heirs Martha Davidson " " " " 700.00
208¼ " share No 8 " " Heirs Jesse F Burditt " " " " 700.00
making in all $ 5600.00

Your commissioners say that the above was the valuation placed upon the land when the same was divided, and is to the best of their opinion the true values. N A Lowell, S. H Harrison, J C. Terry

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Commissioners. It is therefore ordered, adjudged and decreed that the said report be in all things confirmed, and the values affixed to the shares aforesaid be regarded as the true value for which the respective persons mentioned be made accountable in the final distribution of said Estate. It is further ordered that all matters not herein disposed of be reserved till the further orders of this Court.

4787 B. B Wilkins vs: Anthony Farrell & Adaline Farrell. And now on this day this cause coming on to be heard, the parties come by Attorneys and announce themselves ready for trial and no jury having been demanded the cause was submitted to the Court and after hearing the evidence, the Court is of opinion that the law and facts of the case are with the plaintiff. It is therefore ordered, adjudged and decreed by the Court that the plaintiff B. B. Wilkins do have and recover of and from the defendants Anthony Farrell and Adaline Farrell the land in controversy, to wit: a part of Lot No 7 in Block No 92 in the City of Austin in Travis County in the State of Texas, said part of said lot being 46 feet off of the East side of said lot fronting on Ash Street 46 feet and running back 128 feet the length of said lot to an alley, together with all the improvements thereon; and it is further ordered, adjudged and decreed by the Court that all right title and claim of the said defendants in and to said part of said lot and improvements thereon be, and the same are hereby divested out of said defendants and that the title to said part of said lot is hereby fully vested in the said plaintiff, and it is further ordered adjudged and decreed by the Court that the pretended deed from Hiram P. Farrell to Adelia Farrell dated 25th day of October 1872 to said part of said lot, under which said defendants claim said part of said lot, be and the same is hereby set aside, cancelled and annulled: and because it appears to the Court that said part of said lot was seized under deed by virtue of a writ of sequestration issued herein and that the same was replevied by the plaintiff and that the same is now in the possession of said plaintiff it is therefore further ordered, adjudged and decreed by the Court that no writ of possession issue herein and that the said plaintiff remain in possession of said

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parts of lot and that he be protected in his said possession and that said defendants be forever enjoined from asserting any rights to said part of said lot, and from in any manner interfering with the possession and enjoyment of the same by said plaintiff. – And it is further ordered by the Court that said plaintiff recover from defendants all the costs in this behalf) suit, for which execution may issue

7932. M.A. Taylor vs. Mary A and Ernst Jaffroi. This day came on
vide dock No 5. page 11. to be heard the above cause and the parties having announced ready for trial submitted the matter in controversy, as well of fact as of law to the Court, and the same having been heard together with the arguments of Counsel thereon and fully understood, because it appears to the Court that the defendants, Mary A Jaffroi and Ernst Jaffroi are justly indebted unto the plaintiff M.A. Taylor in the sum of Eight Hundred and sixteen Dollars ($816.00) and that said indebtedness bears interest at the rate of ten percent per annum – and that said indebtedness constitutes a valid and subsisting lien upon the following personal property to wit: Four (4) Castors, six (6) Sugar bowls, twenty Four (24) tumblers, 4 champagne glasses, 10 small salt dishes, 14 forks plated, 18 spoons plated, 11 small spoons plated, 18 Knives white handles, 5 china cups & saucers, 1 doz plates common, 1 pickle dish (china) 1 salad dish (china) 2 Molasses potchers; 6 little plates to cook bread in, 4 butter dishes, 24 plates common, 3 Eggs glasses, 12 cups & saucers (white) 12 Soup plates, 5 doz small dishes, 1 doz large dishes. also 10 bedsteds, 10 Mattresses 10 Blankets for Beds, 10 Bed Spreads, 10 Sheets, 15 Pillows for beds, 10 Bolsters for beds; 3 doz Chairs Bottom & Wood seat chairs, 1 long dining table, 5 smaller tables, 7 Washstands, 8 Bowls & Pitchers, 8 Chamber setts, 30 yards Matting for rooms, 1 large Chandelier dining Room; 3 side lamps, 2 Bachelor Spittoons, 3 Pictures in dining room, 2 laced Window Curtains, 1 small Hannaker Ladys Ice Cream Saloon, 3 tables for Ladys Ice Cream Saloon, 1 large Cooking Stove and full supply of fixtures attached to the same, 1 Kitchen table, 36 Plates 36 Dinner & 36 desert, 6 Castors complete, 36 Knives 36 plated forks & Linnen table Cloths, 24 linin Towels. – It is ordered, adjudged and decreed that said plaintiffs do have and recover of and from the defendants the said sum of $816., together with interest thereon at the rate of ten per centum per annum and all costs in this behalf expended and incurred and that said lien be and the same is hereby

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foreclosed and the Clerk of this Court is ordered to issue an order of sale directed to the Sheriff or any Constable of the County of Travis State of Texas commanding him to seize upon and take into his possession each and all of the before mentioned articles upon which said debt constitutes a lien as aforesaid, and to make sale thereof according to law, and apply the proceeds of such sale first to the payment and satisfaction of the principal debt, interest and costs of suit, and his proper costs and the remainder he shall pay over to the said defendants — and in case said proceeds of said sale shall not be sufficient to satisfy the said judgment, interest & costs, then shall the said Clerk issue an execution for the remainder thereof according to law.

4637 The State of Texas vs. John Isbell et al. Continued for service on D. A. Porter.

4638 The State of Texas vs John Isbell et al. Continued for service on D. A. Porter & L. T. Porter.

Ben Walker. Ben Walker having been fined on a previous day of this term of court in the sum of twenty dollars as defaulting juror, comes this day into court & asks that the said fine be remitted, whereupon it is ordered by the court, that the said fine heretofore entered against said Walker be remitted except five dollars, and it is further ordered & adjudged by the court that said judgment nisi be made final to the amount of five dollars and that said Walker stand committed to the County jail of Travis County, until said amount & the costs of this proceedings are paid.

4639 The State of Texas vs John Isbell & et al. Continued for service on sureties.

4645 The State of Texas vs. Nat Moore et al. Continued for service. —

4649 The State of Texas vs. Robert Williams et al. No service being had it is ordered that this cause be dismissed.

4659 The State of Texas vs. A. J. Lloyd. Dismissed.

4617 The State of Texas vs D. M. Izell et al. Continued for service.

4736 The State of Texas vs. Marsh Sheriff of Smith County. Continued for service.

4753 The State of Texas vs. Stanley Welsh et al. Dismissed.

4761 The State of Texas vs. Ambrose Steele et al. Upon motion it is ordered that Defts have leave to amend & cause continued

4762 The State of Texas vs. Bill Tong et al. Upon motion it is ordered that Defts have leave to amend & cause continued.

4781. Evaline Evans vs. Townsend & Anderson. It is ordered that this cause be dismissed for want of prosecution and that each party pay the costs by him incurred in this behalf, for which execution may issue.

4809. David Stewart and America Stewart vs. Charles Robinson.

This day came the parties by their attorneys, and submit the matter in controversy to the Court, as well of fact as of law — and

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the Court having heard the evidence and the argument of counsel and the same having been fully understood, it is considered, adjudged and decreed by the Court that the plaintiffs David Stewart and America Stewart his wife, do have and recover of the defendant Charles Robinson the premises described and bounded as follows: to wit: all of that portion of a tract of seven & one half acres of land lying in the county of Travis and State of Texas, which lies north west of a certain branch or creek running across said tract of seven & one half acres, together with all the buildings and improvements thereon. Said tract of seven & one half acres being described by metes and bounds thus - Beginning at the North West corner of lot N° 8 for Silvia Dondson in Subdivision of tract of land sold to certain colored men by Wm Fennehill in the Fennehill league about four miles North from the City of Austin, Thence N 30° E. 125 varas to a Stake & Stones, Thence S 60° E. 156 vs to a Stake & Stones - Thence S 30° W 137 varas to a stake & stones, Thence 57¼° W 168 varas, containing 3 & 75 100 acres, Also to make with the above the amount of Seven and one half acres the following tract: Beginning at the N W corner of above. Thence N 30° E 122 varas to a stake & stones. Thence S 60° E 156 varas to a stake & stones Thence S. 30° W 132 varas to the N E corner of the above described tract N 60° West 156 varas to the place of beginning estimated contain 3 & ¾ acres - and making with the afore described 3 ¾ the said 7½ acres for which they may have their writ of possession. And it appearing to the Court that the said premises being part of the homestead of pltff and that without the consent of the said plaintiff America the said Plaintiff David Stewart did agree to sell the aforsaid tract into the said defendant and thereupon the said defendant has paid upon said agreement the sum of twenty one dollars - it is further ordered that said contract or agreement of sale be and the same is cancelled and set aside - and it is ordered that the defendant Chas Robertson do have and recover of the plaintiffs David Stewart the sum of Twenty one dollars, said sum to be paid by said plaintiffs Stewart into the hands of the Clerk of this Court - before said Clerk issues the writ of possession herein before awarded to the said Pltffs David Stewart, and out of said sum said Clerk shall apply a sufficiency to pay all costs in this cause by said defendant incurred - and it is ordered that each of the parties have to pay such costs herein as may have been

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by Sims or them incurred & that execution may issue against said Pfft & the securities on his cost bond for all costs incurred by said Pfft.

3446. State of Texas vs: Eb. Stewart & Gilbert Stewart. It appearing to the Court that Benoni Cox, Rhoda E. Cox, J.R. Harbin, Isaac Pearson, Elehu Pearson & Bettie Peel have been legally summoned to appear & testify in behalf of the State in the above entitled & numbered cause, and that they, being distinctly called three times by the Sheriff at the Court house door of Travis County failed to appear; It is ordered by the Court that each of the aforesaid persons be fined as a defaulting witness in the sum of $25.00, and it is further ordered that the writ of Scire Facias do issue against each of said witnesses.

3556. The State of Texas vs: Power & Gatlin. It appearing to the Court that Frank Morgan, D. Teague, Joe Walker, Anderson Majors have been legally summoned to appear & testify in behalf of the State in the above entitled & numbered cause, and that they, being distinctly called three times by the Sheriff at the Court house door of Travis County, failed to appear; It is ordered by the Court that each of the aforesaid persons be fined as a defaulting witness in the sum of $25.00, and it is further ordered that the writs of Scire Facias do issue against each of said witnesses.

3744. The State of Texas vs: Joseph Higgins. It appearing to the Court that James Sawyer and J. R. Farrell have been legally summoned to appear & testify in behalf of the State in the above entitled and numbered cause, and that they, being distinctly called three times by the Sheriff at the Court house door of Travis County, failed to appear; It is ordered by the Court that each of the aforesaid persons be fined as a defaulting witness in the sum of $30.00, and it is further ordered that the writs of Scire Facias do issue against each of said witnesses.

3751. The State of Texas vs: Wm Nelson & F Vetter And it appearing to the Court that G. Sussmann, Burrell Adams (col) Francis Adams, Caspar Stussy, Adolph Grissinger, H. Clemants, & Henry Hunker have been legally summoned to appear & testify in behalf of the State in the above entitled and numbered cause, and that they being distinctly called three times by the Sheriff at the Court house door of Travis County failed to appear; It is ordered by the Court that each of the aforesaid persons be fined as a defaulting witness in the sum of $30.00, and it is

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further ordered that the writs of Scire Facias do issue against each of said witnesses.

4773. The State of Texas vs: Joe Higgins. It appearing to the Court, that James. and Bob Stewart have been legally summoned to appear and testify in behalf of the State in the above entitled and numbered cause, and that they, being distinctly called three times by the Sheriff at the Court House door of Travis County, failed to appear; It is ordered by the Court that each of the aforesaid persons be fined as a defaulting witness in the sum of $25.00, and it is further ordered that the writs of Scire Facias do issue against each of said witnesses.

5008 The State of Texas vs: George Slaughter alias John Brown. It appearing to the Court that E. L. Combs, Jacob Smith and James and Ed. Creary have been legally summoned to appear & testify in behalf of the State in the above entitled & numbered cause, and that they, being distinctly called three times by the Sheriff at the Court House door of Travis County, failed to appear; It is ordered by the Court that each of the aforesaid persons be fined as a defaulting witness in the sum of $10.00, and it is further ordered that the writs of Scire Facias do issue against each of said witnesses.

4833 The State of Texas vs. Reuben Murphey et al. Continued for service.

4847 The State of Texas vs. G. W. Lacy. Continued for service

4849 The State of Texas vs. S. S. Miller. The death of the defendant being suggested to the court this cause is dismissed.

4851 The State of Texas vs. W. C. Swan. Continued for service.

4852 The State of Texas vs. Francisco Flores. Dismissed.

4854 The State of Texas vs. Henry Lamb. Dismissed.

4855 The State of Texas vs. M. L. Langford. Dismissed.

4856 The State of Texas vs. Paul Lewis. Continued for service

4857 The State of Texas vs W. J. Cameron. Continued for service.

4858 The State of Texas vs. Morris Mitchell. Continued for service on Morris Mitchell.

4859 The State of Texas vs. Henry Gardner. It appearing to the court that the defendant herein has been fined during the October Term A.D. 1876 of this Court as a defaulting witness, and that a writ of scire facias had been served upon said defendant Henry Gardner, summoning him to appear at the present term of this cause & show cause if any he had, why said judgment nisi should not be made final, and the said Henry Gardner offering no sufficient cause, it is ordered & adjudged by the court, that the said judg-

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ment nisi be and the same is hereby made final and absolute to the amount of one dollar, and that the balance of said judgment be remitted. It is therefore ordered adjudged & decreed that the State of Texas do have and recover of and from the defendant Henry Gardner the amount of one dollar as a fine, and that the said Henry Gardner stand committed to the County Jail of Travis County until said amount and the costs of this proceeding are paid, & that a committment issue against said Henry Gardner.

4860 The State of Texas vs. P. Gardner. It appearing to the court, that the defendant P. Gardner was fined at the October term 1876 of this court as a defaulting witness in the sum of fifty dollars and that a judgment nisi was entered against said Gardner for the amount aforesaid, and that the writ of scire facias was served upon said Gardner, summoning him to appear at the present term of this court & show cause, if any he had, why said judgment nisi should not be made final, and it further appearing to the court, that the answer of the defendant P. Gardner, on file in this cause is contradicted by proof: It is therefore ordered adjudged by the Court that the judgment nisi as rendered against said P. Gardner during the October Term 1876 of this court be and the same is hereby made final and absolute; and it is further ordered & decreed by the Court that the State of Texas do have and recover of and from the said P. Gardner the said sum of (50^{00}) fifty dollars as a fine & all costs of this proceeding and that the said P. Gardner stand committed to the County Jail of Travis County, until said fine & costs are paid, and that a committment issue against said Gardiner.

4861 The State of Texas vs. Lane Mc Coy. Continued for service.

4862 The State of Texas vs Clay Eanes. It appearing to the court that on the 9th day of November 1876, during the October Term 1876 of this court, a judgment nisi was rendered against the defendant Clay Eanes, imposing a fine of (10^{00}) ten dollars upon said Eanes, and that a writ of scire facias has been served upon said Eanes, summoning him to appear at the present term of this court & show cause, if any he had, why said judgment nisi should not be made final against him, and it further appearing to the court, that the answer of the said Eanes on file in this cause is contradicted by proof, It is therefore ordered and decreed by the court that the said judgment be & the same is hereby made final and absolute, and that the State of Texas do have & recover of and from the said Clay Eanes the sum of ten dollars as a fine and all costs of this proceeding, and that a committment issue, commanding the Sheriff of Travis County

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to place the said Clay Danes into the County Jail of said County until said fine & costs are paid.

4863 The State of Texas vs. Henry Pfluger. It appearing to the court that at the October term 1876 of this court and on the 9th day of November 1876 a judgment nisi was rendered against Henry Pfluger imposing a fine of ($40=) forty dollars upon said Pfluger as a defaulting witness, and that a writ of scire facias was served upon said Pfluger summoning him to appear at the present term of this court & show cause - if any he had - why said judgment nisi should not be made final, - and it further appearing to the court that the defendants answer, on file in this cause does not show such sufficient cause, - It is therefore ordered and decreed by the court that the said judgment nisi be and the same is hereby made final and absolute to the amount of one dollar, and that the balance of said judgment be remitted, and that the State of Texas do have and recover of and from the defendant Henry Pfluger the said amount of one dollar as a fine and all costs of this proceeding, & that a commitment issue commanding the Sheriff of Travis Co. to place the body of the said Henry Pfluger into the County Jail of said County until said fine and costs are paid.

4864 The State of Texas vs. Wm Breman. It appearing to the court that at the October term 1876 and on the 22nd day of November 1876 a judgment nisi was rendered against Wm Breman, imposing a fine of ($40=) forty dollars upon said Breman as a defaulting witness, and that a writ of scire facias had been served upon said Breman, summoning him to appear at the present term of this court & show cause - if any he had - why said judgment nisi should not be made final, - and it further appearing to the court that the defendants answer, on file in this case, does not show such sufficient cause, - It is therefore ordered adjudged and decreed by the court that the said judgment nisi be and the same is hereby made final and absolute to the amount of one cent, and that the State of Texas do have & recovered the said amount of one cent as a fine of & from the defendant Wm Breman and all costs of this proceeding, and that a commitment issue commanding the Sheriff of Travis County to place the said Wm Breman in the County Jail of Travis County until said fine & costs are paid.

4865 The State of Texas vs. Sidney Meeks. Continued for service.

4866 The State of Texas vs. J. M. Jones. It appearing to the court that at the October Term 1876 of this court and on the 20th day of November 1876 a judgment nisi was rendered against J. M. Jones, imposing a fine

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of ($50.00) fifty dollars upon said J. M. Jones as a defaulting juror, and that a writ of scire facias was served upon said J. M. Jones, summoning him to appear at the present term of this court and show cause, if any he had, why said judgment nisi should not be made final, and it further appearing that the defendants answer on file in this case does not show such sufficient cause; It is therefore ordered and decreed by the court that said judgment nisi be and the same is hereby made final and absolute to the amount of one dollar, and that the balance of said judgment be remitted, and that the State of Texas do have and recover of and from the said defendant J. M. Jones the said amount of one dollar as a fine and all costs of this proceeding, and that a writ of commitment issue commanding the Sheriff of Travis County to place the said J. M. Jones in the County jail of said County until said fine and costs are paid.

4867 The State of Texas vs. R. A. Rutherford. Dismissed.

4868 The State of Texas vs Henry Happens. Dismissed.

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

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4736 The State of Texas vs. George Douglas. This day came into open court the defendant George Douglas in person and by Attorney and withdrew his notice of appeal and asked that final sentence be passed upon him.

4736 The State of Texas vs. George Douglass. The defendant George Douglass having been convicted on a previous day of the present term of this court of the crime of theft of a steer, was this day brought into open court in charge of the Sheriff, and the said defendant being asked and giving no sufficient reason why sentence should not be pronounced against him in accordance with the verdict of the jury and the judgment of the court heretofore rendered against him in this cause, It is ordered by the court that the said defendant George Douglass be and he is hereby sentenced to confinement in the State Penitentiary for the full term of (2) two years in accordance with the verdict of the jury who tried this cause; and it is further ordered by the court that the body of the said George Douglass be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendent of the State Penitentiary for the purpose aforesaid.

3555 Raymond C. Whitis vs. James Davidson & L. D. Edwards. Defts. & First Nat. Bank of Austin Garnishee. Upon motion of Plffs it is

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ordered that this garnishment proceeding be dismissed, and that Peffs pay all costs of this proceeding, for which execution may issue.

4890 J. B. Barron vs. W. B. Brush & L. W. White. Continued under the written agreement of the parties on file in this cause of this date.

Appointment of Jury Commissioners. This day it is ordered by the court that Ratcliff Platt, George Pessner and Jonathan Rogers be and they are hereby appointed Jury Commissioners of this court for the next term thereof, and that they be notified of their appointment as required by law.

Allowance of guards. This day it was ordered by the court that the Sheriff of Travis county be allowed four guards to convey the (19) nineteen prisoners sentenced at the present term of court to the State Penitentiary and that he receive compensation therefor as provided by law.

4877 (Exec. dock No 5 pag. 18) W. H. Firebaugh vs. G. A. Riedell & Travis County. This day came the parties to this suit plaintiff and defendants and announced themselves ready for trial, and no jury being demanded the case was submitted to the court. And it appearing to the court after hearing all the pleadings, the evidence and the argument of counsel - that the defendant G. A. Riedell is justly indebted to the plaintiff W. H. Firebaugh in the following sums of money to wit: (370^{00}) three hundred and seventy dollars bearing interest from date until paid at the rate of twenty five per cent per annum, and ($422\frac{52}{100}$) four hundred and twenty two $\frac{52}{100}$ dollars bearing interest at the rate of twelve per cent per annum, and in the further sum of $66\frac{50}{100}$ sixty six $\frac{50}{100}$ dollars Attorney's fees; It is therefore ordered, adjudged and decreed by the Court that the plaintiff W. H. Firebaugh do have and recover of and from the defendant G. A. Riedell the sum of (370^{00}) three hundred and seventy dollars bearing interest from date until paid at the rate of (25) twenty five per cent per annum, and the further sum of ($422\frac{52}{100}$) four hundred and twenty two $\frac{52}{100}$ dollars bearing interest at the rate of (12) twelve per cent per annum, and the further sum of ($66\frac{50}{100}$) sixty six $\frac{50}{100}$ dollars bearing interest from date until paid at the rate of (8) eight per cent per annum, and that the said plaintiff have his execution against said Riedell for said several amounts. And it further appearing to the court that the said plaintiff has no cause of action as against the other defendant Travis County but that the law is with said Travis County; It is therefore ordered adjudged & decreed that the said Plaintiff take nothing by this suit as against said Travis County. And it is further adjudged and decreed that the defendant G. A. Riedell pay all the costs of this proceeding, except the costs incurred by the defendant Travis County, which last said costs are hereby adjudged

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against the plaintiff W. H. Firebaugh, for which several amounts of costs execution may issue against the parties respectively as aforesaid.

3688 W. H. Day vs. A. L. Herren & W. F. Cloud Sh. & N. C. Edwards Garnishee. This day comes the plaintiff by attorney and moves the court to grant a commission to take the answers of N. C. Edwards Garnishee herein, who resides in Bell County Texas and who has been duly served with a writ of garnishment and has failed to answer, — which said motion was by the granted, and it was ordered by the court that the clerk of this court issue a commission as prayed for. — —

4919 Jas. L. Doxey vs. Jack Carter. This day comes the plaintiff herein by his Attorney and submits to the court his motion for a new trial in this cause which motion after being fully argued by counsel and duly considered by the court, was overruled.

4949 W. A. Taylor vs J. J. James. This 16th day June came the parties by their attorneys and the defendant submitted to the court his motion for a new trial in this behalf, which motion being fully argued by counsel and being duly considered by the court, was by the court overruled, to which ruling the defendant by counsel excepted and gave notice in open court of appeal to the Supreme Court.

4917 C. F. Millett vs. David V. Whitsey et al. This 16th day of June 1877 came the parties to this suit by their attorneys, and the defendants submitted their motion for a new trial to the court, which motion after being fully argued by counsel and being duly considered by the court, was by the court overruled, to which ruling the defendants by Attys excepted and gave notice in open court of appeal to the Supreme Court.

4877 W. H. Firebaugh vs. J. A. Riedell et al. This day came the parties to this suit by their attorneys and the plaintiff submitted to the court his motion for a new trial, which motion was after full argument by counsel and after being duly considered by the court overruled, to which ruling of the court the plaintiff by counsel excepted and gave notice in open court of appeal to the Supreme Court.

4751 Amanda J. Wynne, Sahrah J. Wynne, Mary E. Horton, Gustavus Horton, Amanda J. Brewer, Sydney G. Brewer (The said Sahrah J. Wynne, Mary E. Horton & Amanda J. Brewer being the surviving children of the said Robert H. Wynne) vs. W. A. Taylor. And now on this day day came the parties by their attorneys, the plaintiffs by Chas L. Evans and the defendant by Walton Green & Pill — and no jury having been called for, the facts and law of the case were submitted to the court; and the court having heard the evidence & argument of counsel, is of the opinion that

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that the law of the case on the facts is with the defendant; It is therefore ordered adjudged and decreed by the court that the plaintiffs Amanda J. Wynne, Sarah J. Wynne, Mary E. Horton, Gustavus Horton, Amanda J. Brewer and Sidney S. Brewer take nothing by this their suit & that the defendant M. S. Taylor go hence without day, — and it is further ordered, adjudged and decreed by the court that the defendant to have and recover of and from the plaintiffs and of R. M. Johnson and C. S. Evans, the sureties on plaintiffs cost bond — all the costs in this behalf expended for which execution may issue, to which ruling the Plffs excepted and gave notice in open court, of appeal to the Supreme Court.

4832 D. V. Spring vs. J. Eisenach & wife. This day came the parties to this suit, the plaintiff by Chas. L. West and E. T. Moore and the defendants by Sheeks & Sneed, and no jury being called for, the facts and the law of the case were submitted to the court. And the Court, after hearing all the pleadings, the evidence, and argument of counsel, is of the opinion that the law is with the defendants; It is therefor ordered, adjudged and decreed by the court that the plaintiff D. V. Spring take nothing by this his suit and that the defendants go hence without day — and it is further ordered adjudged and decreed by the court that the defendants do have and recover of and from the plaintiff and from E. T. Moore - the surety on plaintiffs cost bond - all the costs in this behalf expended for which execution may issue; to which ruling and judgment of the court the plaintiff by counsel excepted, and gave notice in open court of an appeal to the Supreme Court.

And thereupon Court adjourned till Wednesday the 20th inst. 9 o'clock A.M.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

Statement of jury service

It appearing to the Court that the following named persons have served as Grand Jurors or Petit Jurors respectively, the number of days set opposite their names to wit:

Grand jury

Grand Jury: John C. Wilson 22, Ben Hennicks 22, J. J. Mc Christian 22, R. L. King 22, R. S. Caperton 22, James W. Berry 22, Robert Kerr, 22 Jno Dillingham 22, Thos Van 22, R. S. Gardner 22, W. B. Smith 22, Reuben Hornsby 22, —

3rd week

Ed Jones 1. Jno. Ross 1. R. J. Moore 1, J. W. Cloud 1, Alex Thurman 1, Alfred Nelson 1, Jno. H. Tulk, L. B. Ward 1, F. C. Schmidt 1, Joel Sutton 1, S R. Rogers 1, J. C. Bonner 1, T. P. Givens 2, Hugh Forster 2, C. W. Ricker 2, F. M. Henry 2, S. F. Prather 2, Guy Wolfenberger 2, B. Milam 2, R. H. Mc Cormick 2, A. Trautwein 2, Wm R. Davis 2, Geo Norwell 2, Jas Morgan 2.

4th week

G. Crew 5, J. A. Hancock 2, Caleb Cox 2, Thos King 5, Jno H. Tulk 5, Hugh

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Cameron 5, W. D. Forehand 5, Dan'l Hornsby 5, Hardin Walsh 5, Paul Pressler 5, Jno Wolf 5, Robt Pearson 2, J. A. Cate 5, J. C. Williams 5, B. T. Gault 5, Ed Smith 5, J. B. Weems 5, J. J. Wade 5, C. S. Mathews 5, L. Strohmer 5, Jacob Leser 4, Jas C. Harber 5, H. B. Hillyer 5, J. A. Leverett 5, W. H. Hamby 5, R. J. Sheldon 1, Pat Smith 1, C. J. Luckey 2, J. S. Fowler 2.

5th week H. L. Cameron 5, J. H. Burns 6, W. D. Vaughn 6, E. M. Wheelock 6, J. T. Magee 6, Jonathan Rogers 6, Jno M. Holland 6, A. C. Hill 5, Albert Carrington 6, A. C. Lane 5, Chancery Puckett 6, Chas Sabeath 6, J. C. Tulk 6, Jno Smith 6, M. C. Nichols 6, I. W. Walling 6, M. P. Hall 6, M. P. Sumerow 6, L. Schlinger 6, O. H. Patterson 6, Salem Hancock 4, J. Sheehan 6, L. L. Neville 6, J. M. Hancock 6, Jas. Sims 6, W. A. Jones 6, Geo Junke 6, ——

6th week Spec. ven. Jno H. Washington 2, J. T. Magee 2, Joel Sutton 2, M. C. Nichols 2, J. B. Weems 2, Jas Maxwell 2, A. C. Lane 2, Jno H. Tulk 2, Thos King 2, Jno Hagerland 2, I. T. Hume 2, A. J. Berreger 2, C. P. Berry 1, Frank Heffington 1, H. B. Hillyer 1, J. A. Leverett 1, H. L. Cameron 1, Geo Novel 1, M. Buthur 1, J. C. Brenner 1, O. H. Patterson 1, Wilson McNeill 1, R. R. Smith 1, W. H. Hamby 1, E. C. Jones 2, W. S. Biles 2, Wilson McNeill 2, Chas Lundberg 2, H. L. Cameron 2, R. R. Smith 2, Jonathan Rogers 2, E. M. Wheelock 2, Salem Hancock 2, L. K. Miller 2, A. Trautwein 2, J. R. Owings 2,

7th week Spec. ven. Ed Taylor 2, B. Milam 2, O. H. Patterson 2, J. C. Brenner 2, J. A. Leverett 2, Wm Teague 2, R. R. Smith 2, Hugh Forster 2, Wm Alexander 2, W. H. Eames 2, Enoch Martin 2, Phineas Burchart 2, W. C. Miller 1, L. L. Neville 1, Frank Heffington 1, J. P. Givens 1, Jno Wolf 1, Albert Carrington 1, Hugh Forster 1, Ed Taylor 1, Joseph Metcalf 1, Ed Tilman 6, C. W. Ricker 1, Jno Ross 1,

8th week Sam Billingsley 2, Theo Cramer 2, Jas Ferel 2, T. M. Noble 2, P. Thompson 2, R. C. Stewart 2, J. P. Myrick 2, R. C. Koerber 2, Robt Jones 2, J. H. Fitzhugh 2, R. C. Booth 2, Louis Miller 2, T. B. Galusha 2, P. K. Lester 2, P. D. Sayer 2, Sam Anderson 2, W. R. Beckett 2, Jesse Robb 2, D. P. Kinney 2, Wm Vance 2, M. Paggi 2, A. McClure 2, W. S. Hotchkiss 1, L. H. Eyre 2, Frazier 2, Frank Hancock 2. — It is ordered by the court that the clerk of this court issue a certificate to each juror showing the number of days of such service. —

W. W.

4577 L. C. Edwards et als vs. Francis Burlage. And now on this 18th day of June this cause coming on to be heard on the report of commissioners appointed at a former term of this court to make partition of the property in accordance with the decree entered at said former term, and the said commissioners having filed their report in words and figures following to wit:

State of Texas } In District Court
County of Travis }

L. C. Edwards et al
4577
vs
Francis Burlage } To the Hon. C. B. Turner Judge of the 16th Judicial District of the State of Texas.

We the undersigned commissioners appointed by decree of your Honorable Court pronounced in the above entitled cause to partition the lots 2, 3, and 4 in Division D. of the East Lots of the City

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of Austin according to the provisions of said decree beg leave to submit the following as a report of our actions in the premises:

X

1st In order to ascertain the quantity of land contained in each lot we employed Mr C. D. Anderson, a civil engineer and surveyor to run out said lots 2, 3 and 4 and compute the number of acres in each. A plot of his survey is hereto attached and made a part of this report. Lot No 2 was found to contain four and one half (4½) acres, Lot No 3 to contain Six (6) acres, and Lot No 4 to contain Six (6) acres making in the three (3) lots 16½ acres, which we value at the sum of $12.250 Dollars. Of this Mrs. Burlage under the decree is entitled to 13/24 or $6635 33/100. — Mrs Kate R. Edwards share $1122 20/100 Mrs Georgia C. McKnight's share $1122 20/100 — Joseph R. Burlage share $1122 20/100 Shipley C. Burlage share $1122 20/100 — Alfred R. Burlage share $1122 20/100 Under the decree we have set apart to R. C. Burleson in the manner described in the decree one acre off the South part of lot No 2, valued at $300 Dollars which is deducted as will hereafter appear from the shares of Mrs Georgia C. McKnight, Joseph R. Burlage and C. Burlage — After deducting this one acre there remains of lot No 2, Three and one half acre; — Out of lot No 3 containing (6) Six acres we set apart 13/24 which is 3¼ acres to Sam H. Wildy out of the South part of said lot, Beginning at its S. E. corner, the same being the N. E. corner of Lot No 2 Thence N. 19 E. with West boundary line of West Avenue 200 feet to a stake. — Thence N 71 W parallel with the South & North boundary lines of said Lot (3) 770 feet to Shoal creek. — Thence down Shoal Creek with its meanders to the S. W. corner of lot No 3 the same being the N. W. corner of Lot No 2 - Thence S. 71 E. with the South boundary line 640 feet to the beginning valued at $2275 Dollars — After deducting this 3¼ acres there remains of Lot No 3 Two and three fourth (2¾) acres.

2nd Mrs. Francis Burlage share in the property as heretofore stated is $6635 33/100 out of which we set apart to S. H. Wildy as above $2275 Dollars leaving of her share $4360 33/100. She is also entitled out of the share of Mrs Kate R. Edwards note $700 Dollars and interest 288 40/100 - $988 40/100 making due her out of the property $5348 73/100. — Mrs Kate R. Edwards share is $1122 20/100 out of which there is to set apart to Mrs Burlage's note and interest $988 40/100 leaving due her out of the property $134 56/100 - Mrs Georgia C. McKnight's share is $1122 20/100 less her portion of the indebtedness to R. C. Burleson paid by transfer of the one acre out of Lot No 2 as above $266 66/100 leaving due her out of the property $856 24/100. — Joseph R. Burlage share is $1122 20/100 less his interest in the one acre out of Lot No 2 conveyed to R. C. Burleson $266 66/100, leaving due him out of the property $856 24/100.

Shipley C. Burlage share is less his interest in the one acre out of Lot No 2 conveyed to R. C. Burleson $266 66/100 leaving due him out of the

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property $856 24/100. — Alfred R. Burlage is entitled his entire share of $1122 90/100 3rd To Mrs IX Burlage we set apart Lot No 4, containing Six (6) acres, for a description of which reference is made to the map of the place of the City of Austin and the Out Lots adjoining thereto. - This Lot No 4 with its improvements we value at $4800— We also set apart to her one acre out of Lot No 2 off of the North part of said Lot valued at $700—. Beginning at the North East corner of said Lot No 2 running thence N. 71 W. with its North boundary line 640 feet to Shoal creek - Thence down shoal creek with its meanders to a stake for its N. W. corner, the same being the N. W. corner of the portion of said Lot hereinafter set apart to Joseph R. Burlage - Thence South 71 E. parallel with the North & South boundary lines of said Lot 560 feet to West Avenue. Thence N. 19 E. with west Avenue 72 feet to the beginning. Making in value set apart to her $5300—. Her interest as above stated is $5348 72/100, making an excess set apart to her of $151 28/100 Out of which she is to pay as follows: To Mrs Kate R. Edwards $134 51/100 To Alfred R. Burlage $16.77 = $151 28/100

4th Fourth. Mrs Kate R. Edwards is entitled to $134 51/100 after paying Mrs. Burlage as above stated, which sum Mrs Burlage is to pay her out of the excess set apart to her over and above her share $134 51/100

5th Fifth. To Mrs Georgia C. Mc V Knight we set apart one and one fourth (1¼) acres out of Lot No 3 Beginning at a stone on the East boundary line of said lot No 3 on West Avenue, which is the N. E. corner of the 3¼ acres lot hereinbefore set apart to Sam H. Wilde - Thence N. 19 E. 72 feet to a stone which is the South East corner of the portion hereinafter set apart to Alfred R. Burlage. Thence N. 71 W. 760 feet parallel with the North & South boundary lines of said Lot No 3 to Shoal Creek - Thence down Shoal Creek with its meanders to Sam H. Wildys N. W. corner. - Thence S. 71 E. with Wildys North line 770 feet to the beginning valued at $875—. Her interest in the property is $856 24/100 making an excess set apart to her $18 76/100 which she is to pay to Alfred R. Burlage $18 76/100

6th Sixth. To Chipley C. X Burlage we set apart one and one fourth (1¼) acres out of Lot No 2, Beginning at the N. E. corner of the one (1) acre set apart to R. C. Burleson, at a stake on West Avenue. Thence N. 19 E. with West Avenue 108 feet to the South East corner of the one and one fourth acre out of said Lot 2 set apart hereinafter to Joseph R. Burlage. Thence N 71 W. with Joseph R. Burlage South line 522 feet to Shoal creek. Thence down Shoal creek with its meanders to R. C. Burleson's N. W. corner. Thence S 71 E. with Burleson's North line 485 feet to the beginning valued at $875—; his interest as before stated is 856 24/100 making an excess set apart to him of $18 76/100 which he is to pay to Alfred R. Burlage $18 76/100

June 20th 1877.

7th Seventh. To Joseph R. Burlage we set apart one and one fourth (1¼) acres out of lot No 2; Beginning at the N. E. corner of the one and one quarter (1¼) acres hereinbefore set apart to Shipley C. Burlage at a stake on West Avenue. Thence N. 19 E. with West Avenue 86 feet to the S. E. corner of the one acre out of said Lot 2 set apart to Mrs. Burlage. Thence N 71 W. with South boundary line of Mrs. Burlage 560 feet to Shoal Creek, Thence down Shoal Creek with its meanders to the N. W. corner of the 1¼ acres set apart to Shipley C. Burlage. Thence S. 71 E. with Shipley C. Burlage North line 522 feet to the beginning, valued at $875.00; his interest as before stated is $356.24 making an excess set apart to him of $18.76, which he is to pay to Alfred R Burlage. $18.76

8th To. Alfred R. Burlage we set apart one and one half (1½) acres out of Lot No 3 Beginning at the N. E. corner of the 1¼ acres hereinbefore set apart to Mrs Georgia C. Mc Knight, a stake on West Avenue. Thence N. 19 E. with West Avenue 84 feet to the South East corner of Lot No 4 which we have set apart to Mrs Burlage. Thence N 71 W. with the South boundary of Lot No 4. - 750 feet to Shoal Creek, thence down Shoal Creek with its meanders to North West corner of the 1¼ acres set apart to Mrs Mc Knight. Thence S. 71 E. with North line of Mrs Mc Knight 760 feet to the beginning valued at $1050.00 We also set apart to him out of the excess in the share allotted to Mrs F. Burlage $16.77; out of the excess in the share to Mrs Mc Knight $18.76; out of the excess in the share to Joseph R. Burlage $18.76 out of the excess in the share to Shipley C. Burlage $18.76; making total value set apart to him $1123.05, his interest as above stated is $1122.90.

As provided in the decree we employed Mr C. C. Andersen a surveyor to survey said Lots 2, 3, & 4 for which he made a charge of $25.00, we think this charge to be reasonable and recommend that it be allowed by your Honor. — All of which is respectfully submitted. Signed Joseph Spence, John B. Costa, W. S. Fotch Kiss. Commissioners fees for five days service $10 each = $30.00 Sworn to & subscribed before me this 18th day of June A.D. 1877. E. Pallmann Clk. D. C. T. C.

And said report being examined and considered by the Court and the same appearing to be a just and proper, except as to the allotment made in said report to the minor Alfred R. Burlage, and the allotment of one acre to Mrs. Francis Burlage; and the Commissioners having presented the following recommendation as to said allotments to wit:

L. B. Edwards et al
4577 vs
Francis Burlage

To the Hon. C. B. Turner Judge of the 16th Judicial District.

The Commissioners appointed to make partition of the estate mentioned in the decree in this cause, in accordance with the provisions thereof, having performed that duty and filed their report this day — respectfully represent that since filing said

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report it is made known to us, that the portion of Lot No 3 allotted in said report to Alfred R. Burlage to wit: one and one half acres: is at this time more saleable than any other portian of said property, there being a demand for that particular portian of said Lot; And the said Alfred R. Burlage being a minor, and there being a necessity for the sale of some portion of said property to satisfy the apportionments made to the parties interested and to pay costs: We therefor recommend that the one and one half acre out of Lot No 3 allotted to A.R. Burlage in said report, be set apart and decreed to Mrs Francis Burlage; and that the one acre out of Lot No 2, allotted in said report to Mrs. Francis Burlage,

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be set apart and decreed to Alfred R. Burlage; and that Mrs Francis Burlage be decreed to pay to Alfred R Burlage the sum of three hundred and fifty dollars, being the difference between the value of said lots or parts, in addition to the sum of $16.77 as stated in our previous report. This charge is made in said report, in order that the title to said one and one half acres may be conveyed. Respectfully submitted. (sgd) Joseph Spence, John B. Bertea, W. S. Hatchkiss."

It is therefore ordered adjudged and decreed by the court that the report aforesaid as changed in accordance with said recommendation, and as it appears proper to be made, be and the same is hereby approved and confirmed and made a part of the decree of this court. It is further ordered, adjudged and decreed by the court that the title to Lot No (4) four in Division B. in the City of Austin and to one and one half acres out of Lot No (3) Three, designated in said commissioners report and on the plat, a part thereof, as the Allotment to A. R Burlage; be and the same is hereby vested in Mrs. Francis Burlage, and freed from any claim of right or title by any and all of the other parties to this suit except as hereinafter provided. It is further ordered, adjudged and decreed by the court that the title to the one acre of land out of Lot No (2) Two, as allotted to Mrs Francis Burlage, be and the same is hereby vested in Alfred R. Burlage divested of any and all claim or right in all the other parties to this suit, and to equalize the allotment of the said A.R. Burlage, Mrs Francis Burlage shall pay to the said A.R. Burlage the sum of Three hundred and fifty dollars, the same being the difference in the value of the allotments as made by the Commissioners; besides the sum of sixteen & 77/100 dollars the amount fixed by said commissioners in their report; and these two amounts shall be a lien upon the allotment made herein to the said Francis Burlage, to secure the payment of said amounts. It is further adjudged and decreed by the court, that the allotments, as made by said commissioners report, in all other respects shall vest in the parties respectively the title to the tracts or parts of land, as the same is designated and set apart in said report and plat, free from the claim or title of the other parties; except that the amounts required to be paid as stated in said report shall be a lien upon the allotments respectively, to secure the payment of said amounts, as required in said report to be made. It is further adjudged and decreed that the title to the three and one quarter acres allotted to Sam L. Wildey by said report be and the same is hereby divested out of all of the other parties and vested in the said Sam L. Wildey. It is further ordered and decreed that the parties

* shall be required to amend as to conform to the annexed report of the said Commissioners, Jurat

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to this suit shall pay the costs accruing since the former decree each in proportion to the value of his or her allotment made in said commissioners report, and that execution may issue in favor of the officers of court against said parties for said costs; and if the proportion of the costs, due by any of the parties, shall be paid by any of the others, the same shall be a lien in favor of the party so paying the same, and the payment thereof by the party, for whom the payment was made, shall discharge said lien. It is further ordered that the sum of twenty five dollars be and the same is hereby allowed to the Surveyor for his services rendered in making said partition, and that the sum of ten dollars be allowed to each of the three commissioners for their services, and that these said sums be taxed in the Bill of costs in this suit and collected as other costs.

4445. James M. Swisher vs: John M Swisher et als. Now comes on this cause to be further heard upon the application of Newton Givens Lane, James Laine & Annie Lane, minors, by their guardian R N. Lane for a correction of the decree of partition entered in said cause at the October term 1876 of this Court & it appearing to the Court from the agreement filed in this said cause, said agreement signed by James M Swisher, John M Swisher & R N. Lane as Guardians as aforesaid for the said Newton Givens Lane, Jones Lane & Annie Lane, minors & from the amended report of the Commissioners heretofore appointed & confirmed in this said cause that the said decree of partition entered in this cause as aforesaid at the October term 1876 of this said Court did not do full justice to the said minors. - And it appearing further to the Court that the said agreement is in words & figures as follows to wit:

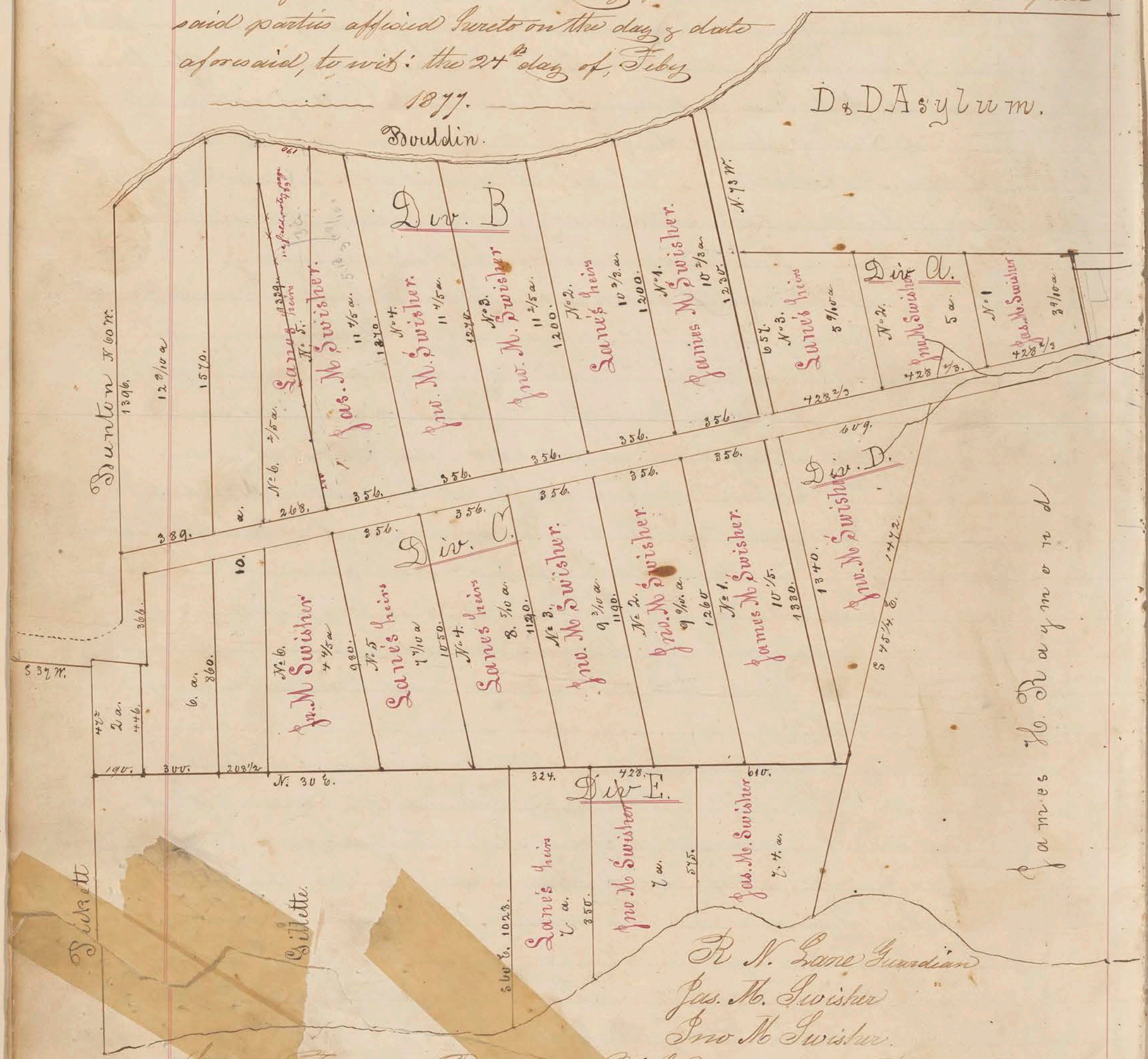
This agreement entered into this the 21st day of February 1877 between John Milton Swisher, James Monroe Swisher & R N Lane Guardian of his minor children Newton Givens Lane, James L Lane & Annie Lane, all of said parties residents citizens of the County of Travis & State of Texas. Witnesseth. 1. Whereas in a report of the Commissioners appointed at the Oct. term of the Hon. Districts Court of Travis County in the case of James M. Swisher vs John M. Swisher et als. to divide between the parties to said suit certain lands belonging to the Swisher estate, there were certain errors which it is now desired shall be corrected, it is now agreed by said parties to this agreement that the decree entered in said case of Swisher vs. Swisher* to be entered at the next term of the said Districts Court of Travis County 2. That R N. Lane be and he

* shall be reopened & so amended as to conform to the amended report of the said Commissioners, herewith filed, marked "Exhibit A" & made a part of this agreement, & to be taken & held as a part thereof, & that the said report & allotments adopted by the said Court in this cause on the 20th day of June 1877 be & the same is hereby set aside & held for naught, & that the amended report of the said Commissioners filed herewith be adopted by the said Court in this cause & that the decree of partition entered in this cause at the October term 1876 of the said Court be amended so as to conform to the amended report & allotments herein made & that the decree of partition entered in this cause at the October term 1876 of the said Court

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is hereby authorized to file a petition in the said District Court of Travis County, making the said John M. Swisher and James M Swisher parties defendants, to the end that the said decree in said case of Swisher vs Swisher entered at the said Oct. term of the said Court shall be amended as to conform to the report of said Commissioners filed herewith as Exhibit A. the costs incident to the entering of said amended decree to be borne equally by all the parties to this agreement. In testimony of all which witness the hands of the said parties affixed hereto on the day & date aforesaid, to wit: the 27th day of Feby

1877.


Bouldin.
D & D Asylum.
Div. B.
Div. C.
Div. D.
Div. E.
Div. A.
Jas. M Swisher
Jno. M. Swisher
Lewis Heirs
Jno M Swisher
James M Swisher
Jas. M. Swisher
Jno M Swisher
Lewis Heirs
Jno. M Swisher
Jno. M Swisher
Lewis Heirs
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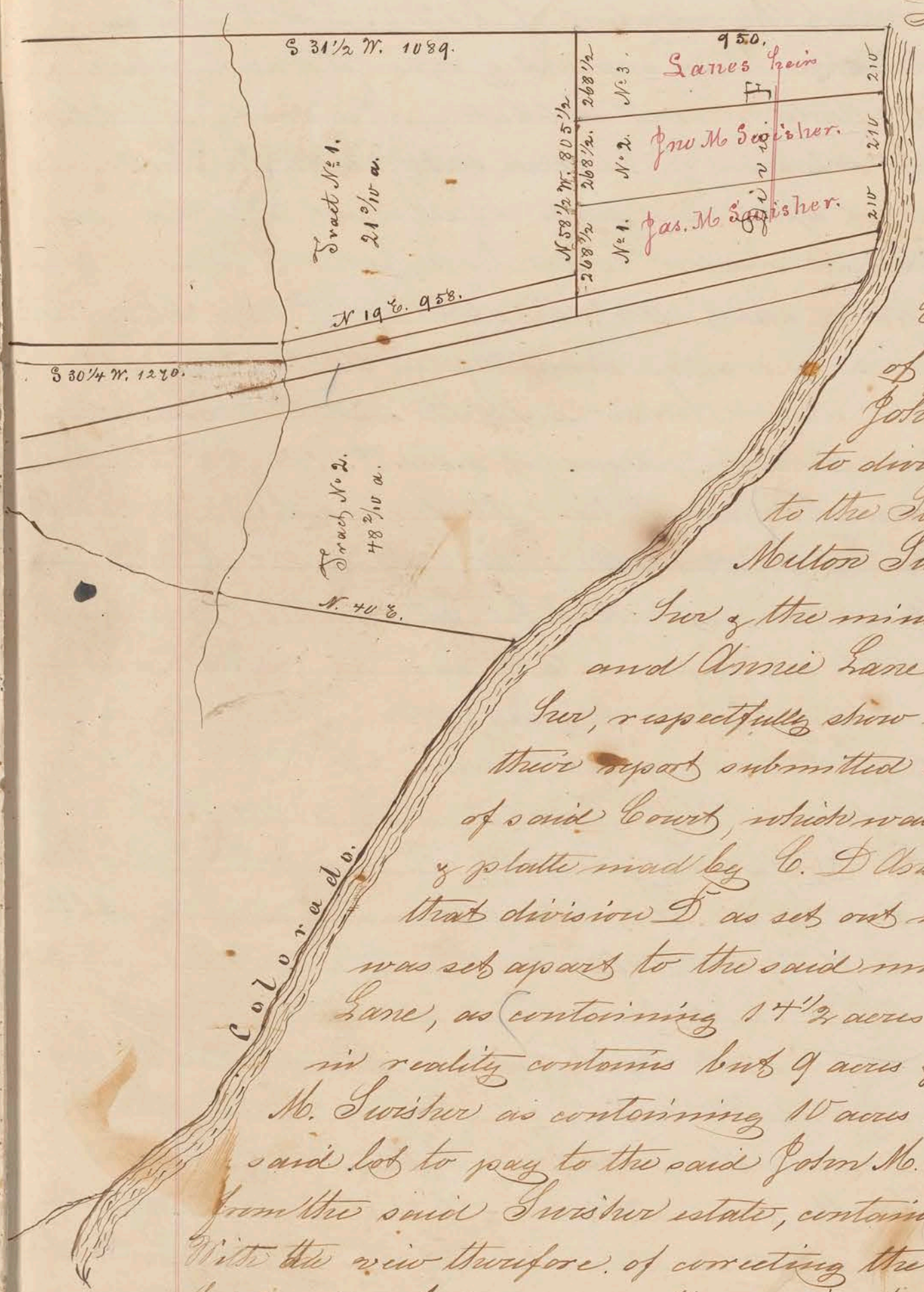
June 20th 1877.

considerations therein specified and set forth. In testimony whereof I have hereto sign my name and affix my seal of office, this the 22d day of February A D 1877.

W. C Walsh
Notary Public Travis Co.

Seal

And it further appearing to the Court that the said amended report of the said Commissioners is in words and figures as follows, to wit: (Exhibit A to agreement) To the Hon. E. B. Turner, Judge of the District Court of Travis County Texas. The undersigned, appointed at the October term 1876 of the Hon District Court of Travis County as Commissioners in the case of James M. Swisher vs. John M Swisher to divide certain land belonging to the Swisher estate ~~estate~~ between John Melton Swisher, James ~~Melton~~ Swisher, the minor children of R N Lane and Annie Lane deceased, nee Annie Swisher, respectfully show unto your Honor, that their report submitted at the said October term of said Court, which was based upon a survey & platte made by C. D Anderson was defective in that division D as set out in said platte, which was set apart to the said minor children of R N. Lane, as containing 17½ acres at a valuation of $1500.00 in reality contains but 9 acres & the lot set apart to John M. Swisher as containing 10 acres at a valuation of $1000.00 said lot to pay to the said John M. Swisher $1000.00 due him from the said Swisher estate, contains in reality 12 8/10 acres. With the view therefore of correcting the said errors & thus doing full justice between all the parties to the said suit of Swisher vs. Swisher & at the especial request of all of said parties, the said John M Swisher & James M. Swisher representing themselves & the said R.N. Lane representing his said minor children Newton Swiss Lane, James F Lane & Annie Lane, we the undersigned respectfully recommend that the decree entered in the said case at the said October term of said District



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Court, based on the aforesaid report & platte be so ammended as that the said division D. shall be set apart to the said Joseph M Swisher at a valuation of $1500.00; that the said lot set apart as aforesaid to Joseph M. Swisher as containing 10 acres but containing in reality 12 8/10 acres, at a valuation of $1000.00 to pay the $1000.00 due Him from the Swisher estate shall be set apart to R. N Lane as Guardian of the said Newton Givens Lane, James S Lane & Annie Lane at the valuation of $1200: that 3 acres of Lot No 5 in Division B as appearing upon the said platte fronting 190 feet on Boulders Creek intersecting at a point 286 feet from the west line of the extension of Congress Avenue with the North line of lot No 6. as laid out upon said platte, be set apart to R. N. Lane as Guardian of the said Newton Givens Lane, James S Lane & Annie Lane instead of setting apart all of the said Lot No 5 in Division B to James M. Swisher as was recommended in the former report & that the said John Milton Swisher pay to the said James M Swisher 12 months from date, the sum in cash of $300.00.

We believe, as decree so ammended from the decree entered at the said Oct. term of the District Court in the said Case of Swisher vs Swisher as to conform to the recommendations herein contained, will work ample & full justice to all the parties to the said case, wherefore they are respectfully submitted this the 21st day of Feby 1877.

A. P. Blocker, J. A. Cunningham, Joseph Lee

State of Texas } Before me W. C. Walsh, a notary Public for Travis
Travis County } County this day personally appeared A. P. Blocker, J. A Cunningham and Joseph Lee, Commissioners appointed at the October term of the District Court of Travis County in the case of James M Swisher vs: Jno M Swisher et als to partition the Estate of James G Swisher and Elizabeth Swisher dec'd all of Travis County and to me well known, who after being by me sworn stated that the above and foregoing amended report and recommendations is just and correct as between the parties at interest to the best of their knowledge and belief and signed the same in my presence. In testimony whereof I have unto sign my name and affix my seal of office this the 22 day of February A D 1877 W. C. Walsh Notary public Travis County
(Seal)

It is therefore ordered, adjudged and decreed by the Court that the said original decree of partition in this said cause, entered as aforesaid at the October term 1876 of this said Court be so altered corrected & amended as that the parties to said cause shall receive and have of the property in controversy, to wit: the Homestead tract belonging

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to the Swisher estate their several just & proper proportions as follows, to wit: That is to say, that there is set apart to the said Newton Givins Lane, James Lane & Annie Lane, minors as aforesaid & children of the said R. N. Lane their Guardian as aforesaid & Annie Lane (née Annie Swisher) his wife, now deceased the following parts & parcels of the said Swisher homestead property, to wit: 12 8/10 acres described in the said original decree & report of Commissioners as 10 acres of land fronting 389 feet on the continuation of Congress Avenue of the City of Austin Texas & running back N. 60° W with the North line of the Buxton tract to the Bouldin tract, said 12 8/10 acres being the same part or parcel of the said Swisher homestead property, which in the said original decree of partition was set apart as containing 10 acres to John M. Swisher to pay to him a debt of $1000.00 due him from the Swisher estate, the said 12 8/10 acres being now valued to the said Newton Givens Lane, James Lane & Annie Lane at the true value, to wit: $1200.00

3 acres out of Lot N. 5 in division B heretofore set apart in the said original decree of partition to James M. Swisher, the said 3 acres beginning on the north line of lot N. 6 heretofore in said original decree of partition set apart to the said Newton Swis & Givens Lane, James Lane & Annie Lane minors & children of the said R. N. Lane & Annie Lane as aforesaid. 286 feet westwardly from the point where said North line of said lot N. 6. strikes the continuation of said congress avenue; thence westwardly with said North line of said Lot N. 6 to the point where it strikes Lot A. which was in said original decree of partition set apart for sale by the Commissioners to pay costs & expences of this suit, thence with the North line of said Lot A westwardly to Bouldins Creek, thence down the said Creek for a base of 190 feet, thence eastwardly to the beginning, the said 3 acres being valued at $300.00

Lot 6. 4 containing 8 1/2 acres valued at ——— ——— — $1100.00
" B 6 " 4 2/5 " " " 400.00
" 6 5 " 7 2/10 " " " 1000.00
" B 2 " 10 2/3 " " " 1100.00
" A 3 " 5 9/10 " " " 600.00
" B 3 " 7 " " " 300.00

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Lot 3 Division F. valued at — — — — — $ 100 ⁰⁰
Total valuation — — — — — — — — — $ 6100 ⁰⁰

And further it is ordered, adjudged and decreed by the court that in order to make up the full and proper proportion of the said Swisher homestead property to the said minor children of the said R. N. Lane & Annie Lane, to wit: an amount equal in value to $ 6200⁰⁰ there is hereby allowed unto them the further sum of $ 100⁰⁰ to be paid out of any surplus remaining out of the proceeds of the sale of the lots set apart in the said original decree of partition to pay the costs of this suit.

That there is set apart to the said John M. Swisher: Division D. as appearing upon the plat filed in this said court and to be entered of record in said cause, the said Division D. containing 9 acres $ being the same property heretofore in the said original decree set apart to the said minor children of the said R. N. Lane & Annie Lane as containing 14 ½ acres, the same in reality containing but 9 acres and now valued at $ 1300⁰⁰. One thousand dollars of the said $ 1300⁰⁰ being set apart to the said John M. Swisher to pay the aforesaid debt of $ 1000⁰⁰ due him from the said Swisher estate in lieu of the said 12 3/10 acres described as aforesaid in said original decree of partition as 10 acres, the same being heretofore in this said decree set apart the said minors, the balance of the said $ 1300⁰⁰ being set apart to the said John M. Swisher as one of the heirs of the said Swisher estate to wit. — $ 300⁰⁰

Lot No.	6. 2	containing	9 2/10	acres valued at	$ 1200⁰⁰
"	" 6 3	"	9 2/10	" " "	$ 1200⁰⁰
"	" 6. 6	"	5 4/5	" " "	$ 600⁰⁰
"	" B 3	"	11 2/5	" " "	$ 900⁰⁰
"	" B 4	"	11 4/5	" " "	$ 1000⁰⁰
"	" A 2	"	5 —	" " "	$ 600⁰⁰
"	" E 2	"	7	" " "	$ 600⁰⁰
"	" 2 Division F	—		" " "	$ 100⁰⁰
Total valuation					$ 6500⁰⁰

And it is further ordered adjudged and decreed by the court that the said John M. Swisher shall pay to the said James M. Swisher the sum of $ 300⁰⁰ this being the amount over and above the full and fair proportion of the Swisher homestead estate, due the said John M. Swisher as set apart above and the amount less than the fair $ full proportion to be hereafter set apart to the said James M. Swisher, and it appearing to the Court from the aforesaid agreement that it has been agreed by and between said John M. Swisher and said James M. Swisher that the said $ 300⁰⁰ shall not be paid until the 21st day of

June 20th 1877.

February 1878, judgment is therefore given to the said former M. Swisher against the said John M. Swisher for the said sum of $300= for which execution may issue on or after the said 21st day of February 1878. That there is set apart to the said former M. Swisher as his proportion of the said Swisher estate the following property to wit:

Lot No 61 containing 10 1/5 acres valued at ——— $3000 00
" B 1 " 10 1/3 " " " ——— $1200=
" A. 1 " 3 9/10 " " " ——— $600 00
" E 1 " 8 " " " ——— $300=
" 1 Division E " " " $100=
" B. 5 containing 11 4/5 acres less 3 acres out of said lot herein and heretofore in this decree set apart with full description to the said minor children of the said R. N. Lane and Annie Lane; the part herein set apart to the said James M. Swisher being valued at — $700=
Total valuation ——— $5900=

which together with the sum of $300= to be paid him as aforesaid by said John M. Swisher makes the sum of ——— $6200= his fair and full proportion of the said Swisher homestead estate. And it appearing further to the court that the plat filed in this cause of the said Swisher homestead property, the same having been drawn by C. D. Anderson should be entered permanently of record on and as a part of the minutes of the said Court, it is therefore ordered that the same shall be so entered as a part of the minutes of this said cause. And it is further ordered adjudged and decreed by the court that the title to all that property hereinbefore set apart in this decree to the said James M. Swisher John M. Swisher & the minor children of the said R N. Lane and Annie Lane to wit: Newton Givens Lane, James Lane, & Annie Lane be and the same is hereby vested in them respectively, that said minors taking their share jointly; hereby divesting out of each of said parties the title to all of the property not herein set apart to them respectively, but set apart to the others of said parties. It is further ordered that all those parts & portions of all former decrees entered in this said cause, which do not conflict with the terms of this said decree be and the same are hereby affirmed. It is further ordered by the court that all the costs incident to the entering &c. of this said decree shall be taxed as the other costs in this suit & that all other matters not heretofore or herein disposed of are reserved for the further orders of this court.

August Weilbacher, having been fined at a previous day of this term as a defaulting juror come this day into open court & presented to the court

June 20th 1877

his statement & excuse, which was by the court deemed sufficient, and it was ordered by the court that said fine be and the same is hereby remitted.

4793 (Exc. dock 5. page 13) William J. Matthews vs A. S. Mair. This 16th day of June A.D. 877 came the parties to this suit by their attorneys and announced ready for trial, and no jury being demanded the matters of fact as well as of law were submitted to the Court. And the court having heard the pleadings, evidence and argument of counsel is of the opinion that the law of the case and the facts are with the plaintiff, and that the plaintiff ought to have and recover from the defendant the articles sued for & set out in plaintiffs petition, or the value thereof to wit six hundred dollars; It is therefor ordered adjudged and decreed that the plaintiff William J. Matthews do have and recover of and from the defendant A. S. Mair the said sum of six hundred dollars for which execution may issue, and it is further ordered and decreed that this judgment might be satisfied and discharged by ~~the~~ delivering to the plaintiff the property sued for to wit: One Diebold & Kienzle safe, one B.J. Wilder patent safe, one platform scale, one beam scale, one copying letter press, one large double desk, one sitting desk, and a counter & railing, in the same good condition as on the first day of October 1876; these articles being the property mentioned in a bill of sale from R. L. Stewart, & to William J. Matthews dated on or about the first day of April A.D. 1875; and it is further ordered adjudged and decreed that the plaintiff recover of & from the defendant all costs of this proceeding, for which execution may issue.

And thereupon court adjourned till Saturday the 23rd inst. at 9 o'clock A.M.

June 23rd 1877.

Court met according to adjournment and adjourned till the 25th inst. 9 o'clk A. M.

June 25th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4571 The State of Texas vs. D. B. Withers

4739 The State of Texas vs. William Smooth

4876 The State of Texas vs Ben Thompson.

4892 The State of Texas vs. Ben Thompson.

4893 The State of Texas vs. Ben Thompson

4894 The State of Texas vs. Ben Thompson

~~4896~~ ~~The State of Texas vs error~~

4933 The State of Texas vs John Condon

4934 The State of Texas vs. Ben Thompson paid

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4937 The State of Texas vs. Dan Givens.
4938 The State of Texas vs. Dan Givens.
4939 The State of Texas vs. Harry Dimick
4940 The State of Texas vs. Harry Dimick
5127 The State of Texas vs George Yonwood
5028 The State of Texas vs. A. Lorain
5029 The State of Texas vs. Clark Goodrich
~~5030 The State of Texas vs.~~ error
5054 The State of Texas vs. Dr Anderson
5156 The State of Texas vs. Ben Jackson.
4837 The State of Texas vs. R. Dixon
4848 The State of Texas vs. Bingham Teigg.
4850 The State of Texas vs Harry Dimick
4851 The State of Texas vs. Harry Dimick
4852 The State of Texas vs. Harry Dimick. ——— It appearing that this Court has no jurisdiction to try the above named (23) twenty two causes, it is ordered that the same be transferred to the County Court of Travis County and that the clerk of this court do deliver to the clerk of said County Court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.
4838 The State of Texas vs. R. Dixon
4878 The State of Texas vs. W F. Green
4880 The State of Texas vs W. F. Green
4882 The State of Texas vs. J. C. De Gress
4884 The State of Texas vs. L. C. Edwards
4886 The State of Texas vs. James C. Mc Arthur
4896 The State of Texas vs L. C. Edwards
4898 The State of Texas vs. Val Giles
4900 The State of Texas vs. James Monroe Swisher
4902 The State of Texas vs. W. B. Brush.
4904 The State of Texas vs. Truax
4906 The State of Texas vs. Wm Shands
4908 The State of Texas vs. Nathan Meyer
4910 The State of Texas vs. Charley Oaten
4912 The State of Texas vs. John McLaughlin
4914 The State of Texas vs. Charlie Oden
4916 The State of Texas vs. Ed Foxworth
4918 The State of Texas vs J. W. Ashby
4920 The State of Texas vs. W. B. Dunn.

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4922	The State of Texas	vs. Robert Dorn.
4925	The State of Texas	vs. L. H. Wildy
4942	The State of Texas	vs. William Sawyer
4944	The State of Texas	vs. Rufus Jones
4946	The State of Texas	vs. Four eyed Brown
4948	The State of Texas	vs Thos Dorn
4950	The State of Texas	vs. Ambrose Steele
4952	The State of Texas	vs. L. M. Bradley
4954	The State of Texas	vs. Walter Fisher
4956	The State of Texas	vs. E. P. Phillips
4958	The State of Texas	vs. Archie Coleman
4960	The State of Texas	vs. George Franklin
4962	The State of Texas	vs. Thomas Dorn
4964	The State of Texas	vs. A. S. Roberts
4967	The State of Texas	vs. Wm Sheehan
4969	The State of Texas	vs. Geo F. Pendexter
4971	The State of Texas	vs. Ed Foxworth
4973	The State of Texas	vs. E. P. Phillips
4975	The State of Texas	vs. Freeman (Bar Keeper)
4977	The State of Texas	vs. Jas Whitehead
4984	The State of Texas	vs. W. P. De Normandie
4985	The State of Texas	vs. Charley Oaten
4986	The State of Texas	vs John McLaughlin
4987	The State of Texas	vs. Val Giles
4988	The State of Texas	vs George Franklin
4989	The State of Texas	vs. Capt Bennett
4996	The State of Texas	vs. John Miller
4997	The State of Texas	vs. Wm Hopkins
4998	The State of Texas	vs. M. Rundle
4999	The State of Texas	vs. Archie Coleman
5000	The State of Texas	vs. Seven up Jack
5001	The State of Texas	vs. Paul Lewis
5003	The State of Texas	vs. Wm Sheehan
5031	The State of Texas	vs. Bin Salt
5035	The State of Texas	vs Webb
5036	The State of Texas	vs. Alick Dickson
5039	The State of Texas	vs. Jim Russell
5040	The State of Texas	vs. Jerry Johnson
5059	The State of Texas	vs. Charles Bonner

It appearing that this court has no jurisdiction to try the above named 59 causes, it is ordered

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that the same be transferred to Justice James Neill Court of Travis County and that the clerk of this court do deliver to said Justice the indictments and all the papers in said causes, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

4877 The State of Texas vs. W. F. Green.
4879 The State of Texas vs. W. F. Green
4881 The State of Texas vs. W. P. Lenormandie
4883 The State of Texas vs. J. L. De Gress
4885 The State of Texas vs. L. E. Edwards
4897 The State of Texas vs. L. E. Edwards
4899 The State of Texas vs. Val Giles
4901 The State of Texas vs R. Gollet
4903 The State of Texas vs. W. B. Brush
4905 The State of Texas vs M. Rundle
4907 The State of Texas vs. Capt Bennet
4909 The State of Texas vs Horace Brown
4911 The State of Texas vs. Lucy McLaughlin
4913 The State of Texas vs. James Neill
4915 The State of Texas vs. H. Cook
4917 The State of Texas vs. J. W. Whitehead
4919 The State of Texas vs Wm Uchiltree
4921 The State of Texas vs. Freeman (Bar keeper)
4923 The State of Texas vs. George (Murchison hackdriver)
4924 The State of Texas vs. S. Taylor
4926 The State of Texas vs. William Sawyer
4941 The State of Texas vs. William Sawyer
4943 The State of Texas vs. Alf. Kemp
4945 The State of Texas vs. W. B. Dunn
4947 The State of Texas vs. Albert Townsend
4949 The State of Texas vs. Henry Reid
4951 The State of Texas vs. Frank Hopkins J
4953 The State of Texas vs. J. P. Mc-Kinney Jr.
4955 The State of Texas vs. W. P. De Normandie
4957 The State of Texas vs. Wm Hopins
4959 The State of Texas vs A. S. Roberts
4961 The State of Texas vs. Robertson (Butcher)
4963 The State of Texas vs Albert Townsend
4965 The State of Texas vs. Robert Doren

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4966 The State of Texas vs. T. Cook
4968 The State of Texas vs. J. P. Mc Kinney Jr.
4970 The State of Texas vs Walter Fisher
4972 The State of Texas vs Greasy Mc Laughlin
4974 The State of Texas vs. Wm Brush
4976 The State of Texas vs. J. W. Ashby
4978 The State of Texas vs. Wm Schillree
4979 The State of Texas vs. Trueax
4980 The State of Texas vs. Horace Brown
4981 The State of Texas vs. Orlando Caldwell
4982 The State of Texas vs. Four eyed Brown
4983 The State of Texas vs. Robertson Butcher
4990 The State of Texas vs. George (Murchison's hackdriver)
4991 The State of Texas vs. Nathan Mayer
4992 The State of Texas vs. Jas P. Neil
4993 The State of Texas vs Wm Shands
4994 The State of Texas vs. L. M. Bradley
4995 The State of Texas vs. Frank Hopkins
5002 The State of Texas vs. John Miller
5004 The State of Texas vs. Orlando Caldwell
5030 The State of Texas vs. Jeff Taylor
5032 The State of Texas vs. William Toong.
5033 The State of Texas vs. John Carter
5034 The State of Texas vs. Butler Solt
5037 The State of Texas vs. Slate Faulkner.
5038 The State of Texas vs. John Divine.
5057 The State of Texas vs. Aaron Burleson.
5058 The State of Texas vs. Doss Alexander. It appearing that this Court has no jurisdiction to try the above named 62 causes, it is ordered, that the same be transferred to Justice Fritz Tegener's Court of Travis County and that the clerk of this court do deliver to said Justice the indictments and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

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

June 26th 1877

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

June 26th 1877.

3556 The State of Texas vs Powell & Gattin. This day comes Joe Walker, against whom
a judgment nisi was rendered on a previous day of this term as a defaulting witness,
and waives the writ of scire facias & submits to the court his statement & askes that said
judgment nisi be set aside: And it appearing to the court that said statement
is not sufficient in law, It is ordered adjudged and decreed that said judg-
ment nisi be and the same is hereby made final to the amount of ($5.00) five
dollars and that the balance thereof be remitted, It is therefore ordered and decreed
that the State of Texas do have and recover of and from the said Joe Walker the
said sum of ($5.00) five dollars as a fine, and that the said Joe Walker stand com-
mitted to the County Jail of Travis County until said fine & costs of this
proceedings are paid.

Gen. Continuance This day it was ordered by the court that all cases now pending in this court,
which have not been otherwise disposed of, be hereby continued until the
next term of this court.

And thereupon court adjourned till Friday the 29th inst. 9 o'clock A. M.

June 29th 1877.

Court met according to adjournment. Present same as first day.
Whereupon the following proceedings were had to wit:

3451 Chas W. Hill vs. S. Lancaster Deft & S. A. Posey & A. P. Hutchins Garnishees
This decision of this court in this cause having been affirmed by the Court
of appeals and the mandate being filed in the County Court of this
County, it is ordered that this case be dropped from the docket.

4039 Geo W. Turney vs. W. A. Morris. This cause after being appealed
to the Supreme Court was by the parties compromised and the appeal
therein dismissed by the Supreme Court, it is therfore now ordered
that this cause be dropped from the docket.

4450 Drayton A. Teague vs. Frank Brown Clerk. This cause being affir-
med by our Supreme court, is now ordered to be dropped from the
docket.

The foregoing minutes having been read in open court, examined
and found correct. It is ordered that they stand as a part of the
minutes of the present term of this court, and that this court
do now stand adjourned until the next regular term.

E. B. Turner
Judge 16th Judicial District of
the State of Texas.

October 15th 1877

The State of Texas } Be it remembered that at a term of the
County of Travis } Hon. District Court of Travis County begun
and holden at the Court thereof at the City of Austin on the 15th day
of October A.D. 1877, it being the fifteenth Monday after the first Monday
in July A.D. 1877, present the Hon. C. B. Turner, Judge of the sixteenth Judi-
cial District of said State, presiding, E. Hallmann clerk of the District
Court of said County, and Dennis Corwin Sheriff of said County, the
following proceedings were had to wit:

Grand jury. And thereupon the Court ordered the Sheriff to call the names of those ap-
pearing upon the regular venire for the Grand jury selected to serve at the
present term of this court and of those appearing to have been regularly selected
and summoned, the following twelve persons were selected and empannelled
to serve as the Grand jury of this County for the present term of this Court
after being duly tried and sworn, to wit: 1 John Owens, 2. Robert Jones, 3 Sam J.
Redd, 4. Adolph Trautwein, 5. Thos Pancoak, 6 J. B. Barron, 7 R. Bertram,
8 J. W. Whit, 9 Mc Hays, 10 P. L. Raven, 11 David Jones, 12 Wade Henry, and
said Sam J. Redd was appointed foreman of said Grand jury. And
thereupon said Grand jury after being duly charged by the Court as to
the duties devolving upon them, were ordered to retired upon the discharge of
the same.

Jury Docket & Criminal Docket. And thereupon it was ordered by the Court that the jury civil docket be
taken up on the 22nd day of this month, and the Criminal docket
on the 29th day of this month.

T. A. Sublett, W. T. Davis, Morris Moore, & O. N. Tively being appointed as
bailiffs for the Grand jury, the statuary oath was administered to
them by the Court.

George Darley Ex party. Declaration of Intention to become a Citizen.

The State of Texas } George Darley being duly sworn according to law,
County of Travis } in the District Court of said County, doth de-
clare, that he was borne in the year A.D. 1832 in the Kingdom of
England, whence he emigrated in the year 1874 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
State of Texas, and renounces forever all allegiance and fidelity
to every foreign prince, potentate, state or sovereignty whatsoever,
and particularly to Victoria the queen of England of whom he was
a subject. Sworn to and subscribed before me this 15th day of Oc-
tober A.D. 1877 in open Court. E. Hallmann Clerk.

3933 E. A. Hicks vs. James S. Gillett et als. Upon motion it is ordered that

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Plaintiff have leave to amend.

4956 George M. Hogan vs. Rhodes Fisher. The death of Mrs. Eliza Fisher being suggested, leave is given to make her heirs party to this suit.

5040 Finis E. Foster vs. f. c. & Mary E. Foster. Upon motion it is ordered that D. M. Cullen be appointed special guardian for the minor defendants. & it is further ordered that said Cullen enter into bond & security for the faithful performance of his duties as such guardian in the sum of one hundred dollars.

And thereupon Court adjourned until 9 o'clock Thursday morning the 18th inst.

October 18th 1877.

Court met according to adjournment. Present same as first day. & Court adjourned until to morrow morning 9 o'clock.

October 19th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4766 John D. Wende vs. August Heilman et al. Upon motion it is ordered that Deft. Heilman have leave to amend.

4800 W. L. Davidson Guardian vs. Austin Joint Stock Building Company et als. Upon motion it is ordered that defendants have leave to amend.

4956 George M. Hogan vs. Rhodes Fisher. Continued to make parties.

4974 M. Paggi Administr vs. Mary Brinker And now comes the plaintiff by attys. and asks judgment as prayed for in his petition and it appearing to the Court that defendant has been duly cited to appear and answer plaintiffs petition and that she has wholly failed to answer and it also appearing to the Court that the plaintiff is entitled to the relief sought by him in this cause: It is therefor ordered, adjudged and decreed by the Court that the plaintiff M. Paggi as administrator of the estate of Lewis Cantoni deceased do recover of and from defendant Mary Brinker the land sued for to wit: Lot No (1) one in Block No (23) twenty three in the City of Austin in Travis County Texas with all improvements thereon and that all pretended claim of defendant to said Lot and improvements be divested out of her and vested in said Paggi for the use and benefit of said estate of Cantoni deceased; and it is further ordered by the Court that the Sheriff at once place said Paggi in possession of said Lot and improvements, and it is further ordered that plaintiff recover of defendant all the costs in this cause expended for which execution shall issue.

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4979 The State of Texas vs. William Cannon et als. Continued for service.

4982 The State of Texas vs. S. R. Yates et als. And now on this day comes the County Atty on behalf of the State and dismisses this suit as to the surety B. T. Calvin and claims a judgment final by default as against the principal defendant S. R. Yates and against the surety F. M. Glasscock. And it appearing to the Court that during the October Term 1876 of this Court the defendant S. R. Yates did enter into a recognizance for his appearence before this court with F. M. Glasscock & B. T. Calvin as his sureties in the sum of $500.00 Five hundred dollars, and that during the April Term A.D. 1877 said recognizance was forfeited, and a judgment nisi was rendered against all said defendants for the said sum of $500.00, and it further appearing that the defendant F. M. Glasscock has been served with a writ of Scire facias, summoning him to appear before this court at the present term, then & there to answer in this behalf, and it further appearing that the said F. M. Glasscock did not appear and answer but wholly made default: It is therefore ordered adjudged and decreed by the Court that said judgment nisi be and the same is hereby made final and absolute as against the said S. R. Yates and F. M. Glasscock, and that the State of Texas do have and recover of and from the said S. R. Yates as principal and from the said F. M. Glasscock his said surety, the sum of $500.00 five hundred dollars jointly and severally, together with all costs of this suit, for which execution may issue, and it is further ordered that this proceeding be dismissed as to the said surety B. T. Calvin who has not been served with process.

4986 The State of Texas vs. Benoni Cox. It appearing to the Court that the defendant Benoni Cox has been fined during the April Term A.D. 1877 of this Court, as a defaulting witness, in the sum of $25.00 twenty five dollars and that a judgment nisi was entered against said Benoni Cox for the amount aforesaid, and that a writ of Scire facias was properly issued and served upon said Benoni Cox, summoning him to appear before this court at the present term thereof, and show cause if any he have, why said judgment nisi should not be made final, and it further appearing that the said Benoni Cox did not answer, but wholly made default: It is therefore ordered adjudged and decreed by the Court that the judgment nisi - as rendered against the said Benoni Cox during the April Term 1877 of this Court - be and the same is hereby made final and absolute, and it is further ordered and decreed by the Court that

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the State of Texas do have and recover of and from the said Benoni Cox the said sum of ($25.00) twenty five dollars as a fine and all costs of this proceeding, and that the said Benoni Cox stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said Benoni Cox.

4987 The State of Texas vs. Rhoda E. Cox.

4988 The State of Texas vs J. K. Hardin. Judgment nisi set aside

4989 The State of Texas vs. Isaac Pearson. Judgment nisi set aside

4990 The State of Texas vs. Elihu Pearson. Judgment nisi set aside

4991 The State of Texas vs. Bettie Peal. Dismissed

4992 The State of Texas vs. Frank Morgan. Dismissed.

4993 The State of Texas vs. D. Teague. Continued for service.

4994 The State of Texas vs. Anderson Meyers. Judgment nisi set aside.

4997 The State of Texas vs. James Sawyer. Dismissed.

4998 The State of Texas vs. J. K. Farrell. Dismissed.

4999 The State of Texas vs. G. Sussman. Judgment nisi set aside

5001 The State of Texas vs. Caspar Steussey. It appearing to the Court that the defendant Caspar Steussey has been fined during the April Term A.D. 1877 of this Court, as a defaulting witness, in the sum of ($30.00) thirty dollars and that a judgment nisi was entered against the said Caspar Steussey for the amount aforesaid, and that a writ of scire facias was properly issued and served upon said Caspar Steussey, summoning him to appear before this Court at the present term thereof, and show cause, if any he have, why said judgment nisi be not made final, and it further appearing, that the said Caspar Steussey did not appear and answer, but wholly made default, It is therefore ordered, adjudged and decreed by the Court that the judgment nisi - as rendered against said Caspar Steussey during the April Term 1877 of this Court - be and the same is hereby made final and absolute, and it is further ordered and decreed by the Court that the State of Texas do have and recover of and from the said Caspar Steussey the said sum of ($30.00) thirty dollars as a fine and all costs of this proceeding, and that the said Caspar Steussey stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said defendant Caspar Steussey.

5002 The State of Texas vs. Adolph Griesinger. It appearing to the Court that the defendant Adolph Griesinger has been fined in the sum of $30.00 during the April Term A.D. 1877 of this Court as a defaulting witness, and that a judgment nisi was entered

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against him for the amount aforesaid, and that a writ of scire facias was properly issued and served upon said Adolph Griesinger summoning him to appear at the present term of this court and show cause, if any he may have, why said judgment nisi should not be made final and absolute, and it further appearing that said Adolph Griesinger did not appear and answer but wholly made default; It is therefore ordered, adjudged and decreed, that said judgment nisi as entered against said Adolph Griesinger during the April Term 1877 of this Court, be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said Adolph Griesinger the said sum of $30.00 Thirty dollars as a fine and all costs of this proceeding, and that the said Adolph Griesinger stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said Adolph Griesinger

5004. The State of Texas vs. Henry Klemert. It appearing to the Court that the defendant Henry Klemert has been fined as a defaulting witness in the sum of $30.00 during the April Term 1877 of this Court, and that a judgment nisi was entered against him for said amount, and that a writ of scire facias was properly served upon him, summoning him to appear at the present term of this court and show cause, if any he may have, why said judgment nisi should not be made final and absolute, and it further appearing that said Henry Klemert did not appear and answer but wholly made default, It is therefore ordered adjudged and decreed by the Court, that the judgment nisi as entered against said Henry Klemert during the April Term 1877 of this Court, be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said Henry Klemert the said sum of ($30.00) Thirty dollars as a fine and all costs of this proceeding, and it is further ordered, that the said Henry Klemert stand committed to the County Jail of Travis County until said costs and fine are paid, and that a commitment issue against said Henry Klemert.

5005 The State of Texas vs. James Glover. This day came the State by her attorney and came also the defendant James Glover by his attorney and submits his answer in this behalf to the Court. Whereupon it was ordered by the Court, that the judgment nisi as entered against said defendant during the April Term 1877 of this court, be and the same is hereby made final and absolute

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for the amount of $5.00 five dollars, and that the balance of said judgment nisi be remitted; and it is further ordered & decreed by the court that the State of Texas do have and recover of & from the said defendant James Glover the said sum of ($5.00) five dollars as a fine & all costs of this proceeding and that the said James Glover stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said James Glover.

5007 The State of Texas vs. E. L. Combs. It appearing to the Court that E. L. Combs had been fined as a defaulting witness in the sum of $10.00 ten dollars during the April Term 1877 of this Court, and that a judgment nisi was entered against said E. L. Combs for the amount aforesaid, and that a writ of scire facias was properly issued and served upon said Combs, summoning him to appear at the present term of this court and show cause if any he have, why said judgment nisi should not be made final, and it further appearing that said E. L. Combs did not answer but wholly made default; It is therefore ordered, adjudged and decreed by the Court that the judgment nisi — as entered against said Combs at the April Term of this Court — be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said E. L. Combs the said sum of ($10.00) ten dollars as a fine and all costs of this proceeding; and it is further ordered and decreed that the said E. L. Combs stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said E. L. Combs.

5008 The State of Texas vs. Jacob Smith. It appearing to the court that Jacob Smith had been fined as a defaulting witness in sum of ($10.00) during the April Term 1877 of this Court, and that a judgment nisi for said amount was entered against him, and that a writ of scire facias was properly issued and served upon the said Jacob Smith, summoning him to appear at the present term of this Court and show cause if any he have, why said judgment nisi should not be made final; and it appearing that said Jacob Smith did not answer but wholly made default; It is therefore ordered adjudged and decreed by the Court that the said judgment nisi — as entered against said Jacob Smith — be and the same is hereby made final and absolute; and it is further ordered adjudged & decreed that the State of Texas do have and recover of and from the said Jacob Smith the

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said sum of (10^{00}) ten dollars as a fine and all costs of this proceeding, and that the said Jacob Smith stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said Jacob Smith.

5009 The State of Texas vs. James R. Future. It appearing to the Court that James R. Future had been fined during the April Term 1877 of this Court as a defaulting witness, in the sum of 10^{00} and that a judgment nisi for that amount was entered at said term against him, and that a writ of scire facias was properly issued and served upon the said James R. Future, summoning him to appeare at the present term of this Court and shew cause if any he had, why said judgment nisi should not be made final against him; and it appearing that said James R Future did not answer, but wholly made default; It is therefore ordered adjudged and decreed, that the said judgment nisi - as entered against the said James R. Future during the April Term 1877 of this Court - be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said James R. Future the said sum of (10^{00}) ten dollars as a fine and all costs of this proceeding, and it is further ordered by the Court that the said defendant James R. Future stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said James R. Future.

5010 The State of Texas vs Ed Creary. It appearing to the Court that the defendant Ed Creary had been fined as a defaulting witness during the April Term 1877 of this court in the sum of 10^{00} and that a judgment nisi for said amount was entered against said defendant during said term, and that a writ of scire facias was properly issued in this cause and served upon said Creary summoning him to appear at the present term of this court and answer in this behalf & shew cause, if any he had, why said judgment nisi should not be made final against him; - and it further appearing that said Creary did not answer but wholly made default, It is therefor ordered adjudged and decreed by the Court, that the judgment nisi - as entered against the said Creary during the April term of this court - be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said defendant Ed Creary the sum of (10^{00}) ten dollars as a fine and all costs of this proc

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eeding, and that the said Creary stand committed to the County Jail of Travis County until said fine and costs are paid, and that a commitment issue against said Creary.

5113 Jacob Mussena vs. Dennis Corwin Sheriff of Travis County and B. M. Odom et als. Upon motion of Peffs Atty it is ordered that this cause be dismissed, and it is further ordered that the plaintiff Jacob Mussena pay all costs of this proceeding for which execution may issue in behalf of officers of court.

5016 Jacob P. Schneider vs. James Daugherty. And now on this day
Exr. dock. 5. pg. 27. comes the plaintiff by his attys and asks judgment as prayed for in his petition, and it appearing to the Court that the defendant has been duly served with citation herein and has failed to answer and that plaintiffs demand is liquidated being the promissory note described in the petition, and that there is now due on said note to the plaintiff the sum of two hundred and sixty six dollars and thirty five cents; It is therefore ordered, adjudged and decreed by the Court that plaintiff Jacob P. Schneider do recover from the defendant James Daugherty the sum of two hundred and sixty six dollars and thirty five cents as his principal debt and interest to date, to draw interest at the rate of eight per cent per annum from this date and all costs of suit. — And it appearing also to the court, that the note sued on was given as a part of the purchase money for the following tract or parcel of land situated in Travis County Texas and conveyed by deed from John K. Mc Knight and his wife Elizabeth L. Mc Knight to defendant James Daugherty bearing date February 8th 1876 to wit: "One tract of land on the South end of survey No 65 "made for William O'Connell, situated in Travis County, Tex- "as, and bounded as follows: Beginning at the S. W. corner of 65 "from which a Black Jack marked 4 bears N. 40 E. 12 vrs, a dito mar- "ked 4 bears West 15 varas; Thence N. 30 E. to S. Jones S. W. corner, "Thence East with S. Jones' South line to his South East corner, "Thence South with the meanders of the branch to H. Buntons "north East corner — Thence West with H. Buntons. North line "to his N. W. corner — Thence South with H. Buntons West line "to his S. W. corner — Thence West with the North line of Survey "No 7 to the place of beginning, containing 130 acres of land "more or less"; and it also appearing that said plaintiff has "the venders lien on said tract of land to secure the payment of the note sued on and the amount herein adjudged to the

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said plaintiff: It is therefore further ordered adjudged and decreed by the Court, that said lien be foreclosed, and that an order of sale do issue to the Sheriff of Travis County requiring him to sell said tract of land as under execution and that out of the proceeds of said sale the costs of this suit be first paid and that the balance be applied to the payment of the amount herein adjudged to said plaintiff and that any balance remaining in the hands of said Sheriff after the payment of this judgment and costs, shall be paid over to said defendant James Daugherty; and in case said land at said sale shall not bring enough to satisfy this judgment and the costs, execution shall issue for such unsatisfied balance.

5020 J. L. Love vs. Amelia G. Love. It is ordered that Geo F. Pendexter be appointed to represent the absent defendant and cause continued.

5023 F. C. Arnold vs. L. T. Arnold. It is ordered that R H Ward be appointed to represent the absent defendant.

5026. James H. Wade vs. John C. Duval. Continued for service.

5031 Minnie F. Brunson vs. Henry Brunson et als. It was ordered by the Court that Thos D. Sneed be & he is hereby appointed guardian ad litem for the minor defendants in this cause, to wit: Henry Brunson, Willie Brunson, George Brunson & Genella Brunson, and it was further ordered that said guardian enter into bond & security for the faithful performance of his duties as such guardian in the amount of $100.00 One hundred dollars.

5036 G. Crow vs. C. R. Jones et al. Upon motion of Defts Attys it is ordered that defendants have leave to amend.

5039 Mattie T. Goodloe vs. S. I. Sneed jr. et als. It was ordered by the court that Robt H. Ward be appointed special guardian for the minor defendants in this cause to wit: Maggie Sneed, Sneed, Sneed, & Mike Sneed.

5043 Leon & H. Blum vs. Haber Bros. This the 19th day of October 1877 came the plaintiffs Leon Blum, H. Blum, and Sylvan Blum by their Attorneys, Wooldridge and Fisher, and the said A. J. Haber and Michael Haber, defendants, having failed to appear and answer in this behalf, but wholly made default, the said Leon Blum, H. Blum, and Sylvan Blum ought to recover of the said A. J. Haber and Michael Haber the damages by occasion of the premises; and it appearing to the court that the cause of action is liquidated and proved by an instrument of writing, it is ordered that the clerk assess the damages sustained by the said plaintiffs, and the clerk

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now here having assessed the damages aforesaid at four hundred and eighty nine 61/100 Dollars; it is therefore considered, ordered and adjudged by the Court that the said plaintiffs do have and recover of the said defendants the sum of five hundred and eighty nine 61/100 dollars, with interest thereon at the rate of twelve per cent per annum together with their costs in this behalf expended and that they have their execution. It is further ordered that execution issue for the use of the officers of court against the respective parties for the costs by them in this behalf incurred.

5046 Adele Steenbock et alvs. Haber Bros. This 19th day of October 1877 came the plaintiffs Adele Steenbock and her husband Nicholas Steenbock by their attorneys Rooldrige and Fisher, and the said A. J. Haber and Michael Haber, defendants, having failed to appear and answer but wholly made default, the said Adele Steenbock and Nicholas Steenbock ought to recover of the said A. J. Haber and Michael Haber their damages occasioned by the premises; and it appearing to the court that the cause of action is liquidated and proved by an instrument of writing, it is ordered that the clerk assess the damages sustained by the plaintiffs; and the clerk now here, having assessed the damages at eight thousand seven hundred and sixty seven 61/100 dollars, it is therefore considered ordered and adjudged by the court, that the said plaintiffs do have and recover of the said defendants said sum of eight thousand seven hundred and sixty seven 61/100 dollars, with interest thereon at the rate of eight per cent per annum together with their costs in this behalf expended and that they have their execution. It is further ordered that execution issue for the use of the officers of court against the parties respectively for the costs by them incurred.

5047 C. F. Millett vs J. H. Fitzhugh. Now on this day the above entitled cause came up for hearing, and it appearing to the court that the defendant J. H. Fitzhugh had waived service of citation and had agreed that judgment be entered against him for the amount due upon the note sued on in this cause, and that the mechanics lien be foreclosed upon Lots Nos three and four (3 & 4) in Block No one hundred and thirty one (131) in the City of Austin Travis County, Texas, on the corner of San Antonio Street and College Avenue in said City, together with all the improvements thereon situated. It is therefore ordered, adjudged and decreed by the Court that the plaintiff C. F. Millett recover of the defendant J. H. Fitzhugh the sum of three hundred and three ($303 00) dollars, principal and interest to date, with interest

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thereon at the rate of one per cent per month and all costs of suit. And it is further ordered adjudged and decreed by the court that the mechanics lien be foreclosed upon the above described property, and that an order of sale issue to the Sheriff of Travis County commanding him to advertise and sell said property as under execution and apply the proceeds thereof to the satisfaction of this decree, and whatever balance may remain thereafter he shall pay over to said defendant. It is further ordered that order of sale be stayed until the first day of March 1878 according to the agreement on file in this case; that if property sell for an insufficient amount, to satisfy the same, then execution issue for any balance that may be due.

And now on this day came into open Court the Grand Jury of Travis County empannelled at the present term of this court, (a quorum of said Grand Jury being present, they) and through their foreman Sam. J. Reed presented to the court the following indictments to wit:

5061 The State of Texas vs. J. M. Simpson. An indictment for theft of a gelding.

5062 The State of Texas vs. J. M. Simpson. An indictment for theft of a gelding.

5063 The State of Texas vs. West Alexander. An indictment for theft of a gelding.

5064 The State of Texas vs. Ike Hampton. An indictment for theft of a horse.

5065 The State of Texas vs F. M. Langston. An indictment for theft of various articles of a value over $20.00

5066 The State of Texas vs. Ben Musgrove alias Ben Sanders. An indictment of articles of value over $20.00

5067 The State of Texas vs. Albert Wade and Wade Forster. An indictment for theft of various articles of value over $20.00

5068 The State of Texas vs Wade Forster and Albert Wade. An indictment for burglary.

5069 The State of Texas vs. Preston Russell, Lewis Russell and L. A. Russell. An indictment for assault with the intent to kill and murder.

5070 The State of Texas vs. Dick Phillips. An indictment for swindling.

5071 The State of Texas vs. Dick Phillips. An indictment for swindling.

5072 The State of Texas vs. Alfred Scott. An indictment for assault with intent to kill & murder.

5073 The State of Texas vs. Jack Romines and C. C. Nairn alias Sam Nairn. An indictment for theft of a cow.

5074 The State of Texas vs. Peter Johnson An indictment for theft of money over $20.00

5075 The State of Texas vs: An indict-

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ment for theft of rings of value $ 650 cts.

5076 The State of Texas vs. Primus Johnson & Charlie Moore —— An indictment for assault with intent to kill and murder.

5077 The State of Texas vs. John H. Conner ——— . An indictment for assault with intent to kill and murder.

5078 The State of Texas vs William Hill. —. An indictment for assault with intent to kill & murder.

5079 The State of Texas vs. William Hale & Isaac Hale ——— . An indictment for assault with intent to kill & murder.

5080 The State of Texas vs. Charlie Rock . An indictment for embezzlement.

5081 The State of Texas vs. Jeff Gregg . An indictment for burglary.

5082 The State of Texas vs . An indictment for murder.

And thereupon Court adjourned until Monday the 22nd inst. 9 A. M.

October 22nd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

2955 Abby Thompson Admx et al. vs. A. H. Barnes & W. Merrill. Continued by agt.

2957 Abby Thompson Admx et al. vs. R. A. Rutherford. Continued by agreement.

2958 Abby Thompson Admx et al. vs. Geo. Saunders Continued by agreement.

2960 Abby Thompson Admx et al vs. T. L. Raven. Continued by agreement.

And Court adjourned until to morrow morning 9 o'clock

October 23rd 1877

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4499 Geo. B. Zimpelman et als. vs. W. B. Frazer. It was ordered by the Court that this cause be dismissed for want of parties and for want of prosecution.

4500 Geo. B. Zimpelman et als vs. John Ross. It was ordered by the Court that this cause be dismissed for want of parties and for want of prosecution.

4501 Geo B. Zimpelman et al. vs. William Ross. It was ordered by the court that this cause be dismissed for want of parties and for want of prosecution.

4502 Geo. B. Zimpelman et al. vs. E. V. Jones. It was ordered by the court that this cause be dismissed for want of parties and for want of prosecution.

4503 Geo B. Zimpelman et als. vs. Mary & Fred Sassman. It was ordered by the court that this cause be dismissed for

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want of parties and for want of prosecution.

4504 Geo B. Zimpelman et als. vs. Thos Robb et als. It was ordered by the court that this cause be dismissed for want of parties and for want of prosecution.

4563 J. Sheehan vs. O. M. Jackson. Upon motion it is ordered that A. H. Gatlin et als have leave to intervene in this cause.

4598 B. M. Davis vs. Cardwell & Walker. It was ordered by the Court that this cause be dismissed for want of prosecution.

4599 B. M. Davis vs. T. B. Wheeler & Ed Creary. It was ordered by the Court that this suit be dismissed for want of prosecution.

4720 Helena Bernhard et als vs. Andrew J. Glasscock et als. Upon motion it was ordered by the Court that R. J. Hill Esq. be appointed special guardian for the minor plaintiffs to wit; Willie Hofford & Lewis Hofford and John B. & Ella Johns and that said guardian give bond for the faithful discharge of his duties as such guardian in the sum of $50.00 fifty dollars.

5040 Finis E. Foster vs. f. b. & Mary N. Foster. Now comes the plaintiff in the above entitled cause by his attorney and the defendants by their guardian ad litem and ask for a decree ordering the partition of the property as prayed for in Plff's petition, and for the appointment of commissioners to partition the same. It is therefore ordered and adjudged by the Court that the property set forth in said petition be partitioned between the plaintiff and defendants as prayed for in Plffs petition and that W. M. Saunders, R. M. Castleman and Leander Brown be and they are hereby appointed commissioners to make partition of said property and report as early as practicable. Thereupon Court adjourned till to morrow morning 9 a.m. October 24th 1877. Court met according to adjournment.

Grand jury. And now on this day came into open court the Grand Jury of Travis County empannelled at the present term of this court and through their foreman Sam J. Redd presented to the court the following indictment to wit:

5083 The State of Texas vs. Garcia, Rios, & Gartbia. An indictment for theft of a gelding.

5084 The State of Texas vs. Garcia, Rios, Gartbia. An indictment for theft of a gelding.

5085 The State of Texas vs Garcia, Rios, & Gartbia. An indictment for theft of a gelding.

5086 The State of Texas. vs. Garcia, Rios, & Gartbia, An indictment for theft of a gelding.

5087 The State of Texas vs. Garcia, Rios, Gartbia, An indictment for

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theft of a gelding.

5088 The State of Texas vs. Garcia, Rios, & Gartbia. An indictment for theft of a gelding.

5089 The State of Texas. vs. Saunders Griffin. An indictment for theft of a mule.

5090 The State of Texas vs Saunders Griffin. An indictment for theft of a buggy of value $75.00.

5091 The State of Texas vs. Ben Musgrove. An indictment for theft of 10 hens of value $30.00.

5092 The State of Texas vs. Nicholas Saunsbury. An indictment for theft of money over $20.00

5093 The State of Texas vs Williams, Isaac, & D. W. Pate. An indictment for assault with intent to kill & murder.

5094 The State of Texas vs. J. M. Morphis. An indictment for assault to kill & murder.

5095 The State of Texas vs. Thomas M. Childers. An indictment for swindling.

5096 The State of Texas vs. Thomas Huddleston. An indictment for theft of a receipt value $300.00

5097 The State of Texas vs. J. B. Sparks. An indictment for aggravated assault.

And said Grand Jury suggesting that there is further busines before them they were ordered to retire upon the discharge of the same.

5148 James D. Dorsey vs Thomas Young & Smith Harrison. On this 19th day of October 1877 came the plaintiff by his attorney and the said Defendants having failed to appear and answer in this behalf but wholly made default, wherefore the said Jas. D. Dorsey ought to recover against the said Thos. Young & Smith Harrison, the land described in the plaintiffs petition and his damages by occasion of the premises, and it appearing to the court that the cause of action is unliquidated & no jury having been demanded it is ordered by the court that the damages sustained by the plaintiff be assessed by the court.

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M. C. Hamilton vs. Geo. W. Glasscock et als. On this the 23rd day of October A.D. 1877 the above entitled and numbered cause being called for trial the plaintiff and defendants by their attorneys announced ready for trial, whereupon came a jury of twelve good and lawful men of Travis County viz M. C. Nickols and eleven others who having been duly impannelled and sworn and

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having heard the pleadings read and the evidence submitted by the parties respectively and the charges of the court, retired to consider of their verdict, and came in and returned into Court the following verdict to wit: "We the jury find for plaintiff the sum of $1293 50 with interest at the rate of 8 per cent from the day of payment to present date amounting to $258 84 total $1552 34 M. C. Nichols Foreman." And thereupon it is considered ordered adjudged and decreed by the court that the plaintiff M. C. Hamilton do have and recover of and from the defendants Geo. W. Glasscock, Albert S. Glasscock, Elizabeth J. Tolbert, Andrew J. Glasscock, Annie E. Allen and Sarah J. Hall or either of them the sum of One thousand five hundred and fifty two dollars ($1552 34) and thirty four cents, together with (8%) Eight per centum interest per annum thereon until paid and all costs of this suit to be taxed, for all of which execution may issue in favor of said plaintiff and the officers of Court respectively.

And thereupon Court adjourned till to morrow morning 9 oclock

October 25th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4766 John D. Wende vs. August Heilman et al. Upon motion upon Peffs Atty it is ordered that pleintiff have leave to amend.

4923 Zimpelman & Shelley vs. Int. & Great. Nath. R R. Co. Upon motion it is ordered that Deft have leave to amend.

4926 Rust & Dinkins vs. H. & T. C. R. R. Co. Upon motion it is ordered that Deft. have leave to amend.

4936 M. A. Morris vs. M. R. Scudder et als. Upon motion it is ordered that J. F. Minter & A. G. McKinney have leave to intervene in this case.

5015 B. J. Collins vs. Chandler Carlton & Robertson. Upon motion it is ordered that pleintiff have leave to amend.

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

October 26th

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4731 Amanda J. Wynne et als. vs. Louis Felton et als. Upon motion it is ordered that defendant Louis Felton have leave to amend.

4923 Zimpelman & Shelley vs. The Int. & Gr. N. R R Co. Upon motion it is ordered that Peff have leave to amend.

Grand Jury And now on this day came the Grand Jury of Travis County.

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empannelled at the present term, into open Court and presented to the Court the following indictments to wit:

5098 The State of Texas vs. Albert Daybridge & W.B. Barrager — an indictment for Theft of articles of value $ 186.00

5099 The State of Texas vs Robert R. Johns An indictment for Swindling.

5100 The State of Texas vs. W. A. Craft An indictment for Embezzlement.

5101 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5102 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5103 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5104 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5105 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5106 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5107 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5108 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5109 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5110 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5111 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5112 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5113 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5114 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5115 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5116 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

5117 The State of Texas vs. Gus Loraine An indictment for exibiting a gaming bank.

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5118	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5119.	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5120.	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5121.	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5122	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5123	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5124	The State of Texas vs. exibiting a gaming bank.	Gus Loraine	An indictment for
5125	The State of Texas vs. iting a gaming bank.	Gus Loraine	An indictment for exi
5126	The State of Texas vs exibiting a monte bank.	Paul Lewis	An indictment for
5127	The State of Texas vs. iting a gaming bank.	Paul Lewis	An indictment for exi
5128	The State of Texas vs. iting a gaming bank.	Paul Lewis	An indictment for exi
5129.	The State of Texas vs. iting a gaming bank.	Ben Thompson	An indictment for exi
5130	The State of Texas vs. exibiting a gaming bank.	Ben Thompson	An indictment for
5131	The State of Texas vs iting a gaming bank.	Tom Bowles	An indictment for exi
5132	The State of Texas vs. iting a gaming bank.	Tom Bowles	An indictment for exi
5133	The State of Texas vs. exibiting a monte bank.	B. Bullmore	An indictment for
5134.	The State of Texas vs. iting a gaming bank	B. Bullmore	An indictment for exi
5135	The State of Texas vs exibiting a gaming bank.	B Bullmore	An indictment for
5136	The State of Texas vs. exibiting a gaming bank	Ambrose Steele	An indictment for
5137	The State of Texas vs. exibiting a gaming bank	Ambrose Steele	An indictment for

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5138	The State of Texas vs. Ambrose Steele exibiting a gaming bank.	An indictment for
5139	The State of Texas vs. Billy Simms exibiting a monte bank.	An indictment for
5140	The State of Texas vs. Billy Simms exibiting a gaming bank.	An indictment for
5141	The State of Texas vs. Billy Simms exibiting a gaming bank.	An indictment for
5142	The State of Texas vs. Tom Dorn at faro.	An indictment for betting
5143	The State of Texas vs. Tom Dorn betting at faro	An indictment for
5144	The State of Texas vs. Dem Ryan betting a faro.	An indictment for
5145	The State of Texas vs. Dem Ryan betting at monte.	An indictment for
5146	The State of Texas vs. Frank Cotton betting at faro.	An indictment for
5147	The State of Texas vs. Frank Cotton betting at faro.	An indictment for
5148	The State of Texas vs. Buck Warren betting at faro	An indictment for
5149	The State of Texas vs. Buck Warren betting at faro.	An indictment for
5150	The State of Texas vs. Bill Johnson betting at faro	An indictment for
5151	The State of Texas vs. Bill Johnson betting at faro.	An indictment for
5152	The State of Texas vs. Ike Johnson betting at faro.	An indictment for
5153	The State of Texas vs Ike Johnson betting at faro.	An indictment for
5154	The State of Texas vs. James Moore betting at faro.	An indictment for
5155	The State of Texas vs. James Moore betting at faro	An indictment for
5156	The State of Texas vs Wm Brush betting at faro.	An indictment for
5157	The State of Texas vs. J. Monroe Swisher for betting at faro.	An indictment

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5153	The State of Texas vs. Bill Whiltree	An indictment for betting at faro
5159	The State of Texas vs. C. P. Phillips	An indictment for betting at faro.
5160	The State of Texas. vs. A. P. Roberts	An indictment for betting at faro.
5161	The State of Texas. vs. John McLaughlin	An indictment for betting at faro.
5162	The State of Texas vs. James Whitehead	An indictment for betting at faro.
5163	The State of Texas vs. Geo Evans	An indictment for betting at monte.
5164	The State of Texas vs John Devine	An indictment for betting at monte.
5165	The State of Texas vs. Geo Ferris	An indictment for betting at monte.
5166	The State of Texas vs. Moses Swisher	An indictment for betting at monte.
5167	The State of Texas vs Babe Hankins	An indictment for betting at monte.
5168	The State of Texas vs. Aleck Dickerson	An indictment for betting at monte
5169	The State of Texas vs. Jack Smith	An indictment for betting at monte.
5170	The State of Texas vs W. A. Caldwell	An indictment for betting at monte.
5171	The State of Texas vs. L. C. Edwards	An indictment for betting at monte
5172	The State of Texas vs. Chip Burlage	An indictment for betting at monte.

And thereupon said Grand Jury suggesting that there is further business pending before them they were ordered to retire upon the discharge of the same.

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

October 27th

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

Carl Mayer ex parte — Declaration to become a citizen. ------

The State of Texas. County of Travis. Carl Mayer being

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duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A.D. 1847 in the empire of Germany, whence he emigrated, in the year 1871 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 State of Texas, and renounces forever all alligiance and fidelity to every foreign prince, potentate, state or sovereignty whatsoever, and particularly to William the emperer of Germany of whom he was a subject. Sworn to and subscribed before me this 27th day of October A.D. 1877. J. Fallwell. Clerk.

Grand jury — This day came into open court the Grand Jury of Travis County empannelled at the present term of this court, and presented to the Court the following indictments to wit:

5173 — The State of Texas vs. C. A. Stevens alias F. M. Mercer. An Indictment for forgery.

5174 — The State of Texas vs. James R. Ham alias J. W. Hall. An indictment for forgery.

5175 — The State of Texas vs. James R. Ham. An indictment for forgery.

5176 — The State of Texas vs James Mc Cullough and William Mc Cullough. An indictment for forgery.

5177 — The State of Texas vs. Thomas C. Tullis. An indictment for uttering and using forged instrument in writing.

5178 — The State of Texas vs. An indictment for theft of a gelding.

5179 — The State of Texas vs. Lewis Mc Donald. An indictment for receiving a stolen mule.

5180 — The State of Texas vs. An indictment for threats to injure.

5181 — The State of Texas vs. W. G. Brooking — An indictment for purchasing a cow without getting a bill of sale.

And thereupon said Grand Jury suggesting that there is further business pending before them, they were ordered to retire upon the discharge of the same.

4957 — Wilson Green vs. Robert B. Renick & Nemesa Renick

Exec. dock No 5 page 32 — This day came the plaintiff by his attorney and claimed a judgment by default; and it appearing to the Court that the defendants Robert B. Renick and Nemesa Renick had been duly cited by personal service to appear before this court and answer

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in this behalf, but that they had not answered but wholly made default and it further appearing that the cause of actoin is liquidated, It is therefore considered ordered and adjudged that the plaintiff recover his damages by occasion of the premises, and that the clerk of this Court assess the damages sustained by the plaintiff; and the clerk now here having assessed the damages at ($3380.00) three thousand three hundred and eighty Currency dollars, It is thereupon ordered adjudged and decreed by the Court that the plaintiff Wilson Green do have and recover of and from the defendants Robert B. Renick and Armera Renick the sum of ($3380.00) three thousand three hundred and eighty & 00/100 currency dollars with interest thereon from date until paid at the rate of (12) twelve per cent per annum. And it further appearing that the note sued on was given as a part of the purchase money of the following tract of land to wit: Situated in Travis County, Texas &. Beginning at the N. E. corner of the montropolis Town tract, Thence S. 60 E. 417 varas to a stake from which a Post Oak marked x bears S. 82° 15' W 5 varas. & a Blackjack marked x S. 40 E. 6/10 varas, Thence S 30° W 1306 varas to a stake from which a gumlastic marked x bears S 31 W 30 varas, and an Elm marked x bears N 83 W 26 4/5 varas, Thence N. 60° W 41.7 varas to a stake from which a gumblastic marked x bears N. 89° 15' E. 51/100 varas dist and a Pecan marked x bears N 17 W 32 4/5 varas, Thence N. 30 E 1306 varas to the place of beginning. And it further appearing to the court that the plaintiff holds the venders lien on the above described tract of land, it is ordered by the Court that said venders lien be and the same is hereby foreclosed, and that an order of sale do issue to the Sheriff of Travis county, requiring him to sell said tract of land as under execution, and that out of the proceeds of said sale the costs of this suit be first paid, and that the balance be applied to the amount herein adjudged to said plaintiff and that any balance remaining in the hands of said Sheriff after the payment of said costs & judgment, shall be paid over to said defendants; and in case said land shall not sell for enough to satisfy said judgment & costs, then execution shall issue for such unpaid balance against said defendant Robert B. Renick

4720 Helena Bernhard et als vs. Andrew J. Glasscock et als. This day came the parties by their Attorneys and announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, duly elected, tried, empannelled and sworn, who after hearing

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the pleadings, evidence, argument of counsel and the charge of the Court, retired to consider of their verdict, and after due consideration returned into open Court and stated that they were unable to agree upon a verdict. It was thereupon ordered by the court, that said jury be discharged, that a mistrial be entered herein, and that this cause be continued until the next term of this court.

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

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

5040 Finis E. Foster vs. J. B. & Mary N. Foster. Be it remembered that on this day came on to be heard the report of R. M. Castleman, W. M. Saunders & L. Brown commissioners appointed in this cause to partition and divide the property described in Pff's petition to wit Lots Nos 7 & 8 in Block No One hundred and twenty in the City of Austin Travis County, Texas, between the plaintiff and defendants, which report is as follows: The State of Texas, County of Travis & To the Hon. E. B. Turner Judge of the 16th Judicial District of the State of Texas. We the undersigned commissioners appointed by your Honor to make partition of Lots (Nos 7 & 8) seven and eight in Block No (120) One hundred and twenty between F. E. Foster and his two children J. B. and Mary N. Foster beg leave to report as follows to wit To F. E. Foster we allot and set apart Lot No 8 in Block No 120 valued at $1200 00. To J. B. and Mary N. Foster we allot and set apart Lot No 7 in said Block No 120 valued at $1200 00. Leander Brown, R. M. Castleman, Wm M. Saunders. Subscribed & sworn to before me Oct 23 1877 Witness my hand & seal D. H. Cullen. Not. Pub. Travis Co Tex. — And Pltiff by attorney and Defendants by their guardian at litem consenting to said report in open Court. It is therefore ordered adjudged and decreed by the Court that said report is hereby approved and confirmed and that all title interest and claim of Finis E. Foster in to said Lot No (7) seven be divested out of said Finis E. Foster and vested in J. B. & Mary N. Foster and that all title, claim & interest of J. B. & Mary N. Foster Defendants in and to said Lot No 8 be divested out of them and vested in said Finis E. Foster the plaintiff and that a fee of ($20 00) twenty dollars be allowed D. H. Cullen Guardian at litem for his services for the defendants who are minors and that all costs be paid by Finis E.

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Foster the plaintiff for which execution may issue.

4763 D. L. Compton vs. The heirs of Henry Reinhart. Upon motion it is ordered that Defendants have leave to amend.

4785 Forster, Ludlow & Co vs. D. L. Gress. Upon motion it is ordered that Plaintiff have leave to amend.

4794 John B. Rector vs. Denmark Walton. Upon motion it is ordered that Plaintiff have leave to amend.

4947 Watkins V. Mays & Mary F. Mays vs. George W. G. Brown. Whereas it appears that final judgment was rendered in above recited cause at the last April Term of this Court, said judgment having been entered on the 24th day of April 1877 and recorded on pages 291 & 292 Book "M" records of this Court; and whereas in said judgment the day for making sale of the property in said judgment mentioned was fixed for the 29th day of September 1877, that not being the legal sale day under the law, — and whereas said sale was never made under said judgment; Therefore, all parties to this action consenting thereto, it is considered, ordered adjudged and decreed by the Court, that the said property, in said judgment described, be sold by the Sheriff of Travis County, Texas, in all respects conforming to the terms of said judgment, except as herein before and hereinafter stated, said Sheriff first giving notice of said sale at least twenty days prior thereto, said sale to be so made by said Sheriff on Tuesday, the 4th day of December 1877, that being the first Tuesday of said month and the legal day for making such sales. The said Sheriff being hereby fully empowered to execute and deliver a good and sufficient deed to the purchaser or purchasers of the property in said judgment described, and further ordered that the plaintiffs herein shall recover the amount in said judgment mentioned, together with ten per cent interest per annum from the said 24th day of April 1877, to the said 4th day of December 1877- the entire amount in principal & interest, aggregating on said 4th day of December 1877, the sum of Seven hundred and fifty seven & 53/100 dollars - together with all costs that have accrued or may accrue herein.

Exc. dock 5 page 22.

34

4445 The State of Texas vs. Eb. Stewart & Gilbert Stewart. It is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution.

35

4446 The State of Texas vs. Eb Stewart & Gilbert Stewart. This day came the State by her Attorney and came also the defendant Eb Stewart in person and by attorney and both sides announced

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ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County to wit F. Everett foreman and eleven others, who after hearing the indictment, the defendants plea of not guilty, and the charge of the Court, returned from their seats the following indictment to wit: "We the jury find the defendant not guilty. Oct 30/77 F. Everett. Act. Foreman." It is thereupon ordered adjudged and decreed by the Court, that the said verdict be approved and that the said defendant Eb Stewart go hence fully acquitted from this accusation.

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

October 30th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

3447 The State of Texas vs Eb. Stewart & Gilbert Stewart. This day came the State by her Attorney and came also the defendant Eb Stewart in person and by Attorney, and both parties announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County duly elected, tried impannelled and sworn, and returned from their seats, after hearing the indictment, the defendants plea of not guilty & the charge of the Court, the following verdict to wit: "We the jury find the defendant not guilty. Oct 30/77. F. Everett foreman." Whereupon it was ordered by the Court that the defendant Eb Stewart go hence discharged and fully acquitted from this accusation.

3448. The State of Texas. vs. Eb Stewart & Gilbert Stewart. This day came the State by her Attorney and came also the defendant in person and by Attorney and both parties announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, duly tried, elected, empannelled and sworn and — after hearing the indictment, the defendants plea of not guilty & the charge of the Court — returned from their seats the following verdict, to wit: "We the jury find the defendant Eb. Stewart not guilty. Oct 30/1877. F. Everett Foreman". Whereupon it was ordered & adjudged by the Court that the said verdict be approved and that the defendant Eb Stewart go hence discharged and fully acquitted from this accusation.

3556 The State of Texas vs. Powell & Gatlin. Upon the written statement of the County Attorney that their is no evidence against the defendant Gatlin, it is ordered by the Court that this

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cause be dismissed as to Gattin and continued as to Powell, and that alias capias issue for said Powell.

3830 The State of Texas vs. Joe Fowler. This day came the State by her attorney and came also the defendant Joe Fowler in person and by attorney and both parties announced ready for trial, and the defendant entered a plea of guilty of aggravated assault, which plea being accepted by the States attorney, was submitted to a jury of twelve good and lawful men of Travis County, duly elected empannelled and sworn, who after being by the Court duly charged returned into open Court the following verdict to wit: "We the jury find the defendant Joe Fowler guilty of an aggravated assault and assess a fine of Two hundred dollars. Oct 30/77 F. Everett Foreman." Whereupon it was ordered, adjudged and decreed by the Court that the said verdict be approved and that the State of Texas do have and recover of and from the defendant Joe Fowler the sum of ($200.00) two hundred dollars as a fine and all the costs of this proceeding, and it was further ordered that the said defendant Joe Fowler stand committed to the County jail of Travis County until said fine and costs are paid.

3867 The State of Texas vs. George Crawford. Continued for service.

4026 The State of Texas vs. John Bennett. It was ordered by the Court that this cause be set for trial on the fifth Monday of this term. to wit the 13th inst. that a special venire of forty jurors be drawn by the clerk of this court.

4040 The State of Texas vs. Jack Ramsner. Continued by the defendant.

4154 The State of Texas vs. Charles Canman. It was ordered by the Court that a special venire of forty men be drawn by the clerk for the trial of this court and that this cause be set for trial on the 13th day of November 1877.

4244 The State of Texas vs. Manley Turner. Continued by the State.

4245 The State of Texas vs. Manley Turner. Continued by the State.

4246 The State of Texas vs. G. M. Turner. Continued by the State.

4247 The State of Texas vs. G. M. Turner. Continued by the State.

4248 The State of Texas vs G. M. Turner. Continued by the defendant.

4348 The State of Texas vs. George Jones. It was ordered by the court that the indictment in this cause be quashed, and that the defendant be held in custody to await the action of the Grand Jury now in session.

4403 The State of Texas vs. John Webb & Morgan Hamilton. Continued for service as Webb.

4404 The State of Texas vs. James West. It was ordered by the court

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that a special venire for forty men be drawn by the clerk of this court, and that this cause be set for trial on the 14th day of November 1877.

4543 The State of Texas vs. E. Hicks. Continued by State.

4731 A. J. Wynne et al vs Louis Felton et al. And now on this 26th day of October 1877, come the plaintiffs Amanda J Wynne, Sarah J Wynne, Mary E Horton and her husband Gustavus Horton, Amand J Brower, Mary J Bachelder and Lucien G Bachelder, but the plaintiffs Sidney G Brower and Robert N. Wynne, came not, and the said Amand J Wynne, Sarah J Wynne Mary E Horton and her husband Gustavus Horton, Amanda J Brower Mary J Bachelder and Lucien G Bachelder now give the Court here to understand and be informed, that since the institution of this suit, and before this day the said Sidney G Brower and Robert N Wynne have died, and the other said plaintiffs survived them, which the defendants do not deny but admit the same to be true, It is therefore ordered that no further proceedings be had at the suit of the said Sidney G Brower and Robert N Wynne but that the suit be continued in the names of the other plaintiffs, surviving

4731 & A. J. Wynne et al vs Louis Felton et al. On this the 30th day of October 1877, came the parties by their attorneys, and announced ready for trial and thereupon came a Jury of good and lawful men, to wit, E. R. Crockett and eleven others, who being duly empanelled, and after hearing the pleadings, evidence of counsel and the charge of the Court, retired to deliberate and who, after deliberation returned into Court their verdict as follows

We the Jury find in favor of plaintiffs.

1st We find Nicholas Felton in individual possession of lots 10 and 11 in block No 112 from the date of his occupancy up to the 2nd of May 1874, and that he paid no taxes upon the same, and that therefore defendants cannot claim title under the Statute of limitation of five years.

2nd We find defendants purchased in good faith, and are entitled to the value of their improvements

3rd We find the value of lots No 10 and ~~11 in~~ block 112 to be ($2,000 cc) two thousand dollars, divided as follows, the east half of lot 10, value ($5000 cc, the West half of lot 10 and East half of lot 11, $1000 cc;

4th We find the value of the improvements on the East half of lot 10 to be ($400 cc) four hundred dollars.

5th We find the value of improvements on the West half of lot 10, and on the East half of lot 11 to be ($2000 cc) two thousand dollars.

6th We find the value of improvements on the west half of lot 11. to be ($500 cc) fifteen hundred dollars. (Signed) E. R. Crockett, Foreman

It is therefore considered by the Court that the Plaintiffs do have and

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recover of and from the defendants, the premises described in plaintiffs petition, viz, Lot Numbers ten (10) and eleven (11) in Block No. One hundred and twelve (112) in the City of Austin, in the County of Travis, according to the map of said City on file in the general land office of the State of Texas. But the Jury having found that the defendants purchased in good faith and are entitled to pay for the Value of their improvements it is further ordered by the Court that upon the payment by the plaintiffs or their legal representatives, within one year from and after the date of the rendition of this Judgment to the Clerk of this Court, for the defendants, the sum of three thousand nine hundred dollars ($3900 cc) the value of said improvements as assessed by the Jury, then the said plaintiffs shall have their writ of possession. But if said plaintiffs or their legal representatives, shall neglect for the term of one year from and after the date of the rendition of this Judgment to pay said sum of money as aforesaid, and the said defendants or their legal representatives, shall within six months after the expiration of said year, pay to the Clerk of this Court for said plaintiffs, the sum of two thousand ($2000 cc) the value of said lots without improvements as assessed by the Jury, then said plaintiffs shall be forever barred of their writ of possession, and from ever having or maintaining any action whatever against the said defendants, their heirs or assigns for said lots of land. But if the said defendants or their legal representatives, shall not, within the said six months, pay to said Clerk, said sum of two thousand dollars, the value of said lots as assessed by the Jury, for said plaintiffs as aforesaid, then the said plaintiffs or their legal representatives, shall have their writ of possession, without paying the said Clerk said sum of money, the value of said improvements as aforesaid and on the expiration of said six months, on the failure of defendants to so pay, writs of possession shall issue against the defendants, their agents, servants, lessees and any purchaser of said property since the institution of this suit, March 21st A.D 1876.
It is further ordered by the Court that the plaintiffs recover of the defendants all costs in this behalf expended and incurred, for which they may have their execution. It is further ordered that execution issue for the use of the officers of Court against each party respectively for the costs by them in this behalf incurred.

Grand Jury

And now on this day came into open court the Grand Jury of Travis County empannelled at the present term of this Court and presented to the Court the following indictment to wit:

5182

The State of Texas vs. George Jones. An indictment for assault with intent to kill and murder. — And said Grand Jury suggesting that there is further business before them, they were ordered

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to retire upon the discharge of the same.

4696 The State of Texas vs. Charles Monroe Sawyer. It was ordered by the Court that a special venire be drawn by the clerk of this court, returnable Novbr 13th 1877, of 40 jurors, and that this cause be set for trial for the 15th of Novbr 1877.

4718 The State of Texas vs. Charles Wilson. It was ordered by the Court that a special venire of 60 men be drawn by the clerk of this court for the trial of this cause, returnable Novbr 14th, and that this cause be set for trial for the 16th of November 1877.

4721 The State of Texas vs. Archie Moore (col) Upon the Statement by the County Attorney that the main witness for the prosecution is now in the penitentiary, and that there is no other sufficient evidence against the defendant, it was ordered by the Court that this cause be dismissed.

4730 The State of Texas vs. Nancy Craven. Upon the Statement by the County Atty that the witnesses for the prosecution have left the County and cannot be found, it was ordered by the Court, that this cause be dismissed.

4742 The State of Texas vs. Sparling Young. Continued by the defendt.

4746 ~ The State of Texas vs. Neal Cain & S. M. Cain & Jim Burditt. Upon the affidavits of the defendants Neal Cain and S. M. Cain this cause is continued as to them, and set for the 2nd Monday in May 1878.

4747 ~ The State of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Upon the affidavits of defendants Neal Cain & S. M. Cain this cause is continued as to them.

4751 The State of Texas vs. Wm Nelson & F. Vetter. Upon the statement of the County Attorney that there is no evidence against the defendant Vetter this cause is dismissed as to him, and continued for service as to defendant Wm Nelson.

4753 The State of Texas vs. Houston Yoakum. Continued by the State.

4755 The State of Texas vs. Joe Simms. This day came the State by her Attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful citizens of Travis County, consisting of Geo. W. Moore and eleven others, duly tried, elected and sworn according to law, who after hearing the indictment, the prisoners plea of not guilty, the evidence, and argument of counsel and the charge of the Court as to the law in this case, retired to consider of their verdict, and after

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due deliberation returned into open court the following verdict to wit: We the jury find the defendant Joe Simms guilty and assess the punishment at three years confinement in the State penitentiary Geo W. Moor Foreman." It was thereupon ordered by the court that said verdict be approved and recorded, and that the said defendant Joe Simms stand committed to the county jail of Travis County to await judgment and sentence.

4765 The State of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Upon the affidavit of Neal Cain & S. M. Cain this cause was continued as to those two defendants.

4766 The State of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Upon the affidavit of Neal Cain & S. M. Cain it was ordered by the court that this cause be continued as to them.

4767 The State of Texas vs. Neal Cain. Continued upon affidavit of the defendant.

4768 The State of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Continued upon the affidavit of Neal Cain & S. M. Cain as to them.

4769 The State of Texas vs Neal Cain, S. M. Cain & Jim Burditt. Continued upon affidavit of Neal Cain & S. M. Cain as to them.

4770 The State of Texas vs. Neal Cain, S. M. Cain & Jim Burditt. Continued upon affidavit of Neal Cain & S. M. Cain as to them.

4771 The State of Texas vs. Johnson Harris Continued for service

4779 The State of Texas vs M. M. Turner. Alias capias ordered to be issued and cause continued.

4830 The State of Texas vs. B. Trigg. Dismissed

4831 The State of Texas vs. B. Trigg Dismissed.

4832 The State of Texas vs. B. Trigg Dismissed

4833 The State of Texas vs. B. Trigg Dismissed.

4834 The State of Texas vs Mariah Hudson. Continued by the State

4835 The State of Texas vs. Mariah Hudson. Continued by the State

5011 The State of Texas vs. W. B. Ochiltree. Continued by agreement.

5067 The State of Texas vs. Albert Wade and Wade Forster. This day came the County Attorney on behalf of the State and came also the defendant Wade Forster in person and by attorney, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of W. R. Goodlee and eleven others, (duly elected, tried, empannelled and sworn according to law) who heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the court, and after retiring to consider of their verdict, returned into open court the following verdict to wit: "We the jury

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find the defendant Wade Forster guilty of theft to the amount of twenty dollars ($20.00) and assess his punishment to two (2) years in the State penitentiary. W. P. Goodlee Foreman." Said verdict was thereupon approved by the Court and ordered to be recorded, and it was further ordered that the defendant Wade Forster stand committed to the County Jail of Travis County to await judgment & sentence.

3670 The State of Texas vs. Geo W. Miller. Continued for service.

3833 The State of Texas vs. Geo W. Miller. Continued for service.

3834 The State of Texas vs. Geo W. Miller. Continued for service.

3837 The State of Texas vs. Geo. W. Miller. Continued for service.

3838 The State of Texas vs Geo W. Miller. Continued for service.

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

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2570 The State of Texas vs. Sam Parris. Continued by State.

4073 The State of Texas vs. Mark Tiner. Alias capias ordered to be issued and cause continued for service.

4237 The State of Texas vs. Joe Burlage. Alias capias ordered to be issued and cause continued for service.

4240 The State of Texas vs Warren Davis. Alias capias ordered to be issued and cause continued for service.

4355 The State of Texas vs. Mack Hart. Alias capias ordered to be issued & cause continued for service.

4549 The State of Texas vs. Charles Cornio alias Corney. Alias capias ordered to be issued & cause continued for trial.

4556 The State of Texas vs. Al Rainey. This day came the State by her Attorney and came also the defendant in person and by his attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Tom Murrah and eleven others, elected tried empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the court, and after retiring to consider of their verdict, returned into open court the following verdict to wit. "We the jury find the defendant Al Rainey not guilty. Tom Murrah Foreman." Said verdict was thereupon approved by the court and ordered to be recorded, and it was further ordered by the court, that the said defendant Al Rainey go hence discharged and fully acquitted of this accusation.

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4557 The State of Texas vs. Martin Parris. It appearing that the defendant is dead, it was ordered by the Court that this cause be dismissed from the docket.

5092 The State of Texas vs. Nicholas Saunsbury. This day came the State by her Attorney and came also the defendant Nicholas Saunsbury in person and by attorney, and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of W. Earnest and eleven others, duly elected, tried, empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the Court, and after retiring to consider of their verdict, returned into open court the following verdict to wit: "Oct 31st We the jury find the defendant Nicholas Saunsburg guilty of the theft of property of greater value than twenty dollars as charged in the indictment and assess his punishment at three years confinement in the penitentiary. Wm Earnest Foreman" Said indictment was thereupon approved by the court and ordered to be recorded, and it was further ordered that the defendant Nicholas Saunsbury stand committed to the County Jail of Travis County to await final judgment & sentence.

5182 The State of Texas vs. George Jones. Continued by the defendant.

And thereupon Court adjourned till 9 oclock to-morrow morning

November 1st 1877.

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit:

5014 The State of Texas vs. H. C. Yarwood alias George Yerwood. Upon the statement of the County Attorney that the main witness for the prosecution has left the State and that there is no other sufficient evidence against the defendant, it was ordered by the Court that this cause be dismissed.

5018 The State of Texas vs. B. L. Wright Continued for service.

5024 The State of Texas vs. Billy Warren Continued for service

5041 The State of Texas vs. Barney Fowler and Robt Dixon. Alias capias ordered to be issued and cause continued.

5044 The State of Texas vs. Sanders Griffin and Henry Wright. Continued for service on defendant Wright.

5047 The State of Texas vs. Dan James. Indictment quashed.

5049 The State of Texas vs. George Yerwood and Dan James. Upon

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the statement by the County Attorney that the main witness for the prosecution has left the State and that there is no other sufficient testimony against the defendants, it was ordered by the Court that this cause be dismissed

5060 The State of Texas vs. Thos Patton and C D. Wright. Continued by agreement as to Patton and for service as to Wright.

5061 The State of Texas vs. J. M. Simpson. Continued by the State.

5062 The State of Texas vs. J. M. Simpson. This day came the State by her Attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Charles P. Deffenbaugh, Foreman, and eleven others, duly elected, tried, empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel, and the charge of the Court, and - after retiring of their verdict returned into open court the following verdict to wit: "We the jury find the defendant J. M. Simpson not guilty. Charles P. Deffenbaugh Foreman." Said verdict was thereupon approved and ordered to be recorded, and it was further ordered that the said defendant go hence discharged and fully acquitted of this accusation.

5071 The State of Texas vs. Dick Phillips. This day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County to wit: J. D. Thomas, Foreman, and eleven others, duly elected, tried, empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the Court, and - after retiring to consider of their verdict, returned into open court the following verdict to wit: "We the jury find the defendant Dick Phillips guilty of swindling, and fix the punishment by confinement in the State penitentiary for the term of two years. J. D. Thomas. Foreman." Said verdict was thereupon approved by the Court and ordered to be recorded, and it was further ordered that the defendant Dick Phillips stand committed to the County Jail of Travis County to await judgment and sentence.

5074 The State of Texas vs. Peter Johnson. This day came the County

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Attorney on behalf of the State and came also the defendant Peter Johnson in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of F. Everett, foreman, and eleven others, duly elected, tried empannelled and sworn according to law, who heard the evidence, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the Court, and, after retiring to consider of their verdict, returned into open court the following indictment to wit: "We the jury find the defendant Peter Johnson guilty and assess his punishment at two years in Penitentiary. F. Everett. Foreman." Said verdict was thereupon approved by the Court and ordered to be recorded, and it was further ordered by the Court that the said defendant Peter Johnson be committed to the County Jail of Travis County to await judgment and sentence.

And thereupon Court adjourned till to morrow 9 o'clock A.M.

November 2nd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

5048 James D Doxey vs Thos Young and Smith Harrison.

Writ of possession issued. Ex. Book No 5 page 23

On this the 2d of November came on to be heard the above entitled cause upon the writ of inquiry, heretofore awarded and a jury not having been demanded, and the plaintiff having waived all damages and the Court now here having assessed the damages at the nominal sum of one dollar, it is therefore, considered by the Court that the Plaintiff do have and recover of the defendants, the lot of land described in plaintiff's petition viz- Lot No twenty Eight (28) of the subdivision of out lot No (8) Eight in Division "D" of the out lots or government tract adjoining the City of Austin, in the County of Travis according to the map of said City on file in the general land office of the State of Texas for which he may have is writ of possession against said defendants, their agents, tenants servants, and all persons who may have purchased or entered upon said premises since the institution of this suit on the 9th day of October A D 1877. It is further considered by the court that said plaintiff do have and recover of and from said defendants the sum of one dollar, nominal damages, together with his costs in this behalf incurred and expended, for which execution may issue. It is further ordered that execution may issue for the use of the officers of court

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against both parties respectively for all costs by them in this behalf expended

4569 The State of Texas vs. Bill Smith. Continued for service.

5061 ~~The State of Texas vs. J. M Simpson. Continued by the State~~ (entered on page 479)

5064 The State of Texas vs The Pampton. Continued by the defendant.

5080 The State of Texas vs. Charlie Koch. Alias capias ordered to be issued for defendant and cause continued.

5091 The State of Texas vs. Ben Musgrove. This day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County to wit; H. C. Withers, foreman and eleven others, duly elected, tried, empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the Court, and, after retiring to consider of their verdict, returned into open court the following verdict to wit: "We the jury find the defendant Ben Musgrove guilty and assess the punishment at (3) three years in the State penitentiary. H. C. Withers foreman". Said verdict was thereupon approved by the Court and ordered to be recorded, and it was further ordered by the Court that the said defendant Ben Musgrove stand committed to the County Jail of Travis County to await judgment & sentence.

5093 The State of Texas vs. William Hale, Isaac Hale, & D. W. Hale. Continued for service.

5096 The State of Texas vs. Thomas Huddleston. Continued by agreement.

5097 The State of Texas vs. J. B. Sparks. It appearing that this court has no jurisdiction to try the above named cause, it is ordered that the same be transferred to the County Court of Travis County and that the clerk of this court do deliver to the clerk of said County Court the indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings made be had therein as may be provided by law.

5098 The State of Texas vs. Albert Daybridge & W. B. Barrager. Continued for service.

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

November 3rd 1877.

Court met according to adjournment - Present same as yesterday. Whereupon

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upon the following proceedings were had to wit:

4473 Morgan C. Hamilton vs. Geo. W. Glasscock et als. This day came the parties to this suit by their Attorneys, and thereupon came on to be heard the defendants motion for a new trial in this cause, which motion after being fully argued by counsel and duly considered by the court, was by the court overruled, to which ruling of the court the defendants by counsel excepted, and gave notice in open court of appeal to the Supreme Court.

5010 The State of Texas vs. Ed Creary. This day came the defendant by his attorney and submitted to the Court his motion to set aside the judgment final by default, heretofore rendered in this cause, which motion after being fully argued by counsel and by the court fully understood, was by the Court overruled.

5002 The State of Texas vs. Adolph Griesinger. Upon a motion of defendant to set aside the judgment by default heretofore rendered in this cause, it was ordered by the court that the said judgment be so modified as to read for one dollar fine & costs of suit.

And thereupon Court adjourned until 9 o'clock to Monday morning.

November 5th 1877.

Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit:

4755 The State of Texas vs. Joe Simms ——. This day came the defendant by his attorney and submitted his motion for a new trial herein to the Court, which motion was after being fully argued by counsel and duly considered by the court, overruled, to which ruling the defendant by counsel excepted, and gave notice in open court of an appeal to the Court of appeals.

5091 The State of Texas vs. Ben Musgrove. This day came the defendant Ben Musgrove by his attorney and submitted his motion for a new trial in this cause to the Court, which motion was, after being fully argued by counsel & considered by the Court, overruled.

Grand Jury Novber. 5th 1877. And now on this day came in to open Court the Grand Grand Jury of Travis County, empannelled at the present term of Court, and a quorum of said Grand Jury being present, they presented to the Court the following indictments to wit:

5184 The State of Texas vs. R. D. Hatch. An indictment for forgery and uttering forged in writing instrument

5185 The State of Texas vs Edward A. Stevens alias A. A. Smith An indictment for forgery and uttering forged instrument in writing

5186 The State of Texas vs. E. A. Stevens alias Mercer. An indictment for uttering forged instrument in writing

5187 The State of Texas vs. James R. Sam. An indictment for forgery & uttering forged instrument in writing

November 5th 1877

5188 The State of Texas vs James K. Pam. alias J. W. Hall An indictment for uttering forged instrument in writing.

5189 The State of Texas vs. Thomas O. Tullis An indictment for uttering forged instrument in writing.

5190 The State of Texas vs. James Mc Cullough & William Mc Cullough. An indictment for forgery & uttering forged instrument in writing.

5191 The State of Texas vs. James Mc Cullough & William Mc Cullough. An indictment for forgery.

5192 The State of Texas vs. James Mc Cullough & William Mc Cullough. An indictment for forgery.

5193 The State of Texas vs James Mc Cullough & William Mc Cullough. An indictment for forgery.

5194 The State of Texas vs. James Mc Cullough & William Mc Cullough. An indictment for forgery.

5195 The State of Texas vs. James Mc Cullough & William Mc Cullough. An indictment for forgery.

5196 The State of Texas vs. California. An indictment for exibiting monte.

5197 The State of Texas vs California. An indictment for exibiting monte.

5198 The State of Texas vs California. An indictment for exibiting monte.

And thereupon said Grand jury suggesting that their is further business before them, they were ordered by the Court to retire upon the discharge of the same.

3430 The State of Texas vs. Maj. Vandegraff. Alias capias ordered to issue & cause continued for service.

4393 The State of Texas vs. Joe Jones & Bob Orange. Upon the statement by the County Attorney that there is no evidence against the defendant Joe Jones, it is ordered that this cause be dismissed as to said Jones, and continued for service as to Bob Orange.

5073 The State of Texas vs. Jack Rommines & C. C. Nairn alias Sum Nairn. This day came the County Attorney on behalf of the State and came also the defendant C. C. Nairn and announced himself ready for trial, after a severance herein had been granted by the Court. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of F. L. Buaas and eleven others, who, being duly elected tried, empannelled and sworn according to law, heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the court and — after retiring to consider of their verdict — returned into open court the following verdict to wit: "We the Jury find the defendant not guilty. Austin November 6th 1877 F. L. Buaas. Foreman." Said verdict was thereupon approved by the Court and ordered to be recorded. And it was further ordered & adjudged by the Court that the said defendant C. C. Nairn go hence discharged and fully acquitted of this accusation.

5090 The State of Texas vs. Saunders Griffin. This day came the State by her Attorney and came also the defendant Saunders Griffin in person and by attorney. And thereupon came a jury of twelve good and lawful men, consisting of P. Thompson and eleven others, duly

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elected, tried, empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence argument of counsel and the charge of the court, and after retiring to consider of their verdict returned into open court the following verdict to wit: "We the jury find the defendant Saunders Griffin guilty and assess the punishment at eight years in the Penitentiary. We find for value of the buggy over twenty dollars. P. Thompson Foreman." Said verdict was thereupon approved by the court and ordered to be recorded, and it was further ordered by the court that the defendant be held in custody to await final judgment & sentence.

5041 J. D. Dorsey vs. Jack Carter. Upon motion of Pltfs Attorney it was ordered that this cause be dismissed and it was further ordered that the plaintiff pay all costs in this behalf expended, for which execution may issue in behalf of the officers of court.

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

November 6th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4749 The State of Texas vs. Ambrose Steele. Defendant being by sickness unable to attend court, this cause is continued.

5066 The State of Texas vs. Ben Musgrove alias Ben Saunders. Deft having been convicted at this term of a felony, this case is continued.

5069 The State of Texas vs. Preston Russell, Lewis Russell, & L. A. Russell. This day came the State by her attorney and announced ready for trial, and came also the three defendants herein in person and by attorney; and thereupon came a jury of twelve good & lawful men of Travis County, consisting of P. Thompson and eleven others, duly elected, tried, empannelled and sworn according to law, who heard the indictment read, the defendants' plea of not guilty, the evidence, argument of counsel, and charge of the court, and - after retiring to consider of their verdict - returned into open court the following verdict to wit: "We the jury find Preston Russell guilty for an aggravated assault and fine him $100.00, the other two Lewis Russell and L. A. Russell not guilty. P. Thompson Foreman." It was thereupon ordered that by the court that the said verdict be and the same is hereby approved and that the State of Texas do have and recover of and from the said Preston Russell the said sum of hundred dollars as a fine and all costs of this prosecution, and that the said Preston Russell

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stand committed to the County Jail of Travis County until said cost & fine are paid; and it was further ordered that the said defendants Lewis Russell & L. A. Russell go hence discharged and fully acquitted of this accusation.

5070 The State of Texas vs. Dick Phillips. Continued generally.

5078 The State of Texas vs. William Hill. Continued by State.

5079 The State of Texas vs. William Hale & Isaac Hale. Continued.

5093 The State of Texas vs. William, Isaac, & L. W. Hale. Continued by the defendents.

5095 The State of Texas vs. Thomas M. Childers. Alias Capias ordered to be issued & cause continued for service.

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

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Court met according to adjournment. Present same as first day. Whereupon the following proceeding were had to wit:

5065 The State of Texas vs. F. M. Langston. This day came the State by her attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of P. Thompson, Foreman, and eleven others, duly elected, tried empannelled and sworn according to law, who heard the ~~indictment~~ read, the defendants plea of not guilty, the evidence, the argument of counsel, and the charge of the court and, after retiring to consider of their verdict, returned into open court the following verdict, to wit: "We the jury find the defendant not guilty. P. Thompson. Foreman."
Said verdict was thereupon approved by the Court, and it was thereupon ordered that the defendant F. M. Langston go hence discharged and fully acquitted of this accusation.

5068 The State of Texas vs Wade Foster and Albert Wade. This day came the County Attorney on behalf of the State and dismissed this case as to Wade Foster and announced ready for trial as to Albert Wade, and came also the defendant Albert Wade and announced ready for trial. And thereupon came a jury of twelve good and lawfull men of Travis County, duly elected empannelled and sworn according to law, who after hearing the indictment, the defendants plea of not guilty and the evidence, and returned under the charge of the Court from their seats the following verdict to wit: "We the jury find the defendant Albert Wade not guilty. Geo. S. Breiser, foreman" It was thereupon ordered by the Court that the said defendant Albert

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Wade go hence discharged and fully acquitted of this accusation.

5081 The State of Texas vs. Jeff Gregg. This day came the State by her attorney and came also the defendant in person and by his attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, duly elected tried empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence argument of counsel and the charge of the Court and, - after retiring to consider of their verdict, - returned into open court the following verdict to wit: "We the jury find the defendant guilty and fix his punishment at three (3) years in the penitentiary. F. L. Bucas Foreman." Said verdict was thereupon approved by the court and ordered to be recorded; and it was further ordered by the Court that said defendant Jeff Gregg be kept in custody by the Sheriff of Travis County to await final judgment and sentence.

5072 The State of Texas vs. Alfred Scott. This day came the County Attorney on behalf of the State and came also the defendant Alfred Scott in person and by attorney and submitted a plea of guilty of a simple assault, which plea was by the County attorney accepted. And thereupon the parties submitted this cause to the court after waiving a jury. It was thereupon ordered, adjudged and decreed by the Court, that the said defendant Alfred Scott be fined one dollar, and be committed to the County Jail of Travis County until payment of said fine and all costs of this prosecution.

And thereupon Court adjourned till to morrow 9 o'clock A.M.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

This day came into open Court the Grand Jury of Travis County (a quorum of said Grand Jury being present) they having been empannelled at the present term of this court, and presented to the court the following indictments to wit:

5216 The State of Texas vs. Cornelius Williams. An indictment for Rape.

5217 The State of Texas vs. Noah Stewart An indictment for assault with intent to kill and murder.

5218 The State of Texas vs. Dan James. An indictment for theft of a gelding.

5219 The State of Texas vs. Nicholas Saunsbury. An indictment for theft of money over $20.00

5220 The State of Texas vs. Henry Mc Gary. An indictment for

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burglary.

5221 The State of Texas vs. E. S. Phillips An indictment for pursuing occupation of Atty at Law without license.

5222 The State of Texas vs. W P Bacon An indictment for pursuing occupation of Atty at Law without license.

5223 The State of Texas vs Fred Carleton An indictment for pursuing occupation of Atty at Law without license.

5224 The State of Texas vs J. B Harris An indictment for pursuing occupation of Atty at Law without license.

5225 The State of Texas vs. Isaac Friedrich An indictment for pursuing occupation of atty without license

5226 The State of Texas vs Geo F. Pendexter An indictment for pursuing occupation of Atty at Law without license

5227 The State of Texas vs. Robert H. Ward. An indictment for pursuing occupation of Atty without license

5228 The State of Texas vs R M Russell An indictment for pursuing occupation of Atty at Law without license

5229 The State of Texas vs J. H. Wilde An indictment for pursuing occupation of Atty at Law without license.

5230 The State of Texas vs A. C Jawnes An indictment for pursuing occupation of Atty at Law without license.

5231 The State of Texas vs Robt Cohen An indictment for pursuing occupation of 4th class merchant without license

5232 The State of Texas vs. Chas F. Evens An indictment for pursuing occupation of Atty at Law without license

And thereupon said Grand Jury suggesting that there was further business pending before them they were ordered to retire upon the discharge of the same.

5020 The State of Texas vs. C. C. Pearne. Continued.

5021 The State of Texas vs. C. C. Pearne. Continued.

5022 The State of Texas vs. C. C. Pearne. Continued.

5051 The State of Texas vs. C. C. Pearne. Continued.

5067 The State of Texas vs Albert Wade & Wade Foster. Upon statement of the County Attorney that there is no evidence to convict Albert Wade of this charge, it was ordered by the Court that this cause be dismissed.

5083 The State of Texas vs. Garcia, Rias, & Gartbia. This day came the County Attorney in behalf of the State and announced ready for trial, and a severance having been granted upon the application of defendants, Julian Garcia one of the defendants announced ready for trial

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a was placed upon trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Geo. S. Brizer and eleven others, who were duly elected, tried empannelled and sworn according to law, and heard the indictment read, the defendants Julian Garcia's plea of not guilty. The evidence and argument of counsel, and retired under the charge of the Court to consider of their verdict. And thereupon after due consideration said jury returned into open court the following verdict to wit: "We the jury find the defendant Julian Garcia guilty and assess his punishment at ten (10) years in the State penitentiary. Geo. S. Brizer Foreman" Said verdict was thereupon approved by the court and ordered to be recorded, and it was further ordered by the Court that said defendant Julian Garcia be held in custody by the Sheriff of Travis County to await final judgment and sentence.

5083 The State of Texas vs. Garcia, Rios, & Gartbia. Continued upon affidavit of defendant Manuel Rios as to him

5083 The State of Texas vs. Garcia, Rios & Gartbia. Continued as to defendant Gartbia.

5084. The State of Texas vs. Garcia, Rios & Gartbia. Continued

5085 The State of Texas vs Garcia, Rios, & Gartbia. This day came the County Attorney on behalf of the State and announced ready for trial, and a severance being ordered by the Court, came the defendant Sebastian Gartbia in person and by attorney and submitted a motion for continuance to the court, which motion was by the court overruled, to which ruling of the Court the defendant by counsel excepted. And thereupon said Sebastian Gartbia was placed upon trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of E. B. Cornell and eleven others, who were duly elected empannelled and sworn according to law, and heard the indictment read, the defendants Gartbia's plea of not guilty, the evidence, argument of counsel and the charge of the court and retired to consider of their verdict. And after due deliberation said jury returned into open court the following verdict to wit: "We the jury find the defendant guilty and assess his punishment in the State penitentiary for ten (10) years. E. B. Cornell Foreman." Said verdict was thereupon approved by the court and ordered to be recorded. And it was further ordered by the court that said defendant Sebastian Gartbia be held in custody by the Sheriff of Travis County to await final judgment and sentence.

5085 The State of Texas vs. Garcia, Rios & Gartbia. Continued generally as to Garcia and continued upon affidavit of Manuel Rios as to him.

5086 The State of Texas vs Garcia, Rios & Gartbia. Upon affidavit of

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defendant Manuel Rios this cause was continued as to him, and continued generally as to the other two defendants.

5087 The State of Texas vs Garcia, Rios, & Garthia. Upon affidavit of Manuel Rios this cause was continued as to him, and continued generally as to the other two defendants.

5088 The State of Texas vs Garcia Rios & Garthia. Upon affidavit of Manuel Rios this cause was continued as to him, and continued generally as to the other two defendants.

5089 The State of Texas vs. Saunders Griffin. Continued.

5099 The State of Texas vs. Robert R. Johns. Continued generally

4813 Edward T. Austin Exec vs. James H. Bell. And now at this day this cause being called for trial the plaintiff appeared by his attorneys Hancock West & North and the defendant though duly and personally served with process in said cause failing to appear and answer, judgment by default was entered against said defendant and the cause of action being liquidated and the court having heard the pleadings and the note set forth in plaintiffs petition read, and ascertained the amount due thereon, it considered, adjudged and decreed, that said Edward T. Austin executor of the estate of William R. Smith, deceased, plaintiff do have and recover of and from said James H. Bell, defendant, the sum of One thousand five hundred and thirty four 30/100 dollars in the Gold Coin of the United States with interest thereon also in gold at the rate of twelve per centum per annum from date (8th of November A.D. 1877) besides all the costs of this suit, for all of which let execution issue against said James H. Bell.

Exec. docket No. 5 page 31.

See execut. docket No. 5 page 31 for satisfaction of judgment

And thereupon Court adjourned till to morrow morning 9 o'clk

November 9th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4708 The State of Texas vs. Jim Nixon & Joseph Polvidore. This day came the State by her Attorney and came also the defendant Joseph Polvidore in person and by his Attorney and both parties announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, duly elected, empannelled and sworn according to law, and after hearing the indictment the plea of not guilty and the charge of the court and returned from their seats the following verdict to wit: "We the jury find the defendant not guilty. Aug F. Otto Foreman" Said verdict was thereupon approved by the Court and ordered

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to be recorded, and it was further ordered that the said Joseph Polvidore go hence discharged and fully acquitted of this accusation, and that this cause be continued for service as to the defendant Jim Nixon.

5063 The State of Texas vs. West Alexander. This day came the County Attorney on behalf of the State and came also the defendant West Alexander in person and by Attorney and both parties announced ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County to wit: Aug. F. Otto and eleven others, who, being duly elected, tried, empannelled and sworn according to law, heard the indictment read, the defendants plea of not guilty; the evidence and argument of counsel, and after being duly charged by the court as to the law in this case, retired to consider of their verdict. And after due deliberation said jury returned into open court the following verdict to wit: "We the jury find the defendant West Alexander guilty and assess his punishment five years in the penitentiary. Aug. F. Otto foreman." Said verdict was thereupon approved by the Court and ordered to be recorded. And it was further ordered by the Court, that said defendant be held in custody by the Sheriff of Travis County to await final judgment & sentence.

5076 The State of Texas vs. Primus Johnson & Charley Moore. This day came the State by her attorney and came also the defendant Primus Johnson in person and by Attorney and both parties announced ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County consisting of Geo. S. Briser and eleven others who, being duly elected, tried, empannelled and sworn according to law, heard the indictment read, the defendants Primus Johnson's plea of "not guilty", the evidence, argument of counsel and the charge of the court, and retired to consider of their verdict. And thereupon after due deliberation said jury returned into open court the following verdict to wit: "We the jury find the defendant Primus Johnson guilty and assess his punishment at 2 years in the State penitentiary. Geo. S. Briser Foreman." Said verdict was thereupon approved by the court and ordered to be recorded. And it was further ordered and adjudged by the court that the said defendant Primus Johnson be held in custody of the Sheriff of Travis County to await final judgment & sentence.

5216 The State of Texas vs. Cornelius Williams. It was ordered by the Court that a special venire be drawn by the clerk of this court, for the trial of this cause, and that this cause be set for trial on the 19th day of November A.D. 1877.

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4615 T. & T. C. R. R. Company vs. F. W. Chandler. Upon motion it was ordered that defendant have leave to amend.

4785 R Forster Ludlow & Co. vs. D. L. Cross. Upon motion of Pltffs. Attys. it was ordered that this case be dismissed, and it was further ordered, that the plaintiffs pay all costs in this behalf incurred, and that execution may issue in favor of officers of court.

4996 The State of Texas vs. D. J. Murchison. This day came the parties to this suit by their attorneys and announced ready for trial. And it appearing to the court that the defendant D. J. Murchison was fined ($10.00) ten dollars as a defaulting witness during the April Tem. 1877 of this court, and that he has been served with a writ of Scire facias, and has answered in this behalf, It was considered, adjudged and decreed by the Court, that the judgment nisi heretofore entered in this cause be made final as to one dollar, and that the balance of said judgment nisi be remitted. And it was further ordered by the Court that the State of Texas do have and recover of & from the said defendant D. J. Murchison the said sum of one dollar as a fine and all costs of this proceeding, and that a commitment issue against said D. J. Murchison to collect said amount.

And thereupon Court adjourned till Monday the 12th inst. 9 o'clk A.M.

November 12th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

This day came into open court the Grand Jury of Travis County, empannelled at the present term of this court, a quorum of said Grand Jury being present, and presented through their foreman the following indictments to the Court:

5233 The State of Texas vs. Robert Doyle, James McCullough, & Henry Talmage. An indictment for forgery.

5234 The State of Texas vs. Robert Doyle, James McCullough & Henry Talmage. An indictment for forgery.

5235 The State of Texas vs. Robert Doyle, James McCullough & Henry Talmage. An indictment for forgery.

5236 The State of Texas vs. T. B. Tullis. An indictment for forgery.

5237 The State of Texas vs. Thomas B. Tullis alias A. F. Goodman An indictment for forgery.

5238 The State of Texas vs. James R. Ham. An indictment for uttering a forged instrument in writing.

5239 The State of Texas vs. James R. Ham. An indictment for utter-

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ing forged deed.

5240 The State of Texas vs. James R. Ham An indictment for uttering forged deed.

5241 The State of Texas vs. Thomas E. Tullis. An indictment for having possession of forged instrument in writing with intent to use the same.

5242 The State of Texas vs. James Mc Cullough. An indictment for theft of filed paper from Gen. Land Office.

5243 The State of Texas vs. D. C. Ruby and R. A. Ramsa. An indictment for forgery.

5244 The State of Texas vs. Thomas E. Tullis. An indictment for theft of filed paper from a public office.

5245 The State of Texas vs. James Mc Cullough. An indictment for uttering forged patent for land.

5246 The State of Texas vs. James Mc Cullough & C. A. Talmage. An indictment for forgery and for having possession of forged instrument with intent to use same.

5247 The State of Texas vs. James Mc Cullough & C. A. Talmage. An indictment for forgery.

5248 The State of Texas vs. James Mc Cullough & C. A. Talmage. An indictment for uttering forged instrument in writing.

5249 The State of Texas vs James Mc Cullough & C. A. Talmage. An indictment for forgery.

5250 The State of Texas vs. James Mc Cullough & C. A. Talmage. An indictment for uttering a forged patent for land.

5251 The State of Texas vs. James Mc Cullough alias T. J. Ogden. An indictment for uttering forged instrument in writing.

5252 The State of Texas vs. James Mc Cullough alias T. J. Ogden. An indictment for uttering forged instrument in writing.

5253 The State of Texas vs C. A. Stevens. An indictment for uttering forged instrument in writing.

5254 The State of Texas vs. Edward A. Stevens. An indictment for uttering forged instrument in writing.

5255 The State of Texas vs. James W. Maddox. An indictment for uttering forged instrument in writing.

5256 The State of Texas vs. An indictment for embezzlement of $450.

5257 The State of Texas vs. An indictment for Murder.

5258 The State of Texas vs. Andrew Abercrumby, John Matz & Watt Pennington. An indictment for theft of a gelding.

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5259 The State of Texas vs. Andrew Abercrombie, John Matt, & Watt Pennington — An indictment for theft of a mare.

5260 The State of Texas vs. Andrew Abercrombie, John Matt & Watt Pennington. — An indictment for theft of a mare.

5261 The State of Texas vs. Jim Goodson — An indictment for herding stock upon another's land.

5262 The State of Texas vs. Dr. M. A. Taylor — An indictment for obstructing a public road.

5263 The State of Texas vs. Noah Steinert — An indictment for carrying deadly weapon.

5264 The State of Texas vs. Geo F. Harris — An indictment for carrying a pistol.

5265 The State of Texas vs. Ed Zimmerman — An indictment for selling liquor within prohibited bound.

5266 The State of Texas vs. Ed Zimmerman — An indictment for selling liquor in quantities less than a quart without license

5267 The State of Texas vs. August Knacht — An indictment for selling liquor in quantities less than a quart without license.

And thereupon said Grand jury suggesting that there was further business before them they were ordered to retire upon the discharge of the same.

5092 The State of Texas vs. Nicholas Saunsbury. A new indictment, containing the same charges as in this case, having been presented by the Grand jury, it is ordered by the court that this case be dismissed.

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

November 13th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4154 The State of Texas vs. Charles Cannan. Continued upon affidavit of defendant.

5217 The State of Texas vs. Noah Stewart. This day came the County Attorney on behalf of the State and announced ready for trial, and came also the defendant Noah Stewart in person and by attorney and submitted a motion to quash the indictment in this cause, to the Court, which motion being argued by counsel and being duly considered by the court, was by the court overruled, and thereupon the defendant, after having excepted to such ruling of the court, announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of J. E. Raney

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and eleven others, who - being duly elected, tried, empannelled and sworn according to law - heard the indictment read, the defendants plea of not guilty, the evidence argument of counsel and the charge of the Court, and retired to consider of their verdict. And thereupon after due deliberation said Grand jury returned into open Court the following verdict to wit; "We the Jury find the defendant guilty of an assault with intent to murder and assess his punishment at (5) five years in the penitentiary. J. B. Rany, foreman." Said verdict was thereupon approved by the court and ordered to be recorded. And it was further ordered by the court that the said defendant Noah Stewart be held in custody by the Sheriff of Travis County to await final judgment and sentence.

5219 The State of Texas vs. Nicholas Saunsbury. This day came the County Attorney on behalf of the State and announced ready for trial and came also the defendant Nicholas Saunsbury in person and by attorney and submitted his motion for continuance of this cause to the court, and the court having duly considered said motion overruled the same, to which ruling the defendant by counsel excepted. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of J. H. Fitzhugh and eleven others, who were duly elected, tried, empannelled and sworn according to law, and heard the indictment read, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the court, and retired to consider of their verdict. And thereupon after due deliberation said jury returned into open court the following verdict to wit: "We the jury find the defendant guilty of the stealing more than twenty dollars and sentence him to seven years in the State prison. J. H. Fitzhugh foreman." Said verdict was thereupon approved by the court and ordered to be recorded. And it was further ordered by the court that said defendant Nicholas Saunsbury be held in custody by the Sheriff of Travis County to await final judgment and sentence.

And now on this day came into open court the Grand jury of Travis County empannelled at the present term of this court and presented to the court the following indictments to wit:

5268 The State of Texas vs. John S. Martin — An indictment for uttering forged instrumpritin writing.

5269 The State of Texas vs. John S. Martin. — An indictment for uttering forged instrument in writing.

And thereupon the said Grand jury presented to the court

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The following application for leave of the court to take a recess from this date until the 26th of November 1877 to wit: "To the Hon. E. B. Turner Judge of the 16th Judicial District now holding the District Court of Travis County in said State = The Grand Jurors of said County at this the October Term of the District Court of said County 1877 state to your Honor = That said Grand Jury has transacted all the business which has been presented to their consideration and that they have passed upon a number of cases in which they have found bills of indictment but owing to the number of Bills to be drawn the State Counsel has not been as yet able to draw Bills in all the cases. And besides they are advised that other matters of importance are to be brought to their attention, but which will require some time for such matters to put in form for their action and consideration. They therefore ask your Honor to make an order authorizing their body to take a recess until the 26th day of November 1877, and that on said day they be permitted to reassemble and complete their duties and labors. Respectfully submitted (sig) S. J Redd. Robert Jones, R Bertram, J. W. Whitt, J. R Owings, David Jones, M H. Hays, H. L. Raven, Wade Henry, Jas. B. Barron, I Hancock." To which application the following order was made by the Court to wit: "The above application having been by me considered it is ordered that the Grand Jury of Travis County be permitted to take a recess from to day, November 13th. 1877 until 9 o'clock A. M. on November 26th 1877 at which time they will reassemble and complete their labors. —

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

November 14th 1877.

Court met according to adjournment and adjourned till to morrow 9 o'clock A. M.

November 15th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4404 The State of Texas vs. James West. This day came the County Attorney in behalf of the State and came also the Defendant in person and by Attorney and both parties announced themselves ready for trial. When came a jury of twelve good and lawful men of Travis County, ~~assisting~~ of J. P. Fitzhugh and eleven others, who were duly elected, tried, empannelled and sworn according to law, and heard the indictment read, the defendants plea of not guilty, the said

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ence, argument of counsel and the charge of the court and retired to consider of their verdict. And thereupon after due deliberation said Jury returned into open court the following verdict to wit: "We the jury find the defendant James West guilty of murder in the second degree and assess his punishment in the penitentiary for ten years. J. P. Fitzhugh, foreman." Said verdict was thereupon approved by the court and ordered to be recorded; and it was further ordered that the said defendant James West be held in custody by the Sheriff of Travis County, to await final judgment and sentence.

4718 The State of Texas vs. Charles Wilson. Continued by the State.

And thereupon Court adjourned till Monday the 19th inst. 9 o'clk A. M.

November 19th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4355 The State of Texas vs. Mack Forst. Upon the statement by the County Attorney that the witnesses for the prosecution can not be found, it was ordered that this cause be dismissed.

4696 The State of Texas vs. Charles Monroe Sawyer. Continued by agreement.

5041 The State of Texas vs. Barney Fowler and Robt Dixon. Continued by the State as to the defendant Robt Dixon.

4818 Mary J. Lee vs. Thos Chubb et als. Upon motion it is ordered that defendant Chubb have leave to amend.

5023 Sarah Liggin vs. David Liggin. Upon motion of Peff. Atty it was ordered that Peff have leave to amend.

5036 G. Crews vs. C. R. Jones et ux. Upon motion of defendants' Atty it was ordered that defendants have leave to amend.

4499 George B. Zimpelman and ux vs. W. B. Frazer.

And now at this day came on to be heard the motion of the plaintiffs to reinstate this cause on the docket and to set aside the judgment heretofore rendered at this term of the Court dismissing the same, and the Court having heard the motion and arguments of counsel, it is considered adjudged and ordered that said order of dismissal be set aside and said cause re-instated. and it is further ordered adjudged and decreed that the plaintiffs pay all the costs of this suit up to the present time and including the costs of said motion, and that the same be taxed against them

4600 George B. Zimpelman et al vs John Ross

And now at this day came on to be heard the motion of the plaintiffs

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fore instate this Cause on the docket and to set aside the judgment heretofore rendered at this term of the Court dismissing the same and the Court having heard the motion and argument of Counsel it is considered adjudged and ordered that said order of dismissal be set aside and said Cause re-instated and it is further ordered, adjudged and decreed that the plaintiffs pay all the costs of this Suit up to the present time and including the costs of said motion and that the same be taxed against them

4501 Geo. B. Zimpelman et al vs William Rob

& And now at this day came on to be heard the motion of the plaintiffs to re-instate this cause on the docket and to set aside the judgment heretofore rendered at this term of the Court, dismissing the same and the Court having heard the motion and argument of Counsel it is considered adjudged and ordered that said order of dismissal be set aside and said cause re-instated and it is further ordered adjudged and decreed that the plaintiffs pay all the costs of this suit upto the present time and including the costs of said motion and that the same be taxed against them.

4502 Geo B Zimpelman et al vs E. V. Jones

& And now at this day came on to be heard the motion of the plaintiffs to re-instate this cause on the docket and to set aside the judgment heretofore rendered at this term of the Court dismissing the same, and the Court having heard the motion and argument of Counsel it is considered adjudged and ordered that said order of dismissal be set aside and said cause re-instated and it is further ordered, adjudged and decreed that the plaintiffs pay all the costs of this suit up to the present time and including the costs of said motion and that the same be taxed against them

4503 Geo. B. Zimpelman et al vs Mary Sassman & Fred Sassman

& And now at this day came on to be heard the motion of the plaintiffs to re-instate this cause on the docket, and to set aside the judgment heretofore rendered at this term of the Court dismissing the same, and the Court having heard the motion and argument of Counsel it is considered adjudged and ordered that said order of dismissal be set aside and said cause re-instated, and it is further ordered, adjudged and decreed that the plaintiffs pay all the costs of this suit up to the present time and including the costs of said motion and that the same be taxed against them

4504 Georg B. Zimpelman et al vs Thos. Robb et al

& And now at this day came on to be heard the motion of the plaintiffs to re-instate this cause on the docket and to set aside the judgment heretofore rendered at this term of the Court, dismissing

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the same and the Court having heard the motion and the arguments of Counsel, it is considered adjudged and ordered that said order of dismissal be set aside and said cause reinstated, and it is further ordered adjudged and decreed that the plaintiffs pay all the costs of this suit up to the present time and including the costs of said motion and that the same be taxed against them

5092 The State of Texas vs. Nicholas Saunsbury. On this the 6th day of November 1877 came the defendant by his attorney and submitted his motion for a new trial to the Court; which motion was by the court entertained and a new trial granted to the defendant herein.

5069 The State of Texas vs. Preston Russell, Lewis Russell, & L. A. Russell. This day came the defendant Preston Russell by attorney and submitted to the court his motion for a new trial of this cause, which motion was by the Court overruled.

3430 The State of Texas vs. Maj. J Vande Graft. This day came the defendant by his attorney and submitted his motion to set aside the forfeiture of his bond, which motion was by the Court overruled.

4549 The State of Texas vs. Charley Carnay. This day came on to be heard the defendants motion to set aside the forfeiture of his bond had on the 31st day of October 1877, - which motion was by the court overruled.

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

November 20th 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had, to wit:

4635 Jacob Coats vs Andrew Jackson & Lucy Jackson. And now on this day this cause coming on for trial the plaintiff came not and the defendants by attorneys appear and demand trial. It is therefore ordered by the Court that plaintiff take nothing by this suit, that the defendants be quieted in their title in and possession of the fraction of lot of ground sued for and that defendants recover from the plaintiff all the costs of this suit for which execution shall issue

3689 Walter Custard vs John J. Musgrove. Continued.

3696 John Ireland vs. Chas West, John Pancock et als. Continued.

3720 Geo. W. Paschal vs. Cente. R. R. Co & Austin City. Continued by agreement.

3363 The State of Texas vs. B. T. Scogin et als Geo. Heaton Garnishee. Continued.

3911 The State of Texas vs. E. B. Dyer et al: Continued.

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3933 D. A. Ricks vs. James S. Gillett et als. Upon motion it was ordered that A. S. Townes Esq. be appointed guardian ad litem for the minor heirs Mary Gillett and Eva Gillett, and it was further ordered that said guardian be required to give bond & security to the amount of ($200.00) One hundred dollars for the faithful performance of his duties as such guardian. And thereupon,-the plaintiff claiming a judgment by default against Elizabeth & Jones B. Gillett, and it appearing to the Court, that the said Elizabeth Gillett and Jones B. Gillett have been legally summoned by personal service to appear before this court and answer in this behalf, and that they have not answered, but have Wholly made default,— It was ordered adjudged and decreed by the court that the plaintiff D. A. Ricks recover of the said Elizabeth Gillett and Jones B. Gillett his damages by occasion of the premises, and that a writ of inquiry be awarded to assertain the amount of said damages.

4044. W. M. Walton & N. G. Shelby vs. Ed Cleary & Ed Randell. City of Austin, Francis B. Forster and T. C. Reed Garnishees. Continued generally.

4269 Sampson & Hendricks vs. S. C. Moore et als. Continued generally.

4520 O. M. Jackson vs. John T. Carter et als. Upon motion it was ordered that the heirs of D. H. Gatlin have leave to intervene, and cause continued.

4591 Amalie Herzog vs. H. & T. C. R R Co Continued.

4608 H. & T. C. R R Co vs. Catharine H. Horan. Continued.

4610 H. & T. C. R. R. Co vs. W. W. Townsend Continued

4626 S. Jacobs & Beckhardt vs. F. Blause & Co. Continued for service.

4629 C. N. Worthington vs T. B. Wheeler Mayor & the Board of Aldermen. Continued.

4736 The State of Texas vs. Marsh Shff. of Smith Co Alias Sc. fac. ordered to be issued and cause continued.

4740 M. J. Bachelder vs. Ed Sorin Trustee. Continued.

4783 Martin Belger vs. Moses Raynor. Continued by agreement.

5052 H. A. Lewis. Ex parte. This day came W. M. Walton, A. S. Walker and C. S. West Esqrs., appointed on a previous day by the court, as a committee to examine the said H. A. Lewis as to his legal qualifications to practice as Attorney at Law,- and reported to the court that they had so examined said Lewis and found him fully qualified to practice as attorney and counsellor at Law, and recommended that license be issued to him. And the said Lewis having produced to the court satisfactory evidence

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of his moral character and honorable department, It was ordered and decreed by the Court, that the said H. A. Lewis be admitted as an Attorney and counsellor at law of this court, and that he be permitted to practice as such in all District Courts and inferior courts of this State, and that license as such Attorney be issued to him.

4752 James A. Chandler vs. W. L. Glasscock and W. P. Glasscock. This day came the plaintiff by his attorney Alfred D. Townes Esq. and the defendants W. L. Glasscock and W. P. Glasscock by their attorneys Fred Carleton and J. W. Robertson Esqs, and it appearing that there on file in the papers of the above styled cause an agreement that judgment should be rendered in favor of the defendant W. P. Glasscock for the property in controversy herein and in favor of the plaintiff James A. Chandler against the defendants W. L. Glasscock and W. P. Glasscock for the costs of the case. -It is therefore ordered adjudged and decreed by the court that all the right, title, interest and claim of the plaintiff James A. Chandler in and to the tracts of land in controversy in this suit be and the same is hereby divested out of the said James A. Chandler and fully vested in the defendant W. P. Glasscock, the said tracts of land being described as follows: Sixty and 9/10 acres of land more or less out of the Toulson grant in Travis County, Texas, being a part of a tract of 260 9/10 acres out of said grant belonging to W. L. Glasscock, Beginning at William Glasscocks S. W. corner from which an Elm 12 in dia bears S. 60° 30' E. distance 35 varas, ditto brs N. 32° 30' W distance 20 vrs, Thence S. 30 W. 649 vrs to Gilleland creek, Thence down the creek to a stake from which an Elm marked x A brs N. 24° W. distance 15 vrs to Box elder marked x x bears N. 66 W distance 4 1/2 vrs Thence N 30° E. 879 vs to said Glasscock S. E. corner from which an Elm 24 in dia marked X brs N. 87° W distance 8 vs a box elder marked x brs S. 12° W. distance 7 vrs. Thence N. 60 W. 415 vrs to the beginning corner: and Lot No (4) four in Division "A" of the Out Lots of the City of Austin Travis County Texas. It is further adjudged by the court that the plaintiff James A. Chandler do have and recover of and from the defendants W. L. Glasscock and W. P. Glasscock all his costs in this behalf expended. 44 50

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

November 21st 1877.

Court met according to adjournment Present same as first day. When upon the following proceedings were had to wit:

5216 The State of Texas vs Cornelius Williams. This day came the County

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Attorney on behalf of the State and came also the defendant Cornelius Williams in person and by Attorney and both parties announced themselves ready for trial. And came also a jury of twelve good and lawful men of Travis County to wit A. R. Morris, Joe Metcalf, F. Everett, J. A. Martin, C. A. Denny, Arnold Klein, J. H. Burdett, D. M. Crosthwait, J. H. J. H. Daniels, J. R. Jones, F. B. Henry, Marion McKinney, who were duly elected, tried empannelled and sworn according to law. And thereupon said defendant Cornelius Williams was duly arraigned and plead not guilty. And the said jury having heard the indictment, the defendants plea of not guilty, the evidence, argument of counsel and the charge of the court retired for deliberation. Whereupon said jury returned in to court the following verdict to wit: "We the jury find the defendant Cornelius Williams not guilty. A.R. Morris Foreman". Said verdict was thereupon approved by the court and ordered to be recorded. And it was further ordered and adjudged by the court that the said defendant Cornelius Williams go hence discharged and fully acquitted of this accusation.

4459 John D. Adams & Melissa Jane Adams vs. T. T. Pendley. This day came the parties plaintiffs and defendant by their attorneys and announced themselves ready for trial, and no jury having been demanded the cause was submitted to the Court. And the court having heard the pleadings, evidence and argument of counsel was of the opinion that the law is with the defendant; It was therefore adjudged ordered and decreed that the plaintiffs take nothing by their suit, that the defendant go hence without day, and that the said plaintiffs John D. Adams and his wife Melissa Jane Adams pay all costs in this behalf expended, for which execution may issue in favor of officers of court.

5006 The State of Texas vs. Bob Stewart. This day came the parties to this cause and announced ready for trial. And it being shown to the court that the defendant Bob Stewart had been fined in the sum of $25.00 as defaulting witness during the April Term of this Court, and that a judgment nisi had been entered against said defendant for said amount at said term, and that he has been duly served with a writ of Scire Facias, and the court having heard the answer of said Bob Stewart, It was ordered, adjudged and decreed that said judgment nisi be made final as to one dollar and that the balance be remitted, and that the State of Texas do have and recover of and from said defendant Bob Stewart said sum of ($1.00) one dollar and all costs of this proceeding

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and that said defendant stand committed to the County Jail of Travis County until said costs and fine are paid, and that a commitment issue against said defendant to collect said amounts.

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

November 22nd 1877.

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

5100 The State of Texas vs. W. A. Craft. This day came the County Attorney and submitted to the court a statement, that he believes he would be unable to show a criminal appropriation of property on the part of the defendant, and that he believes, defendant did not act with any criminal intent; It was ordered by the court that this cause be dismissed.

5218 The State of Texas vs. Dan James. This day came the County Attorney in behalf of the State and came also the defendant Dan James in person and by his attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County consisting of L. B. Giles and eleven others, duly elected tried empannelled and sworn according to law, who heard the indictment read, the defendants plea of not guilty, the evidence and the charge of the court, and retired for deliberation. And thereupon said jury returned into open court the following verdict to wit: "We the jury find the defendant Guilty and assess the penalty at 5 years imprisonment in penitentiary. L. B. Giles Foreman". Said verdict was thereupon approved by the court and ordered to be recorded, and it was further ordered by the court, that the said defendant Dan James be committed to the County Jail of Travis County to await judgment and sentence.

4766 John D. Wende vs. August Heileman et als. Defendant Wilson Green has leave to amend.

4387 J. R. Nixon & wife vs. H. & T. C. R.R. Co. Continued by agreement.

4398 The State of Texas vs. James A. Burke et als. Upon motion of plaintiffs attorney this case is dismissed, the defendants having paid the costs.

4906 A. H. Keath vs. The Capital Ice Company. Upon motion of plaintiffs attorneys this cause is dismissed, plaintiff having paid the costs of this proceeding.

4912 W. J. Montgomery vs. John C. Burleson et als. Upon

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4931. plaintiffs motion this cause is dismissed, he having paid the costs. W. T. & L. B. Anderson vs. Amer. Centr. Ins. Comp. of St. Louis. Upon motion of Plffs Attorney it was ordered that this cause be dismissed, and that the plaintiffs W. T. Anderson and L. B. Anderson and the surety on their cost bond to wit: Paul Deats pay all costs in this behalf incurred for which execution may issue in behalf of Officers of Court.

4943 Ruthrauff & Miller vs. Travis County. Continued generally.

4897 James H. Raymond & Co vs. F. W. Chandler et als. Now on this day this cause being regularly called for trial upon the docket of the court and the plaintiffs by their attorneys being present in court and announced themselves ready for trial and the defendant John Hancock being also present in court and by his Attorney announced himself ready for trial, and the defendant Chandler failing to appear either in person or by attorney, upon call, the court ordered the parties present to proceed with the trial of the case. Whereupon a jury composed of A. R. Morris and eleven others good and lawful men who were duly empannelled and sworn and who after hearing the pleadings of the plaintiffs and defendants both Chandler and Hancock, the demurrer filed by said Chandler having been overruled by the Court, and all the evidence offered in the case and having received the charge of the court prepared their verdict and returned into court the following verdict to wit: "We the jury find for the plaintiffs the sum of two thousand and fifty seven 40/100 dollars Gold and we find for Hancock endorser. A. R. Morris Foreman." Wherefore it is ordered adjudged and decreed by the court that the plaintiffs James H. Raymond, Frank Hamilton, and James R. Johnson composing the firm of James H. Raymond & Co have and recover of and from the defendants F. W. Chandler and John Hancock the sum of Two Thousand Fifty seven & 40/100 Gold dollars with interest from this date at the rate of ten per centum per annum together with all costs in this behalf expended, for which execution may issue. It is further ordered adjudged and decreed that John Hancock as endorser have judgment over against said Chandler for whatever sum he shall have to pay for said Chandler on the above judgment. It is further ordered that the Sheriff shall proceed first to levy the execution issued on this judgment on the property of said Chandler if any there be found in this County sufficient to satisfy this judgment before levying upon the property of said John Hancock.

Exec. dock No. 5. page 28.

This judgment satisfied in full 4th day of March 1879 Smith & Flo[illegible] Atty's for Plff

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4794 John B. Rector vs. Denmark Walton. And now came the parties, plaintiff and defendant by their attorneys, and announced themselves ready for trial: and neither party having called for a jury, the law and facts were tried before the court: and the court having heard the pleadings, evidence and argument of counsel is of the opinion that the law and the facts is with the defendant, It is therefore ordered adjudged and decreed by the court that the plaintiff take nothing by his suit - & that the defendant go hence without day and have and recover of the plaintiff all his costs in this behalf expended for which he may have execution. And thereupon the plaintiff excepted to such judgment & decision of the court, and gave notice in open court of appeal to the Supreme Court.

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

November 23d 1877.

Court met according to adjournment, present same as first day

Whereupon the following proceding were had to wit.

4969 Elizabeth E Bartholomew and Eugene C Bartholomew vs David V. Whiting and Ana Whiting. This day came the parties by their attorneys in the above entitled cause and announced themselves ready for trial, and thereupon came a jury of twelve good and lawful men consisting of L B Giles and eleven others, who being duly empanelled and sworn well and truly to try the issue joined between the parties and who after hearing the evidence, argument of counsel and charge of the Court, retired to consider of their verdict and afterwards rose on the same day returned into open court the following verdict to wit.

We the jury find for the Plaintiffs that they are entitled to the property in question, and further that they are entitled to recover $202.66 2/3/100 value of rents from the principals and sureties; D.V. Whiting Anna V. Whiting, Alfred Grooms, F. W. Chandler, T. E. Tullis and T. L Wren's. L. B. Giles Foreman. It is therefore considered ordered adjudged and decreed by the Court that the plaintiffs Elizabeth E Bartholomew, and Eugene C Bartholomew do have and recover of and from the defendants David V Whiting and Ana Whiting the premises described in plaintiffs petition to wit: Part of a Subdivision of out lot No 18 in Division "D" situated in Austin City, Travis County, State of Texas, and designated on the map of said Subdivision as lot No 5 in Block No 18 in Division "D" of the said City of Austin with the improvements thereon for which said premises it is ordered by the Court that said plaintiffs do

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have the writ of possession, and that the Sheriff of Travis County Texas do place plaintiffs in possession of said premises. It is further ordered by the Court that said plaintiffs do have and recover of and from the said David V. Whiting and Ana Whiting defendants and Alfred Grooms, F. W. Chandler, T. E. Tullis and T. D. Wren Sureties on the replevy bond the sum of two hundred and three and $\frac{66\frac{2}{3}}{100}$ Dollars as rents for said premises, with interest thereon from this date until paid at the rate of eight per cent per annum until paid for which amount execution may issue against said defendants and said Sureties. It is further ordered by the Court that said plaintiffs do have and recover from said defendants David V. and John A. Ana Whiting all costs in this cause expended for which let execution issue and thereupon Court adjourned until to morrow morning at 9. o'clock

November 24th 1877.

Court met according to adjournment, present same as first day Whereupon the following proceedings were had to wit

John A. M.D.
3814 Burditt &c. vs. Burditt et al. And now at this day this cause being called for trial the plaintiffs and defendants by their respective attorneys announced themselves ready to try the questions of law presented by the pleadings and thereupon the Court having heard the pleadings of plaintiffs and the demurrers of the defendants thereto, it is considered ordered and adjudged that the law is with the plaintiffs and that said demurrers be overruled, to which ruling the defendants except, and thereafter the Court having heard the pleadings of the defendants and the demurrers of the plaintiffs thereto, it is considered adjudged and ordered that the law is with the defendants and that said demurrers be overruled to which ruling the plaintiffs except. And thereupon the parties having announced themselves ready for trial on the merits, came a jury composed of Joseph Metcalfe and eleven others who after being duly empanelled, qualified and Sworn, heard the pleadings, the evidence, the argument of Counsel and Charge of the Court, and thereupon retired for deliberation and returned the following verdict to wit "We the jury find for the defendants. Joseph Metcalfe. Foreman. It is therefore considered, ordered and adjudged that the plaintiffs John A Burditt, G Burditt, M. S. Dechard formely M. S. Burditt W. J. Davis and F. W. Chandler the guardian of the minors Richard Milton Davis, and John Allen Davis, children of the aforesaid W. J Davis and of Jane G. Davis dec'd and formely Jane G. Burditt, take nothing by their suit, that the defendants M. C Burditt and G. H Burditt go hence without day and that the plaintiffs and the sureties on their cost bond to wit

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W. J Davis, A G. Randall & E. W. Koller pay all costs of suit for which let execution issue

4926. Rust & Dinkins vs. S. & T. C. R. R. Co. Nov. 23/1877. Upon motion of Pffs Attorneys it is ordered that Pffs have leave to amend.

5000 The State of Texas vs. Francis Adams. Judgment nisi set aside without costs.

4921 Geo B. Zimpelman vs. Jno W. Robertson B. M. Odum, & J B. Wheeler. Upon motion of Pffs Attorney it was ordered that Pff have leave to substitute papers filed in this cause.

3814 Jno A. Burditt et als. vs. M. C. Burditt et al. This day came on to be heard the Plaintiffs motion for a new trial in this cause, which motion after being by the court considered, was overruled by the court, to which ruling of the court the Plaintiffs by counsel excepted and gave notice in open court of appeal to the Supreme court.

5101 The State of Texas vs. Gus Loraine.

5102 The State of Texas vs Gus Loraine

5103 The State of Texas vs Gus Loraine

5104 The State of Texas vs Gus Loraine

5105 The State of Texas vs Gus Loraine

5106 The State of Texas vs Gus Loraine

5107 The State of Texas vs Gus Loraine

5108 The State of Texas vs Gus Loraine

5109 The State of Texas vs Gus Loraine

5110 The State of Texas vs Gus Loraine

5111 The State of Texas vs Gus Loraine

5112 The State of Texas vs Gus Loraine

5113 The State of Texas vs Gus Loraine

5114 The State of Texas vs Gus Loraine

5115 The State of Texas vs Gus Loraine

5116 The State of Texas vs Gus Loraine

5117 The State of Texas vs Gus Loraine

5118 The State of Texas vs Gus Loraine

5119 The State of Texas vs Gus Loraine

5120 The State of Texas vs Gus Loraine

5121 The State of Texas vs Gus Loraine

5122 The State of Texas vs Gus Loraine

5123 The State of Texas vs Gus Loraine

5124 The State of Texas vs Gus Loraine

5125 The State of Texas vs Gus Loraine

5126 The State of Texas vs Paul Lewis

5127 The State of Texas vs Paul Lewis

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5128 The State of Texas vs Paul Lewis
5129 The State of Texas vs Ben Thompson
5130 The State of Texas vs Ben Thompson
5131 The State of Texas vs Tom Bowles
5132 The State of Texas vs Tom Bowles
5133 The State of Texas vs B. Bullmore
5134 The State of Texas vs B. Bullmore
5135 The State of Texas vs B. Bullmore
5136 The State of Texas vs Ambrose Steele
5137 The State of Texas vs Ambrose Steele
5138 The State of Texas vs Ambrose Steele
5139 The State of Texas vs Billy Simms
5140 The State of Texas vs Billy Sims
5141 The State of Texas vs Billy Sims
5196 The State of Texas vs Calisarnie
5197 The State of Texas vs Calisarnie
5198 The State of Texas vs Calisarnie
5199 The State of Texas vs Horan
5200 The State of Texas vs Horan
5201 The State of Texas vs Fred Martin
5202 The State of Texas vs Fred Martin
5203 The State of Texas vs Willie Oats
5204 The State of Texas vs Willie Oats
5205 The State of Texas vs Jigger
5206 The State of Texas vs Jigger

Nov'br 6th 1877

It appearing that this Court has no jurisdiction to try the above named fifty two (52) cases, it is ordered that the same be transfered to the County Court of Travis County, and that the Clerk of this Court do deliver to the Clerk of said County Court the Indictment and all the papers relating to said cause, together with a certified copy of all the proceedings taken in this court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

5142 The State of Texas vs Tom. Dorn
5143 The State of Texas vs Tom Dorn
~~5143 The State of Texas vs~~
5144 The State of Texas vs Dan Ryan
5145 The State of Texas vs Dan Ryan
5146 The State of Texas vs Frank Cotton
5147 The State of Texas vs Frank Cotton

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5148 The State of Texas vs Buck Warren
5149 The State of Texas vs Buck Warren
5156 The State of Texas vs Wm Brush
5157 The State of Texas J. Monroe Swisher
5158 The State of Texas vs Bill Ochiltree
5159 The State of Texas vs E. L. Phillips
5160 The State of Texas vs A. L. Roberts
5161 The State of Texas vs John Mc Laughlin
5172 The State of Texas vs Chips Burlage
5207 The State of Texas vs Horan
5208 The State of Texas vs Egger
5209 The State of Texas vs Willie Oats

It appearing that this Court has no jurisdiction to try the above named Eighteen (18) causes, it is ordered that the same be transferred to Justice James Neill's Court of Travis County and that the Clerk of this Court do deliver to said Justice, the indictment and all the papers relating to said cause, together with a certified Copy of all the proceedings taken in this Court in regard to the same and also a bill of costs, showing what costs have accrued, that such proceedings may be had as may be provided by law.

5150 The State of Texas vs Bill Johnson
5151 The State of Texas vs Bill Johnson
5152 The State of Texas vs Ike Johnson
5153 The State of Texas vs Ike Johnson
5154 The State of Texas vs James Moore
5155 The State of Texas vs James Moore
5162 The State of Texas vs James Whitehead
5163 The State of Texas vs Gus Evans
5164 The State of Texas vs John Devine
5165 The State of Texas vs Geo Ferris
5166 The State of Texas vs Moses Swisher
5167 The State of Texas vs Clabe Hankins
5168 The State of Texas vs Heck Dickerson
5169 The State of Texas vs Jack Smith
5170 The State of Texas vs O. A. Caldwell
5171 The State of Texas vs L. C. Edwards
5210 The State of Texas vs Aaron Robinson
5211 The State of Texas vs Abram Rabbett
5212 The State of Texas vs Moses Mitchell
5213 The State of Texas vs Henry Rodgers

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5214 The State of Texas vs Farris Williams
5215 The State of Texas vs Carter Robinson

It appearing that this Court has no jurisdiction to try the above named Twenty Two (22) causes, it is ordered that the same be transferred to Justice Fritz Tegener's Court of Travis County and that the clerk of this Court do deliver to said Justice the Indictment and all the papers relating to said causes together with a certified copy of all the proceedings taken in this Court in regard to the same, and also a bill of costs showing what costs have accrued, that such proceedings may be had therein as may be provided by law.

And thereupon Court adjourned until Monday Morning at 9 o'clock

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Court met pursuant to adjournment, present same as on first day, Whereupon the following proceedings were had to wit

4816 John W Henry et als vs Meredith W Henry et als. Partition of Land

And now on this day came the parties by their attorneys and said Minors mentioned in said Petition by their guardian ad litem duly appointed by the Court to represent them, also came the commissioners appointed by this Court at its last term, to partition the land mentioned in said petition and filed their report sworn to by them, and no exception being made to said report, the premises duly considered and by the Court fully understood.

It is therefore ordered and decreed by the Court, that said report be and is hereby approved and the same made a part of this decree, which report is in words and figures following to wit.

Commissioners Report

Hon E. B. Turner, Judge of the District Court, Travis County

Sir. We the undersigned commissioners appointed by your Honorable Court to partition land in case 4816 of Stephen F Henry et als vs Meredith W Henry et als, beg leave to report as follows

Appraisement

339.13	acres	$ 5086.95
108 2/3	"	3260.00
119 1/2	"	3585.00
52 2/5	"	786.00
Value of the 10 Shares	=	$ 12.717.95
" " 1 Share	=	1271.795

By a resurvey of the tracts of land here partitioned, it was found that the tract of land containing 667 acres contained 647 4/5

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and the other of 181 acres had only 171 9/10 acres
acres of land within marked boundaries. The actual length of the lines and subdivisions are shown on the annexed Sketch The land was valued in separate bodies, as will be seen by the appraisment at $30.00/100 and $15.00/100 an acre according to its quality.

Allotments

Meredith W Henry, Survey No 5 (See Sketch) 42.392 acres valued at $1271.795. Beginning at a Stone set in the ground the most Southerly corner of a Survey of 239/10 acres of land made for David N. Henry, thence S45°W86 varas to a Stone set in the ground the most northerly corner of a Survey of 19 acres of land owned by William G. Sneed, thence N.45°W90 Varas to the most northerly corner of said Survey of 19 acres of land, thence S45 W490 4/5 Varas to a Stone set in the ground for the most Southerly corner of this Survey. Thence N. 45° W 401 1/2 varas to a Stone set in the ground for the most westerly corner of this Survey, Thence N. 45°E 576 4/5 varas to the most westerly corner of said Survey made for David N. Henry, Thence S45 E 491 1/2 varas to the place of the beginning.

Elizabeth T. Bailes. Survey No 6. 42.392 acres valued at $1271.795 Beginning at the most Southerly Corner of a Survey of 42.392 acres of land made for Meredith W Henry, thence S 45 W 596 varas to a corner of a Survey of 200 acres of land owned by Elizabeth Henry, thence N. 45 W 401 1/2 varas to its most northerly corner thence N. 45°E 596 varas to the most westerly corner of said Survey made for Meredith W. Henry, thence S45°E 401 1/2 to the place of the beginning.

David N. Henry, Survey No 4 of 239/10 acres of land valued at $717.00/100. Beginning at a Stone set in the ground for the most Easterly Corner of the original Survey of 667 acres of land, or one half of a Survey known as the Herbert tract, deeded by Joseph Rowe to John D Henry, thence S45 W 274 1/2 varas to a Stone set in the ground for the most Southerly of this Survey, thence N45°W 491 1/2 varas to a Stone set in the ground for the most westerly corner of this Survey. Thence N45°E 274 1/2 varas to the most northerly corner of said tract deeded by Joseph Rowe to John D Henry, thence with its North East boundary line S45°E 491 1/2 varas to the place of the beginning. Another tract also marked 4 on the Sketch 37 acres of land out of the Survey known as the Mitchell tract on Simms League, deeded to John D

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Henry by valued at $555 00/100, beginning at a Stone set in the ground the most Westerly corner of said Mitchell tract thence N 45° E 794 3/4 varas to a Stone set in the ground on the center League line of the Simms league, which is also the east boundary line of a Survey owned by John T Miller, thence S 45 E 258 87/100 varas to a corner of a Survey made for Amanda M. Troydan of 42,392 acres of land, thence S 45° 33' W 794 3/4 varas to the most Southerly corner of said Mitchell tract of land, thence N 45° W 266 1/2 varas to the place of the beginning

Recapitulation - Share of David M Henry

23 9/10 acres in Hubbard tract valued at	$	717. 00
37 " " Mitchell " " "		555. 00
	$	1.772. 00

Mary J Brown, Survey No 2, 60 3/5 acres of land valued at $1271. 795, Beginning at the most Southerly corner of a Survey made for James M Henry, thence S 45° 33' W with the east boundary line of the Survey known as the Mitchell tract, in Simms league 1156/10 varas to a Stone set in the ground for the most Southerly corner of this Survey, thence N 45 E W 249 84/100 varas to a Stone set in the ground on the center line of the Simms league for the most westerly corner of this Survey, thence N 45 E 1156/10 rs with said center league line to the most westerly corner of a Survey made for James M Henry, thence S 45° E 238 3/4 varas to the place of beginning.

Amanda M Troydan, Survey No 3, 42,392 acres of land valued at $1271. 795, Said Survey No 3 is a Subdivision of the tract of land known as the Mitchell tract in Simms league and - Begins at the most Southerly corner of another Subdivision of said Mitchell tract of land, made for Mary J Brown, thence S 45° 33' W 941 1/4 varas to a Stone set in the ground on the east boundary line of said Mitchell tract for the most Southerly corner of this Survey, thence N 45° W 258 87/100 varas to a Stone set in the ground on the center line of said Simms league for the most westerly corner of this Survey, thence N 45 E 941 1/4 varas to the most Westerly corner of the Subdivision of said Mitchell tract made for Mary J Brown, thence S 45° E 249 84/100 varas to the place of the beginning.

Thomas J Henry, Survey No 8, 84. 784 acres of land valued at $1271. 795
Said Survey is a Subdivision of the one half of the tract

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of land known as the Hubbard tract, which was deeded by Joseph Rowe to John D Henry and constitute part of the Simms league in Travis County. Beginning at the most Southerly corner of another Subdivision of said half of Hubbard tract made for the heirs of Hugh G Henry, thence S 45° W 973 13/16 varas to a Stone set in the ground for the most Southerly corner of this Survey thence N 45° W 491 1/2 varas to a Stone set in the ground for the most Westerly Corner of this Survey, thence N. 45 E 900 varas to Thomas Branch running east 973 13/16 to a Stone set in the ground for the most Westerly corner of said Survey made for the heirs of Hugh G Henry, thence S 45° E 67 varas to said Thomas Branch running East 491 1/2 varas to the place of the beginning.

James W Henry, Survey No 1, 42, 392 acres, valued at $1271.795

Said Survey is a Subdivision of a Survey known as the Mitchell tract, part of the Simms league in Travis County and begins at the lower corner on the Colorado River of said Mitchell Survey from which a hackberry tree 10 inches in dia brs S 80 W varas distant and a Box Elder 8 inches in diameter bears N. 80 E varas distant, thence S 45° 30 W 1147 2/3 Varas to a Stone set in the ground from which an Elm tree 15 inches in dia marked x bears S 74° W 17 7/8 varas distant, another Elm tree 15 inches in dia mkd x brs N 39 1/2 E 9 1/2 varas distant, thence N 45 W 238 3/4 varas to a Stone planted in the ground on the centre line of said Simms league from which an Elm tree 22 inches in dia brs N 10 E 1/3 varas distant mkd x, thence N 45° E 897 2/3 varas to the upper corner on the Colorado River of said Mitchell Survey, thence down Colorado River with its meanders to the place of the Beginning.

Franklin D. Henry, Survey No 10, 84.784 acres of land valued at $1271.795, Said Survey is a Subdivision of the one half a Survey known as the Herbert tract part of the Simms league in Travis County deeded by Joseph Rowe to John D Henry and begins at the most Southerly corner of another Subdivision of said half of the Herbert tract made for Texana C Henry thence S 45 W 973 13/16 varas to a Stone set in the ground on the back of said Simms league, thence N 45 W 491 1/2 varas with said back line of the Simms league to a Stone set in the ground thence N 45 E 973 13/16 varas to a Stone set in the ground for the most Westerly corner of said Survey made for Texana C. Henry thence S 45 E 491 1/2 varas to the place of beginning.

Texana C Henry, Survey No 9, 84.784 acres of land valued

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at $1271.795, Said Survey is a Subdivision of the one half of a Survey known as the Herbert tract part of the Simms league in Travis County deeded by Joseph Rowe to John D Henry and begins at the most Southerly corner of a Survey made for Thomas J Henry thence S 45 W 973 13/16 varas to a Stone set in the ground for the most Southerly corner of this Survey thence N. 45 W 491 1/2 varas to a Stone set in the ground for the most westerly Corner of this Survey, thence N. 45 E 973 13/16 varas to the most westerly Corner of a Survey made for Thomas J Henry Thence S 45° E 491 1/2 varas to the place of the beginning.

John W. Henry, Stephen F. Henry, Elizabeth T Henry, Hugh E Henry, Robert Champs Henry, and Louisa S Henry, Children of Hugh G Henry deceased, and Louisa S Huff formerly Louisa S Henry, Surviving wife of said Hugh G Henry deceased

Survey No 7, 84.784 acres of land valued at $1271.795

Said Survey is a subdivision of the one half of a Survey known as the Herbert tract part of the Simms league in Travis County deeded by Joseph Rowe to John D Henry and begins at the most Southerly corner of a Survey of 200 acres of land made for Elizabeth Henry from which a mesquite tree 14 inches in dia marked x brs S 71 1/2 W 109 1/4 varas distant, thence S 45° W 583 varas to Thomas Branch, running east 973 13/16 varas to a Stone set in the ground for the most Southerly corner of this Survey.

Thence N 45 W 491 1/2 to Thomas Branch running east 491 1/2 Varas to a Stone set in the ground for the most Westerly corner of this Survey, thence N 45 E 973 13/16 varas to the most westerly corner of said Survey of 200 acres of land made for Elizabeth Henry Thence S 45 E 491 1/2 varas to the place of the beginning.

Louisa S Huff, Life Interest 18 6/100 acres of land valued at $280.388, part of Survey No 7 allotted to said Children of Hugh G Henry deceased and Louisa S Huff formerly Louisa S Henry Surviving wife of said Hugh G Henry, deceased and Begins at the most Southerly corner of said Survey of 200 acres of land made for Elizabeth Henry from which a mesquite tree 14 inches in dia marked x brs S 71 1/2 W 109 1/4 varas distant, thence S 45 W 214 2/3 vs to a Stake, thence N 45° W 491 1/2 varas to a Stake, thence N. 45 E 214 2/3 varas to the most Westerly corner of said Survey made for Elizabeth Henry Thence S 45 E 491 1/2 to the place of beginning. all of which is respectfully submitted for approval. J. A Lillyman, James W Thompson

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John. E. Wallace, Commissioners
Sworn and Subscribed before me by said Commissioners on this the 24th day of November 1877. E. Hallmann Clerk
District Court Travis Co

Commissioners fee for four days Service at $2. each per day $ 24.00
Surveyor's fee for Surveying and ploting said Land 10.00
It is further ordered and decreed by the Court, that the interest of each party in said land be and is hereby divided out of each of them and the same be and is hereby vested in each of said party to the extent of each of his, heros their share so set apart to each of them as set forth in said report and that this decree stand as monument of title to each of said party as to their respective share as stated in said report And it is further ordered and decreed by the Court that each party pay their prorata portion of the costs in this cause according to the amount of interest of each in said land except the minors and the widow who are to pay no costs.

4827 Galveston, Brazos Colorado R. R. Company. Judgment being affirmed, this case is dropped from docket.

4881. Exc. dock 5. page 34. The State of Texas vs F. M. Hall, B. F. Hammond, D C Jones, B. Brown J R Adams, Green Brown and T. J Bates, This day came the parties by their attorneys and waive a Jury and Submit the matter in controversy as well of facts as of law to the Court and the evidence and the argument of counsel having been heard and fully understood and it appearing from the suggestion of plaintiffs that the defendant F. M. Hall is dead and his estate insolvent, the said suit ~~as to the~~ as to the said F. M. Hall is on motion of plaintiffs dismissed, the defendants making no objection thereto and it further appearing that the claim of the said plaintiff against the defendants upon their bond and writings obligatory amounting to the sum of Thirteen thousand Six hundred and twenty nine dollars and Eighty cents is subject to the following sets-off and credits, to wit twenty six hundred dollars and forty three cents for uncollected occupation tax as shown by the evidence and Seventeen hundred and fifty dollars cash paid by the defendants through the defendant B. F. Hammond on the 13th day of October 1877 leaving balance due the said plaintiff of Nine thousand two hundred and Seventy nine dollars and thirty Seven Cents it is therefor Considered by the Court that the said plaintiff the State of Texas do have and recover of the said B. F. Hammond, D. C Jones B. Brown, J R Adams, Green Brown and T J Bates the sum of Nine thousand two hundred and Seventy nine dollars and thirty Seven cents, together with her costs in this behalf expended

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and that the said plaintiff have execution. It is further ordered that execution issue for the use of the officers of the Court in conformity to law.

And now on this day came into open court the Grand Jury of Travis County empannelled at the present term and presented to the court the following indictments to wit:

5270 The State of Texas vs. An indictment for murder.

5271 The State of Texas vs. An indictment for assault with intent to kill and murder.

5272 The State of Texas vs. An indictment for swindling

5273 The State of Texas vs. An indictment for swindling

5274 The State of Texas vs James R. Ham. An indictment for uttering forged instrument in writing.

5275 The State of Texas vs. James R. Ham alias George H. Peirson. An indictment for uttering forged instrument in writing.

5276 The State of Texas vs. James R. Ham alias John W. Hall. An indictment for uttering forged instrument in writing.

5277 The State of Texas vs. James R. Ham alias George D. Brown. An indictment for uttering forged instrument in writing.

5278 The State of Texas vs. G. W. H. Martin An indictment for uttering forged instrument of writing

5279 The State of Texas vs. G. W. H. Martin. An indictment for uttering forged instrument in writing.

5280 The State of Texas vs. B. F. Mc Donough. An indictment for uttering forged instrument in writing.

5281 The State of Texas vs. An indictment for theft of land certificate.

5282 The State of Texas vs An indictment for theft of land certificate.

5283 The State of Texas vs. An indictment for theft of filed paper from Genl. Land Office.

5284 The State of Texas vs. T. B. Tullis & J. S. Stewart. An indictment for uttering forged instrument in writing.

5285 The State of Texas vs. J. S. Stewart and T. B. Tullis. An indictment for uttering forged instrument in writing.

5286 The State of Texas vs. John Wallace An indictment for adultery.

5287 The State of Texas vs. Dave Pauls. An indictment for keeping a disorderly house. And thereupon said Grand Jury

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suggesting that there is further business pending before them
they were ordered to retire upon the discharge of the same.

No 4900 The State of Texas vs. B. Brown et als. Continued generally.

5033 The State of Texas vs. J. M. C. Menard et als. Continued to perfect servi'ce.

5034 The State of Texas vs J. M. C. Menard et als. Continued to perfect service

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

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Court met pursuant to adjournment present same as on
first day, Whereupon the following proceedings where had to wit

4875 James H Raymond & Co vs Gustave Schleicher.

Exec. dock. No 5. page 28. And now on this day came on to be heard this cause and both parties
plaintiffs and defendant by their counsel announced ready for trial
and thereupon the Court having heard the pleadings and issues presented
and the evidence adduced and argument of Counsel on both sides
finds for the Plaintiffs the balance due on the note sued on, after allowing
the credit admitted by plaintiffs as paid by the garnishee
Jos Spence, the said balance due plaintiffs being the sum of
Eleven hundred and twenty one Dollars and forty Seven cents
($1.121 47/100) and interest thereon at one per centum per month.
It is therefore ordered adjudged and decreed that the plaintiffs
James H Raymond, Frank Hamilton and James R Johnson
under their Copartnership and firm name and capacity of
James H Raymond and Co do have and recover of and from
the defendant Gustave Schleicher, the said sum of Eleven
hundred twenty one & 47/100 Dollars together with interest
thereon from and after this date at the rate of one per cent
um per month until paid, and all costs of this suit
for which Execution may issue, and it is further
ordered in said cause that the said garnishee Joseph
Spence be and he is discharged.

4907 The State of Texas vs James E Barkley, William J Clark, John
H Bryan, Thomas Field and Daniel Dailey.

This day came the parties by their attorneys and waive a Jury and
submit the matter in controversy as well of fact as of law to the
Court and the evidence and argument of Counsel having been
heard and fully understood it is considered by the Court that
the said plaintiff the State of Texas do have and recover of the
said defendant James E Barkley the sum of thirty six thousand
seven hundred and fifty three dollars and forty nine cents to
gether with her costs in this behalf expended and that the

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said plaintiff the State of Texas do have and recover of the said defendant William J Clark the sum of ten thousand dollars and her costs in this behalf expended, and do have and recover of the said defendant and John H Bryan the sum of ten thousand dollars and her costs in this behalf expended, and do have and recover of the said defendant Thomas Field the sum of five thousand dollars and her costs in this behalf expended, and do have and recover against the said defendant Daniel Dailey the sum of fifteen thousand dollars and her costs in this behalf expended, and that the said plaintiff do have execution for the said sum of Thirty Six thousand Seven hundred and fifty three dollars and forty nine cents and costs and that this judgment, and the execution thereon shall be discharged and satisfied as against all the defendants upon the payment of the said sum of thirty Six thousand Seven hundred and fifty three dollars and the legal interest which may accrue thereon and costs or shall be discharged and satisfied against either of the said defendants, upon the payment by either of them of the amount with costs for which judgment is herein rendered against him, so that said plaintiff shall not be entitled to recover from all the defendants any greater sum than the said sum of thirty Six thousand Seven hundred and fifty three dollars and forty nine cents, and the legal interest which may accrue thereon and costs nor from either of the defendants any greater sum than the amount of the judgment rendered herein against him and the legal interest which may accrue thereon and costs. It is further ordered that execution do issue against the said defendants for the use of the officers of the Court for costs in conformity to law.

4768 E. L. Compton vs. The Heirs of Henry Reinhart. Upon motion it was ordered that plaintiff have leave to amend.

4795 John B. Duval et als. vs. Robert Creuzbaur. Continued.

4800 W. L. Davidson Guard. vs. Austin Joint Stock Building Company. Continued.

4807 Bellie Tucker vs. Peter Tucker. Continued.

4811 D. M. Harrell vs. J. B. Tullis. Continued.

4812 M. J. Cavenaugh vs. M. A. Taylor et als. Upon motion it is ordered that plaintiff have leave to amend.

4815 Charles Krohn vs. Thomas F. Purnell. Continued.

4817 Henrietta Siebel vs. Henry Manor. It appearing to the court, that the rule for costs entered herein at a previous term, has not been complied with, it is ordered that this cause be dismissed,

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and that the plaintiff Henrietta Siebel pay all costs in this behalf expended, for which execution may issue in favor of officers of court.

4818 Mary J. Lee vs. Thos Chubb et als. Continued by plaintiff.

4828 Bethel Coopwood & Andrew G. Carothers vs. William Alexander. Continued

4829 William Brown vs. Sam Scott et als. Upon motion it is ordered, that the defendants have leave to amend.

4829 William Brown vs. Sam Scott et als. Continued by defendant.

4830 Florence Chennenworth vs. B Brown et als. Continued generally.

4831 Mrs. Mary Duffou vs. Milton Wallace & John Canner. Continued.

4836 M. C. Hamilton vs. R. G. Blanton et als. Continued.

4838 The State of Texas vs. Rueben Murphey et als. Continued for service.

4847 The State of Texas vs. G. W. Lacy. Continued for service.

4848 Bettie C. Watson vs Archer & Wilde. Continued for service.

4851 The State of Texas vs. D. C. Sloan. Dismissed.

4856 The State of Texas vs Paul Lewis. Dismissed

4857 The State of Texas vs. W. J. Cameron. Dismissed.

4858 The State of Texas vs. Morris Mitchell. Dismissed.

4865 The State of Texas vs. Sidney Meeks. Continued.

4873 ~~The State of Texas vs~~ Henry Hirshfeld vs. W. L. Biles & wife. Continued by defendant.

4874. H. A. Hancock vs. Maria Hancock. Dismissed.

4876 A. C. Davidson vs. James Davidson Continued.

4879 Sally Ann Denton vs. John R. Denton. Dismissed.

4882 The State of Texas vs. John A. Biffle et als. Continued generally.

4886 Margaret C. Boatner vs. George W. Glascock et als. Continued for service.

5022 Austin Munson vs. Lucy Munson. And now on this day this cause coming on to be heard the plaintiff comes by counsel and announced ready for trial but the defendant came not, but failed to appear and answer the petition of said plaintiff and it appearing to the Court, that said defendant has been duly and legally cited to appear and answer said petition in due time to require her to appear at this term of this court and answer herein and no jury having been demanded the cause was submitted to the Court and after hearing the pleadings and evidence, the court being of opinion that plaintiff is entitled to the relief asked by him in this suit. It is therefor ordered adjudged and decreed by the Court that the bonds of matrimony heretofore Existing between the plaintiff Austin Munson and Lucy Munson the defendant, be and the same are hereby forever dissolved ra catid and annulled and that said parties be and are hereby

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forever divorced from each other, and it is further ordered that said plaintiff recover from defendant all the costs of this suit for which Execution may issue

4464 Alfred Smith vs J K Warren alias Dick Warren. On this day this cause being regularly reached, came the parties in person and by attorneys and announce themselves ready for trial, thereupon came a jury, to wit, F. Dohme and eleven others duly empannelled and who after hearing the pleadings, evidence and Charge of the Court, retired to consider of their verdict, and thereafter the jury return into Court their verdict as follows "We the jury find for the defendant, F. Dohme, Foreman" Thereupon it is considered by the Court that the plaintiff take nothing by his suit herein; that the injunction herein be and it is dissolved and it is further ordered and adjudged that the defendant recover of the plaintiff all costs of suit herein expended for which execution may issue. And thereupon court adjourned till to morrow 9 o'clk A.M. November 28th 1877, court met according to adjournment. Whereupon the following proceedings were had to wit:

4800 W. L Davidson Guardian vs Austin Joint Stock Building Co, et al. And now on this day came the parties plaintiff and defendants, by their attorneys and announced themselves ready for trial, and neither party having called for a jury, the matters in issue of law and fact were submitted to the Court and the court having heard the evidence and argument of counsel in the premises is of the opinion, that the law is with the defendant. It is therefore, ordered, adjudged and decreed by the Court, that the plaintiff take nothing by his suit, that the defendant go hence without day and have and recover of the plaintiff all cost in this behalf expended, for which execution may issue

4921 George B Zimpelman vs John W Robertson, B. W. Odom & T. B. Wheeler. (Exe. book No 5 page 31) Comes now the plaintiff, and this cause having been regularly called for trial, the defendants came not, but wholly made default, and it appearing to the Court that the defendants have all been served with citation and copy of the petition more than five days before the first day of the present term of this Court. And the Court after hearing the petition read after seeing and reading the evidence herein does find that the defendants are indebted to the plaintiff in the sum of $1000- the principal and $388.50 the interest due on said note sued on. It is therefore ordered that the plaintiff George B Zimpelman have and recover from the defendants John W Robertson, B W Odom and T. B Wheeler the sum of $1000- dollars, the principal and $388.50, the interest found due on said note making the sum of $1388.50 with interest on the last named amount at the rate of 1½ per cent per month from this date until paid, together with his costs and all proper relief for which Execution may issue

5032 (Exe. book No. 5. page 26.) W A Taylor vs J. B. Weems and Emily Weems. On this day came on to be

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heard this cause and the plaintiff appeared by counsel and announced ready for trial, the defendants J B Weems and Emily Weems his wife although duly cited according to law came not but wholly made default and it appearing to the Court that defendants were cited according to law Judgment is rendered in favor of plaintiff against defendant by default for the amount of the note with a foreclosure of vendors lien upon the land described in plaintiff's petition as the same was given on the 11th day of December A.D. 1875. And said note being introduced in evidence and the Court finding due thereon the sum of Nine hundred Fifty three & 50/100 Dollars principal and interest to date. And that the same was executed for the payment of the purchase money and constitutes a valid and subsisting vendors lien on the following described tract of land lying in the County of Travis and State of Texas by metes and bounds, beginning at the N. E Corner of that portion of the Santiago del Valle grant set apart to the children of Robert Davis out of 4459/10 acres of said grant known as the Robert Davis tract, thence S 46° 48' W 537½ vrs to the S cor of same, thence N. 35° 40' E 524 vrs to a corner at the edge of timber, thence N. 45° W 16 vrs, thence S 35° 40' E 1125 varas, thence S 57° 48' E 141 varas to the beginning, containing Seventy eight acres more or less, and lying on South Side Colorado river, being that sold by said Geo W Sampson to said Weems on said Dec 11th 1875, Wherefore said note constitutes a valid and subsisting lien upon said tract of land above described It is ordered adjudged and decreed that the plaintiff Mathew A Taylor do have and recover of and from the defendants J B Weems and Emily Weems the sum of Nine hundred and fifty three Dollars and fifty cents ($953.50) together with interest thereon from date of rendition of this judgment at the rate of thirty per centum per annum until paid. And all costs of this suit and that an order of sale do issue ordering the Sheriff of Travis County to make sale of the above described tract of land according to law for the satisfaction of this judgment and that he deliver the remainder of the proceeds of said sale, if any remainder there be, after payment of this judgment and his legal fees, to the defendants and in the event that such sale said land shall not bring a sufficient amount to satisfy this judgment for the said remainder thereof execution may issue.

5050 Alexander Eanes vs A R Morris. And now on this day came the parties the plaintiff by attorney and the defendant in his own proper person, and neither party having called for a Jury, the matters in issue were submitted to the Court and the defendant having admitted the truth of the allegations in plaintiffs petition and the Court having considered the law as it arises on the facts charged in

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the petition is of the opinion, that the law on the facts is with the plaintiff. It is therefore ordered adjudged and decreed by the Court, that the prayer of plaintiff's petition be and the same is hereby granted and it is further ordered adjudged and decreed by the Court, that the defendant A R Morris in his late capacity as the assessor and collector of taxes for the County of Travis and State of Texas be and he is hereby ordered required and commanded to make execute and deliver to the plaintiff Alexander Eanes, a deed in due form of law, to and for the following described tract or parcel of land situate in the County of Travis State of Texas and by metes and bounds described as follows, in Travis County on Bartons Creek, about 9½ miles N80°W of Austin and known as Survey №400 by virtue of Donation Warrant №72, issued by the Comptroller of Public accounts on the 3d day of November 1859. Beginning on the N. W corner of Robert McKinney's Survey, thence S 30°W 240 varas to Bartons Creek 260 varas to a stone mound from which a Cedar 9 in dia brs S20°W 1vr, thence 60°W 120 varas a branch 988 varas to a stone mound. thence N. 30 E 1351 varas to a stone mound from which an Elm 6 in dia brs N 83½ E 12 varas, thence S. 60 E croping Bartons Creek 1420 varas to the W line of James McTribble, Survey, thence S 30°W croping Bartons creek 1091 varas to a stone mound, Robert McKinneys corner, thence N. 60°W 432 varas to the beginning, bearing marked X, it being the land to which the plaintiff is entitled by virtue of his purchase at tax sale, as alleged and set out in his petition. It is further ordered by the Court that the plaintiff pay all cost in this behalf expended for which execution may issue.

4890 J. B. Barrow vs W. B. Brush and C. W. White.

And now at this day came the parties plaintiff and defendants in the above cause by their attorneys of record and announced themselves ready for trial both on the law and the facts and neither party having demanded a Jury, the Court having heard the pleadings, the evidence and the argument of both parties, considered the same and after due deliberation it appearing to the Court that upon the pleadings and evidence, and a due consideration of the whole case, that the law is with the plaintiff and that the averments of the plaintiffs pleadings are true. It is considered ordered and adjudged by the Court that the said plaintiff as executor of the last will of J. B. Brush dec and do have and recover of and from W. B. Brush and C W White the sum of two hundred and seventy dollars for which execution may issue. It is further ordered and decreed by the Court that the said W. B. Brush W. B. Brush assistant Executor of the will of J. B. Brush be forever prohibited

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and enjoined from further acting under the will of said S. B. Brunk dec'd and in any other capacity than that of assistant executor subject to the control and direction of the said plaintiff J B Barron the main and responsible executor of the said will of the said S. B. Brunk, It is further ordered by the Court that the said plaintiff J B Barron Executor aforesaid do have, and recover of the said defendants W. B. Brunk and C W White all the costs of this suit for which Execution may issue

4896 Joseph Able jr. vs B. Brown et als. Continued under the rule for costs.

4902 S. R. Yates vs Mrs. S. Nichols et als. Dismissed for want of prosecution.

4903 W. E. Rogers & P. C. Ford vs John C. Wilson et als. Continued under the rule for costs.

4911 John B. Gildart vs Int'l & Great Northern R R. Co. And now at this day came the parties to the above entitled cause, the plaintiff appearing by his attorneys J E. Shephard and L. W. Doom and the defendant by its attorneys Pancoak, West & North, and it appearing that the matters in controversy between the parties have been settled and compromised and that said defendant the International and Great Northern Railroad Company has paid to said plaintiff J. B. Gildart the sum of one hundred dollars, which said sum has been received by said plaintiff in full satisfaction of his claims against said defendant as set forth in his petition to wit: for the damages done to the East half of Lot No. (6) six. in Block No. (5) five of Out Lot No. (11) eleven in Division D. in the City of Austin and County of Travis by said defendants railroad, it is considered, ordered and adjudged that this cause be dismissed and that said defendant the International and Great Northern Railroad Company pay all the costs of this suit for which let execution issue against it.

4918 B. C. Stavely vs. Joseph Pelore. No counsel appearing this cause is continued.

4927 Richard Gildart et als. vs. Int. and Great North. R. R. Company. And now at this day came the parties to the above entitled cause, the plaintiffs appearing by their attorney D. E. Thomas and the defendant by its attorneys Pancoak West & North, and it appearing that the matters in controversy between the parties have been settled and compromised and that said defendant the International and Great Northern Railroad Company has paid to said plaintiffs Richard Gildart, Susan Gildart, Emily J. Ford, Farrar & Elliott Gildart, Thomas E. Gildart, Jeff Gildart, Virginia Bevon and her husband W. L. Bevon, Cornelia Patterson and her husband H. D. Patterson, Lizzie Phelps and her husband Gerard Phelps the sum of Two hundred and fifty dollars, which said

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sum has been received by said plaintiffs in full satisfaction of their claims against said defendant as set forth in their petition to wit: for the damages done to the West half of Lot No (6) six in Block No (5) five of Out Lot No (11) eleven in Division Z in the City of Austin and County of Travis by said defendants railroad it is considered, ordered and adjudged that this cause be dismissed and that said defendant the International and Great Northern Railroad Company pay all the costs of this suit for which let execution issue against it.

4936 N. A. Morris vs M. R. Scudder et als continued.

4940 Lucy Robinson et als. vs. E. W. Erwin et als. continued by consent.

4941 Wm Hudson vs. C. R. Johns & Co continued by agreement.

4950 First National Bank vs. Jas C. Shepherd et als. No counsel appearing this cause is continued.

4960 M. C. & John C. Jaynes vs. David Oppright et als. No counsel appearing cause continued.

4962 Sarah Love vs. George Love. Continued for service.

4963 Joseph Rossi vs John Reavey. Continued by Def.

4964 Mary E. Montigue vs. John Montigue. Def's Attorney not appearing, defendant consents to continue.

4966 Mary Bronker vs. Joseph Rossi et al. Dismissed at costs of plaintiff

4967 Joe Able Jr. vs. H. C. Goodrich. No counsel appearing for plaintiff cause continued.

4968 Mary C. Cannady vs. William C. Cannady. Dismissed

4970 W. M. & L. C. Sanford & J. & C. V. McChesney vs. The unknown heirs of Ebenathan Beebe and the unknown heirs of Horatio Keys & Jas O. Neil Continued by operation of law.

4975 T. L. Wren vs. Edmond Green. Continued by agreement.

4976 Thomas C. Tullis vs Dennis Corwin Sheriff of Travis Co Continued.

4977 Francis M Doyle vs. James Leland Hall, Samuel Hall, & Lorenzo Pratt. Continued for service.

5012 Geo. W. Brackenridge vs. John W. Maddox & Bro. No counsel appearing cause continued.

5014 First National Bank of Austin Texas vs John W. Maddox et als No counsel appearing, cause continued.

5017 Maranda McRae vs A. L. McRae. Continued by operation of law.

5018 Andrew Johnson vs. James L. Hall & als. Continued under the rule for costs.

5019 Minerva Davis vs. Walker Davis Continued under the rule for cost..

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5023 E. b. Arnold vs. L. F. Arnold. Continued under rule for evts.
5028 Sarah Liggin vs. David Liggin. No counsel appearing. cause continued.
5029 Mary J. Lee vs. Charles O. Sorell. Continued for service.
5030 Anna Parnett vs Joseph Bluford Parnett. No counsel appearing cause continued.

4972/ " John H Hampton vs W. R Hampton et al

This day came on to be heard this cause and the plaintiff by his attorney and the defendants Isaac A Hampton Jr, Christopher C Hampton by their guardian John Bailey and said Bailey in person being before the court and said defendants and Wilton Hampton having answered praying the partition sought by plaintiff but the defendants Isaac A Hampton Senr William R Hampton Mary M Snow and Pleasant G Snow, coming not and failing to answer in this behalf after being duly and legally cited so to do but wholly making default wherefore the plaintiff ought to have the partition and relief prayed for in his petition; and the cause being submitted to the court, and it appearing to the Court from the evidence that the facts alledged in the plaintiffs petition are true it is therefore considered ordered and decreed that the plaintiff John Hampton is entitled to and owns three fourteenths of the land described in his petition subject to a lien in favor of G. R Freeman to secure the payment to said Freeman of twenty dollars due the latter from him with legal interest thereon and that he the said plaintiff shall have the said three fourteenths of said land set apart to him subject to the said lien of said Freeman and that each of the defendants Isaac A. Hampton Jr, Charlotte B. Hampton and Christopher C Hampton is entitled to and owns three fourteenths (3/14) of the said land which is described as follows to wit, Eighty acres, the N. W half of a Survey patented to Isaac A Hampton containing 160 acres, Known as the Joseph Morris and described in Patent No 257 as of Record in the General Land office Vol 19 Scrip, being situated in Travis County on the divide between Brushy and Cross Creeks, the said North West half being divided from the South East half by a line beginning at a point on the West line of said Survey 572 69/100 varas S 30 W from the N. W corner of the Survey and running S 60 E 881- Eight hundred and Eighty one varas to the East line of said Survey, also a tract of thirty acres being a part of the Dower Leagne Situated in Williamson County near the

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aforesaid Morris Survey and north of the same and adjacent to a tract owned by one Edwards and another owned by one Oliver and the same thirty acres bought of and deeded by David Peters to I. A Hampton, and that Isaac A Hampton as an heir of his daughter E. J Hampton deceased is entitled to and owns one tenth of said land described as aforesaid and each of the defendants William Hampton Mary W Snow and Wm R Hampton is entitled to and owns one seventieth (1/70) of said land and that partition of said land shall be made between the several parties to this suit according to this decree to each the proportion in value of the same which he or she owns of the same and J. H. Forbian is hereby appointed a commissioner to divide the said land fairly between the said parties and allot to each his or her share or proportion in value of said land, if the same can be fairly divided and report his action in the matter under oath to this Court at the earliest day practicable for the approval or rejection of this Court and should he find that the property in question cannot be fairly divided or can only be partially divided without serious damage to the parties at interest he shall report the fact to this Court and the facts which prevent such division or allow of only a partial division He is directed to set apart the lands of the minors Isaac A Hampton Jr Christopher Columbus Hampton and Charlotte B. Hampton in tracts adjacent to each other if it can be fairly done and if the larger interests can be set apart fairly and the very small interests by reason of their small quantity or other cause cannot be fairly and justly apportioned in kind, he is authorized to apportion in kind the larger interests and to set apart in one parcel or lot the balance of the land for the parties who own the small interests which cannot be fairly divided and report to this Court for its information the facts upon which he has proceeded and based his action and it is further ordered and decreed that the costs of this suit be paid by each of the parties thereto in proportion to his or her interest or distributive share in said lands for which execution may issue and that each of said shares shall be and is hereby subjected to a lien for the costs of this suit due from its owner, to enforce which the clerk of this Court may issue an order of sale of so much of such share as may be sufficient to fully pay all the costs of this suit that may be due from its owner.

And thereupon Court adjourned until November 30th 1877 at 9. o'clock a.m.

November 30th 1877.

Court met pursuant to adjournment present same as on forth day
Whereupon the following proceedings were had to wit.

4872 W. A. Faires vs Forster Ludlow & Co.

And now at this day this cause being for trial the parties announced themselves ready for trial, whereupon neither party demanding a Jury the Court proceeded to try said cause without the intervention of a Jury, and the Court having heard the pleadings, the evidence and the argument of counsel and being of the opinion that the plaintiff is entitled to recover, it is considered ordered and adjudged that the plaintiff W. A. Faires do have and recover from the defendants Francis B. Forster, B. C. Ludlow and Geo. B. Zimpelman the sum of one thousand two hundred and fifty six 37/ dollars and it is further considered ordered and adjudged that out of said sum of $1256 37/100, the sum of One thousand and eight 80/100 dollars may be satisfied by the delivery by defendants to the plaintiff of the pension lands of the State of Texas, described in plaintiffs petition, within thirty days from the date hereof. It is further considered ordered and adjudged that said plaintiff do have and recover of and from said defendants all the costs of this suit, for all of which let execution issue, whereof the defendants then and there in open Court gave notice of appeal to the Supreme Court.

4069 F. W. Chandler vs Life Association of America, Jas E Rector & C R Johns

On this day came the parties by their attorneys and by agreement of parties, it is considered ordered and adjudged by the Court.

1st That the defendant the Life association of America do have and recover of the plaintiff F. W. Chandler the sum of five hundred and fifty dollars and that the mortgage pleaded in re convention be foreclosed and that an order of sale be issued directing the Sheriff to sell as under execution the said property to wit, ten acres in Travis County being lot No 17 and part of the Geo W Spear Survey, situated on the left margin of the Colorado river about two miles above the City of Austin according to the plan of Subdivision of 316 acres of said Spear tract laid out into lots numbering from one to thirty, which said plan or plot is made part hereof.

2d Lots ten (10) eleven (11) and twelve (12) in Block No 157 one hundred and fifty Seven in the City of Austin, according to the plan of said City.

3d the S E Corner lot of Block 33 in Division E adjoining the City of Austin the proceeds of said sale to be applied to the satisfaction of this judgment and costs. And it is further ordered adjudged and decreed by the Court that said payment is a full settlement of all

Rec'd on the judgment # 946 20 Ls regt. in Lib. Feb 9/87 & 16th 1877 - Decision in favor of W. A. Faires. Rec'd this March 7 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of March 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 16th day of April 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of May 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of June 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of July 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of August 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of September 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. Rec'd this 21st day of October 1878 $1256.37 & $10.80 Ls regt. in full in favor of W. A. Faires. 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matters in Controversy set out in the pleadings, and that the credit allowed upon said note set up in reconvention be and the same is a satisfaction in full of all claim and demand of the said plaintiff or the holders of said Life assurance policy No. 6341, on the life on Wm. M. Chandler issued by the defendant on or about April 14-1870, and the Court doth order and decree that said policy described in the pleadings be hereafter of no further force and validity by reason of such satisfaction, this Judgment to have the effect of a receipt and full satisfaction by said Life Association of America of all claims and demands of whatsoever nature against said Chandler the plaintiff or the holder of said policy. It is further ordered and decreed by the Court that this Judgment be and it is in full satisfaction of the note described in the answer and plea in reconvention and also of the said original for which it was executed, and all and claim of the defendant the defendant the Life Association of America against the said plaintiff Chandler, And it is further ordered that the said note, the second Mortgage (may be) be filed herewith and remain on file and that said Policy No. 6341 be by plaintiff surrendered and the same is hereby satisfied in full and that they each of them have no further force or effect. It is further ordered that defendants recover of plaintiff all costs of suit for which execution may issue and for any balance on the Judgment above not made on the order of sale, execution may issue, and as to the defendants Rector and Johns, the plaintiff take nothing and they recover the costs herein for which execution may issue.

3361 Trinidad Villareal vs The State of Texas. Continued.

3362 Victoria Juarez vs The State of Texas. Continued.

4877 W. H. Firebaugh vs. D. A. Riedell et als. Travis County Garnishee.
This day, this cause being called in its regular order, came the garnishee herein to wit Travis County by its attorney, and submitted to the court its answer to the writ of garnishment issued against said Travis County, It was thereupon ordered by the court, after considering said answer, that said garnishee be discharged and that the plaintiff W. H. Firebaugh pay all costs of this garnishment proceeding.

5025 Loomis & Christian vs S. P. Brown & wife & A. G. Wheeler. Upon motion it is ordered that the defendants have leave to amend.

5027 F. W. Chandler vs. John M. Holland et als. And now on this day the above named cause being regularly called for trial - the plaintiff announced ready for trial and the defendant failed to appear in person and by attorney, the plaintiff submitted to the court his general and special exceptions to the cross bill of the defendant John M. Holland, and the same having been considered by

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the Court, It is ordered, adjudged and decreed by the Court, that the same be and is hereby sustained and that the said Cross bill be and the same is hereby dismissed, stricken out, set aside and held for naught. Upon the evidence adduced by the plaintiff it is ordered adjudged and decreed by the Court, that the plaintiff F. W Chandler do have and recover of and from the defendants John W Holland and Elza Neely, the sum of Ninety one 43/100 dollars in gold with interest at the rate of ten per cent per annum from this date until paid together with all costs of this suit, and it further appearing to the Court that the note sued on was given for a part of the purchase money of the following described tract or parcel of land to wit Situated in the County of Travis, State of Texas about five miles from and a little North of East from the City of Austin, it being a part of a league of land, granted to Jesse Tannehill and that part of said Tannehill league deeded to plaintiff by D. L Cross on the 2d day of August 1862, and bounded as follows to wit Beginning at the N. E Corner of the forty three acre tract taken off of the Tannehill league and sold J. Gregg to Joseph Newsham and bought by D.L. Cross at Sheriff sale on execution issued out of Justice Court of Travis County Texas in the year 1857 and running from said corner on the partition line of said league between Tannehill and Townsend N. 60 W 293 1/2 varas to a stone mound, thence S 30 W 414 varas to a stone mound, thence S 60 E to the dividing line between Tannehill and Townsend to a stone mound, thence N 30 E along said line to the place of beginning containing (21 1/2) twenty one and one half acres. And it is further ordered adjudged and decreed by the Court that the vendors lien as it existed on the 23d day of May 1872, upon the above described tract of land be and the same is hereby foreclosed and that the clerk of this Court issue an order of sale directed to the Sheriff or any constable of Travis County, commanding him to levy upon and sell the above described tract of land as under execution and apply the proceeds thereof to the payment of this judgment interest and costs and if said land shall sell for more than sufficient to pay off this judgment and costs, to pay over the remainder to the defendants.
And thereupon Court adjourned until to morrow morning at 9. o'clock.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

3133 Jose M. G. Villareal vs. The State of Texas. In this case appeared
& the plaintiff by his attorneys and the State of Texas by L. P. Boone Attorney General and announced themselves ready for trial, after hearing the evidence introduced by the plaintiff and by the attorney general for the State of Texas, and the argument of counsel: and the same having been fully considered by the court, because it is the opinion of the court that the law and the facts establish the title of the plaintiff to the land set out in plaintiffs petition. It is therefore ordered adjudged and decreed by the court that the plaintiff Jose Maria G. Villareal for himself and the heirs and divisees of Antonio Elisando the original grantee of the land described in the plaintiffs petition do have and recover The land sued for in this action situated and described as follows: In the County of Hidalgo and State of Texas about 60 miles N. 10° E. from the town of Edinburg and known as "El Lacero" Beginning at the N. W. corner of a tract of land confirmed to Pilar Zarate known as the Alameda which is the S. W. corner of this tract said corner being known as Cabecella, Thence East 8937 varas to the S. E. corner known as "La Alameda" Thence North 8400 varas to the N. E. corner of this tract known as "La Vivora" Thence West 8937 varas to the N. W. corner of this tract known as "El Cenito" Thence South 8400 varas to the place of beginning and contains Three leagues and 70800 square varas of land. The said tract is bounded north by the "Noriacitas" of "Esteven Martinez": east by "Realitos" of Manuel de la Garza. South by the grant of Pilar Zarate called "La Alameda and West by the tract called "La Encatada". It is further ordered adjudged and decreed by the court that the State of Texas be and is by virtue of this judgment and decree divested of all right title interest and claim in or to the aforesaid tract of land and the same is hereby fully vested and confirmed in the plaintiff J. M. G. Villareal and the legal heirs and devisees and assigns of the original grantee Antonio Elizardo. It is further ordered adjudged and decreed by the court that the State of Texas do have and recover of and from the plaintiff and his security J. L. Haynes all the costs of this suit including the Attorney Generals fees. for all which execution may issue. All of which is ordered, adjudged and decreed by virtue of an act of the Legislature of the State of Texas entitled an act to ascertain claims

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adjudicate certain claims for land against the State situated between the Nueces and Rio Grande rivers approved August 15th 1870. —

3136 Roberto Garza vs The State of Texas.

And now at this day November 30th 1877, came on to be heard the motion of the defendant by Hon R. N. Boone attorney General praying this Court to suppress the depositions of Eusebio Cantu Cardenas filed in this cause November 13th 1877. And it appearing to this Court that the law is for the motion. It is therefore ordered by the Court that the said deposition be suppressed and held for naught it is further ordered and decreed by the Court on motion of plaintiff that the plaintiff have leave to withdraw the said deposition and interrogatories thereto attached from the files of this cause. It is further ordered that this cause stand Continued.

3137 Francisco Cuellar vs The State of Texas.

And now at this day November 30th 1877, came on to be heard the motion of the defendant by Hon R R Boone attorney General praying this Court to Suppress the deposition of Jose Maria Gonzales Martinez filed in this cause on the 14th day of November 1877 and it appearing to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said deposition be suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiff that the plaintiff have leave to withdraw the said deposition and interrogatories thereto attached from the files of this cause, It is further ordered that this cause stand continued.

3140 Eulalio Gonzales et al vs The State of Texas

And now at this day November 30th 1877 came on to be heard the motion of the defendant by Hon R R Boone attorney general praying this Court to Suppress the deposition of Waldino J Sanchez filed in this cause on the 13th day of November 1877 and it appearing to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said depositions be suppressed and held for naught It is further ordered and decreed by the Court on motion of plaintiffs that the said plaintiffs have leave to withdraw the said deposition and interrogatories thereto attached from the files of this cause. It is further ordered that this cause stand continued

3187 Juan Vila Gutierrez vs The State of Texas

And now at this day November 30th 1877 came on to be heard the motion of the defendant by Hon R R Boone attorney Gen

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ral, praying this Court to Suppress the deposition of Martin de J Sanchez filed in this Cause on the 13th day of November 1877 and it appearing to the satisfaction of the Court that the law is for the motion, It is therefore ordered by the Court that the said deposition be Suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiff that the said plaintiff have leave to withdraw the said deposition and interrogations thereto attached from the files of this Cause It is further ordered that this Cause Stand continued.

3189 Manuel Bustamente vs The State of Texas

And now at this day November 30th 1877 came on to be heard the motion of the defendant by Hon A W Boone attorney General, praying this Court to Suppress the deposition of Martin de J Sanchez filed in this Cause on the 13th day of November 1877 and it appearing to the satisfaction of the Court that the law is for the motion, it is therefore ordered by the Court that the said deposition be Suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiffs that the said plaintiff have leave to withdraw the said deposition and interrogations thereto attached from the files of this Cause. It is further ordered that this Cause Stand continued.

3190 Manuel Ramirez vs The State of Texas.

And now at this day November 30th 1877 came on to be heard the motion of the defendant by Hon A W Boone attorney general, praying this Court to Suppress the deposition of Martin de J Sanchez filed in this Cause on the 13th day of November 1877, and it appearing to the satisfaction of the Court that the law is for the motion, it is therefore ordered by the Court that the said deposition be Suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiff that the said plaintiff have leave to withdraw the said deposition and interrogations thereto attached from the files of this Cause, it is further ordered that this Cause Stand continued.

3191 Pedro Gutierrez vs The State of Texas. And now at this day November 30th came on to be heard the motion of the defendant by Hon A W Boone attorney Genl praying this Court to Suppress the deposition of Martin de J Sanchez filed in this Cause on the 13th day of November 1877. And it appearing to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said deposition be Suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiff that the said plaintiffs have leave to withdraw the said deposition and interrogations thereto attached from the files of this Cause. It is further ordered that this Cause Stand continued

December 1st 1877.

3196 Julian Zapata et al vs. The State of Texas
And now at this day November 30th 1877, came on to be heard the motion of the defendant by Hon W H Boone attorney General praying this Court to suppress the deposition of Martin de J Sanchez filed in this cause on the 13th day of November 1877 and it appearing to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said deposition be suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiffs that the said plaintiffs have leave to withdraw the said deposition and interrogations thereto attached from the files of this cause. It is further ordered that this cause stand continued.

3202 Candelaria Ramirez vs The State of Texas.
And now at this day November 30th 1877 came on to be heard the motion of the defendant by Hon W H Boone, attorney general, praying this Court to suppress the deposition of Martin de J Sanchez filed in this cause on the 13th day of November 1877, and it appearing to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said deposition be suppressed and held for naught. It is further ordered and decreed by the Court on motion of Plaintiffs that the said plaintiff have leave to withdraw the said deposition and interrogations thereto attached from the files of this cause. It is further ordered that this cause stand continued

3365 Salvador Cardenas vs The State of Texas
And now at this day, November 30th 1877 came on to be heard the motion of the defendant by Hon W H Boone, praying the Court to suppress the depositions of Eusebio Canta Cardenas filed in this cause on the 13th day of November 1877 and it appears to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said depositions be suppressed and held for naught. It is further ordered and decreed by the Court on motion of the plaintiff that the plaintiff have leave to withdraw the said depositions and interrogatories thereto attached from the files of this cause. It is further ordered that this cause stand continued

5035 B. Trigg vs E. T Moore. And now at this day, this cause being called for trial the parties appeared by their attorneys and neither party desiring a Jury, the Court proceeded to try said cause and thereupon came on to be heard the defendants demurrer to the plaintiff's pleadings and the same having been duly considered by the Court, the same was by the Court overruled to which ruling the ~~Plaintiff~~ Defendant then and there excepted, and thereupon the Court, having heard the pleadings, evidence and argu

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ment of Counsel, it is of the opinion that the plaintiff ought not to recover, wherefore it is conisdered ordered adjudged and decreed that the plaintiff B. Trigg take nothing by his said Suit, that said defendant E. J. Moore be discharged and go hence without day and that said plaintiff pay all Costs of this Suit for which let execution issue, And thereafter the plaintiff in open Court gave notice of appeal to our Supreme Court, which appeal is granted in terms of the law.

5042 E. Bremond vs C. J. Evans. And now at this day this cause
Exec. Book 5. page 26. being called for trial the parties appeared by their attorneys
& and neither party demanding a Jury the Court proceeded to try the cause and the Court having heard the pleading evidence and argument of counsel, because it is of the opinion that the plaintiff is entitled to recover, it is conisdered, ordered adjudged and decreed that the plaintiff Eugene Bremond do have and recover of and from the defendant Charles J Evans the Sum of nine hundred and twenty two 66/100 dollars, and it further appearing that said Sum is a part of the purchase money of the following described real estate, heretofore conveyed by one D. G. Sampson to said defendant and that said plaintiff is the owner of the purchase money note upon which this judgment is rendered it is therefore ordered adjudged and decreed that the vendor's lien Securing the payment of said Sum of $922 66/100 on the following real estate to wit: three lots or parcels of land in out lot No 7 in division "D" of the out lots of the City of Austin in said County of Travis, said lots being more fully described by metes and bounds as follows to wit lying and being in the County of Travis State of Texas and being a part of out lot No 7 div D. of the Austin town tract and being a part of the Eastern three acres of said lots and described as follows to wit, two lots beginning on the S. line of said lot No 7 at a point which is 412½ feet S 83¼° from the S W corner of said lot No 7, thence N. 7° East 136 feet to a Stake, thence S 83¼° E 160 feet, thence S 7° W 135, thence N 83¼° W 160 feet to the place of beginning. Also one lot beginning at the N. W corner of said described two lots, thence N. 7° East 67½ feet, thence S 83¼ E 160 feet, thence S 7 W 67½ feet thence N 83¼° W to the place of beginning. Which said lots were heretofore to wit on the 4th day of January A D 1875, conveyed by the said D. G. Sampson to said defendant by his deed of conveyance in writing of that date in consideration [illegible] foreclosed and

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that an order of sale is one requiring the Sheriff of Travis County to sell said premises in accordance with the law governing sales under executions and apply the procends to the payment of this judgment and costs and pay the balance if any over to said C J Evans. It is further ordered that the plaintiff do have and recover of and from the defendant all costs in this behalf expended and that the plaintiff do have his execution for said judgment and costs and for any balance which may be owing after the sale of said property.

5015 B. J Collins vs F. W. Chandler, Fred Carleton & Jno W Robertson
On this day this cause coming on to be tried the parties appeared by their attorney and the cause being submitted to the Court on the pleadings and the evidence, and the same being considered by the Court the evidence submitted by the plaintiff, being the notes of the defendants executed and delivered by the defendants to the plaintiff and set out in plaintiffs petition and amended petition. It is thereupon ordered and adjudged by the Court, that the plaintiff do have and recover of the Defendants, the sum of Nine hundred and Sixty Seven & 13/100 in gold Coin of the United States of America with interest thereon in like coin at the rate of twenty four per cent per annum from this date, the same being the rate of interest fixed by said notes on the principal thereof and said amount of Nine hundred Sixty Seven 13/100 dollars being the principal and interest in gold to this date and that the plaintiff have and recover the further sum of Eight thousand & 33 1/3/100 Dollars in Coin Dollars of the United States, with interest thereon from this date at the rate of twenty four per cent per annum from this date, and the further sum of eight hundred and Sixty five & 56/100 dollars in currency dollars of the United States to bear interest from this date at the rate of twenty four per cent per annum. And the further Sum of Two hundred and ninety one & 96/100 Currency dollars to bear interest from this date at the rate of twelve per cent per annum. The aggregate sum of the aforesaid several amounts being the Sum of Five thousand two hundred and Seven & 98 3/100 Dollars principal and interest to date on plaintiffs demands to be paid and to bear interest upon the Several and respective sums as herein Stated. It is further ordered that plaintiff have execution against the defendants for the amounts of his recover herein, together with all costs in this behalf expended to be paid and Satisfied as herein adjudged

4699 James T. Link vs. Austin City R. R. Company. Continued by agreement.

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4822 Jobe & Robinson vs. A. P. Horback. Upon motion it is ordered that the defendant have leave to amend.

4893 The State of Texas vs. T. B. James et al. Upon motion it is ordered that the defendants have leave to amend.

4983 The State of Texas vs. Billy Warren et als. It appearing to the court that the appearance bond on which this suit was brought, is insufficient, it is ordered that the judgment nisi and the judgment final heretofore rendered in this cause be set aside and vacated, and that the said appearance bond be quashed.

5044 T. L. Bentley vs. Elizabeth Shelton et als. No counsel appearing, it was ordered that this cause be continued.

5045 Sophie Clay vs. Henry Clay Continued.

5049 Mattie Johnson vs. Fremont Johnson. No counsel appearing when cause regularly called, this cause was continued.

And thereupon came into open court the Grand Jury of Travis County, empannelled at the present term of this Court, and through their foreman J. L. Redd presented to the court the following indictments to wit:

5288 The State of Texas vs. J. R. Ham. An indictment for forgery.

5289 The State of Texas vs. J. R. Ham. An indictment for forgery.

5290 The State of Texas vs. James Mc Cullough and William Mc Cullough, an indictment for forgery.

5291 The State of Texas vs. James Mc Cullough, William Mc Cullough & J. C. Tullis. An indictment for uttering forged instrument in writing.

5292 The State of Texas vs. James Maddox. An indictment for forgery.

5293 The State of Texas vs. James Maddox. An indictment for forgery.

5294 The State of Texas vs. A. V. Sturlock An indictment for uttering forged instrument in writing.

5295 The State of Texas vs A. V. Sturlock An indictment for Swindling.

5296 The State of Texas vs. P. W. McDonald An indictment for Swindling.

5297 The State of Texas vs. A. McClain An indictment for theft of a steer.

5298 The State of Texas vs. Eugen Mc Carty An indictment for Swindling

5299 The State of Texas vs. Charles Jepth. An indictment for Embezzlement.

5300 The State of Texas vs. William Poe An indictment for assault with intent to Kill & murder.

5301 The State of Texas vs William Poe An indictment for assault with intent to Kill & murder.

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5302 The State of Texas vs. Wm Suter. An indictment for giving certificate of inspection illegally.

5303 The State of Texas vs. Wm Suter. An indictment for giving certificate of inspection illegally.

5304 The State of Texas vs. Mack (a freedman) An indictment for aggravated assault.

5305 The State of Texas vs. Manchack Ware An indictment for exciting monte.

5306 The State of Texas vs. William Poe An indictment for carrying deadly weapon.

5307. The State of Texas vs. Mack (a colored man) An indictment for carrying deadly weapon.

5308 The State of Texas vs. Monroe Wilson An indictment for Betting at monte.

5309 The State of Texas vs. Jerry Johnson An indictment for betting at monte.

And thereupon said Grand Jury suggesting that there is no further business before them, they were ordered to go hence discharged.

And thereupon Court adjourned untill 9 o'clock Monday morning

December 3rd 1877

Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4973 Joe H. Stewart vs. Int. & Great North. R. Road Co. Upon motion it was ordered that defendant have leave to amend.

5183 The State of Texas vs. James W. Maddox. Continued by the State.

5177 The State of Texas vs. Thomas E. Tullis. Another indictment having been preferred against this defendant containing the same charge, it was ordered that this cause be dismissed.

And thereupon court adjourned till to morrow morning 9 o'clock

December 4th 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4973 Joe H. Stewart vs. International and Great Northern Railway Company. On this the fourth day of December A.D. 1877 came the parties by their attorneys and then came on to be heard the demurrer to the petition; and the argument of counsel thereon being heard, it is the opinion of the court that as to so much of the

December 4th 1877.

plaintiffs petition as seeks to recover from the defendant for alleged injuries to the plaintiff after he the said plaintiff had safely alighted and landed from the cars of the defendant, - the law is for the defendant and the demurrer to that extent is sustained, and on suggestion of attorneys for plaintiff, that plaintiff does not ask or claim from defendant any damages for anything occurring anterior to the landing of plaintiff from defendants cars or for any supposed breach of contract on the part of defendant in not landing plaintiff at the regular passenger depot in the City of Austin judgment final on demurrer is here rendered for defendant and the petition dismissed, to which plaintiff excepts and gives notice of appeal to the Supreme Court. It is therefore considered by the court that the defendant go hence without day and that he recover of the plaintiff his costs in this behalf expended for which he may have execution.

5011. Manorah Brown vs. John D. Grumbles et als. Upon motion it is ordered that plaintiff have leave to amend.

5189 The State of Texas vs. Thomas B. Tullis. This day came the State by her Attorney and came also the defendant in person and by his attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County consisting of M. M. McLaurin and eleven others, duly elected, tried, empannelled and sworn according to law, and heard the indictment read, the defendants plea of "guilty" and the charge of the court, and retired for deliberation. And thereupon said jury returned into open court the following verdict to wit: The State of Texas vs. Thomas B. Tullis No 5189. We the jury find the defendant Thomas B. Tullis defendant guilty as charged and fix his punishment at six years confinement in the State penitentiary M. M. McLaurin Foreman." Said verdict was thereupon by the court approved and ordered to be recorded; and it was further ordered by the court that the said defendant Thomas B Tullis be held in custody by the Sheriff of Travis County to await final judgment and sentence.

5077 The State of Texas vs. John H. Conner. This day came the State by her Attorney and came also the defendant in person and by attorney and both parties announced themselves ready for trial. And thereupon the defendant submitted his plea of guilty of a simple assault, which plea being accepted by the Attorney for the State, and a jury having been waived by both parties, the court proceeded to try this cause. It was thereupon ordered, adjud-

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ed and decreed by the court, that the State of Texas do have and recover of and from the defendant J. T. Gorman the sum of ($25.00) twenty five dollars as a fine and all costs of this proceeding, and that the said defendant stand committed to the County Jail of Travis County until said fine and costs are paid.

And thereupon court adjourned until 9 o'clock A.M. to-morrow morning.

December 5th 1877.

Court met pursuant to adjournment. Present same as first day. Whereupon the following proceedings were had to wit;

4521 W. R. Davis vs. Alfred Scott. Continued by agreement.

4522 Miller, Dowell & Pendexter vs. Alfred Scott continued by agreement.

4637 The State of Texas vs. John Isbell et als. It was ordered by the court that the judgment nisi as entered heretofore in this cause be set aside as to the surety D. A. Porter except on dollar, and that said judgment be made final for that amount, and that the State of Texas do have and recover of and from the said D. A. Porter the said amount of one dollar and all costs of this Scire facias proceeding, for which execution may issue.

4638 The State of Texas vs. John Isbell et als. It was ordered by the court that the judgment nisi, heretofore rendered in this cause be set aside and that this cause be dismissed without costs.

4639 The State of Texas vs. John Isbell et als. It was ordered by the court that the judgment nisi heretofore rendered in this cause, be set aside and that this cause be dismissed without costs.

4770 Evander A. Hicks vs. Julius Quast and James R. Cummings.
On this day came on this cause to be heard, and the said cause being called for trial, the plaintiff E A Hicks came not but wholly failed to prosecute said cause and the defendants having announced themselves ready for trial, the Court dismissed said cause for want of prosecution It is therefore ordered adjudged and decreed that said cause be dismissed and that plaintiff take nothing by his suit and that the defendants Julius Quast and James R Cummings go hence without day and that they have judgment for their costs against said plaintiff and that plaintiff pay all costs of this suit for which execution may issue.

4950 First National Bank of Austin Texas vs. Shepard, Searcy et als. On this the first day of December A.D. 1877 came the parties by their attorneys and it appearing to the court that the matters at issue between them have been settled by agreement and that said suit has been dismissed as to the defendant Gaynes and further that the defendants

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Shepard and Searcy are indebted to the plaintiff in the sum of $441.18 dollars in gold, that the note sued on bears interest at the rate of ten per cent per annum and was executed on the day of June 1874 to secure the payment of the 3rd installment of the purchase money for the following described tract of land - to wit: "The unsold balance of the Furto Licudo league of land situated in Lee County formerly a part of Burleson County, Texas, comprising about 1500 acres and being the same land which was conveyed to defendants Shepard & Searcy by W. B. P. Gaines on the day of June 1874 It is considered adjudged & decreed by the Court that the plaintiff do have and recover of the defts J. B. Shepard & J. G. Searcy the said sum of $441.18 four hundred and forty one & 18/100 dollars in gold principal & interest, with interest thereon at the rate of ten per cent per annum from this date together with all costs in this behalf expended; and it is further considered, adjudged and decreed by the court that the vendors lien as it existed upon the day of 1877 upon the above described tract of land be and the same is hereby foreclosed & that the clerk of this court do issue an order of sale directed to the Sheriff or any Constable of Lee County, commanding him the said officer to seize and sell the above described tract of land as under execution and that he apply the proceeds thereof to the payment and satisfaction of the said sum of $441.18 four hundred and forty one & 18/100 dollars in gold with all interest that may be due thereon and the costs of suit = and if said land shall sell for more than sufficient to pay off and satisfy said sums of money then the said officer is hereby directed to pay over the excess to the defendants, but if the said land shall not sell for enough to pay and satisfy this judgment then the clerk of this court is directed to issue execution for the balance remaining unpaid. It is further ordered that execution be stayed for six months from this date.

October 30th 1877.

2570 The State of Texas vs. Sam Paris. It appearing to the court that Thomas Plumley, Perry Plumley and M. A. Taylor have been legally summoned to appear and testify on behalf of the State in the above entitled and numbered cause, and that they being distinctly called by the Sheriff at the Court house door of Travis County failed to appear, it is ordered by the court that the said Thomas Plumley, Perry Plumley and M. A. Taylor be fined as defaulting witnesses each in the sum of ($30=) thirty dollars, and that the State of Texas do have and recover of each of the aforesaid defaulting witnesses the sum of $30 as aforesaid. And it was further ordered by the court, that a writ of Scire facias do issue against each of

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said parties, summoning them to be and appear at the next term of this Court to be holden in and for said County of Travis at the Court house thereof on the 15th Monday after the 1st Monday in January A.D. 1878 then and there to show cause if any they may have, why this judgment nisi as here entered against them should not be made final and absolute.

4026 The State of Texas vs. John Bennett. Continued by the State.

4061 The State of Texas vs. Green Ridgeway, John Rogers & John Nelson. Indictment quashed.

4342 The State of Texas vs. John Lamlin. Continued by the State.

4746 The State of Texas vs. Neal Cain, P. M. Cain & Jim Burditt. Nov. 2nd 1877. It appearing to the court that J. M. Piper has been legally summoned to appear and testify as witness in behalf of the Deft. in the above entitled and numbered cause, and that he being desticelly called by the Sheriff at the Court house door of Travis County, failed to appear, it is ordered by the court that the said J. M. Piper be fined as a defaulting witness in the sum of ($100.00) One hundred dollars & that the State of Texas do have and recover of and from the said J. M. Piper the sum of one hundred dollars as aforesaid. And it was further ordered by the court that a writ of Scire facias do issue against said J. M. Piper summoning him to be and appear at the next term of this court to be holden in and for said County of Travis at the Court House thereof on the fifteenth Monday after the first Monday in January 1878 to show cause if any he may have, why the judgment nisi as here entered against him should not be made final and absolute.

4747 The State of Texas vs. Neal Cain et als. Nov. 2nd 1877. It appearing to the Court that Eb Stuart has been legally summoned to appear and testify as witness in behalf of the State in the above entitled and numbered cause and that he being desticelly called by the Sheriff at the court house door of Travis County, failed to appear; It was ordered by the Court that the said Eb. Stuart be fined as defaulting witness in the sum of ($200.00) two hundred dollars, and that the State of Texas do have and recover of and from the said Eb Stuart the sum of $100.00 as aforesaid. And it was further ordered by the court that a writ of scire facias do issue against said Eb. Stuart summoning him to be and appear at the next term of this court to be holden within and for said County of Travis at the Court House thereof at the (15th) fifteenth Monday after the first Monday in January A.D. 1878 to show cause if any he may have, why the judgment nisi as here entered against

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him, be not made final and absolute.

5176 The State of Texas vs. James Mc Cullough et al. And now on this the 3rd day of December 1877 this cause being regularly called for trial comes the State by counsel and announced ready for trial as to defendant James Mc Cullough who allone has been arrested, whereupon also comes the said defendant and presents his application for a continuance of this cause to the next term of this court which being submitted and fully considered and understood by the court it is ordered that the same be overruled to which ruling said defendant excepted. Said defendant then objected to being placed on his trial and being compelled to plead at this trial on the ground that said defendant had not been served with a copy of the indictment herein for two days prior to this day, which objection being by the court considered, It is ordered by the Court that said defendant be served at once with a copy of the indictment in this cause, and that this cause be set for trial on the 6th day of December 1877.

Court adjourned till to morrow morning 9 oclock

December 6th 1877.

Court met according to adjournment. The day was occupied with the trial of 5176 The State of Texas vs James Mc Cullough et al.

December 7th 1877.

Court met according to adjournment. The trial of cause 5176 occupied the day.

December 8th 1877.

Court met according to adjournment. The trial of cause 5176 The State vs. Mc Cullough et al. occupied the day.

4563 J. Sheehan vs. O. M. Jackson.

December 10th 1877.

Court met according to adjournment Present same as first day.

5176 The State of Texas vs. James Mc Cullough et al. And now on this the sixth day of December A.D. 1877 the day set for the trial of this cause as to defendant James Mc Cullough comes the State by counsel and announces ready for trial of this cause, and also comes said defendant in person and by counsel, whereupon the demurrer of the State to the plea of said defendant to the jurisdiction

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of the court in this cause coming on to be heard and being fully understood, it is ordered by the court that said demurrer be sustained to which ruling of the court the said defendant excepted. Then a second application for a continuance of this cause by said defendant coming on to be heard and the same being considered and fully understood it is ordered by the court that said application for a continuance be overruled to which ruling of the court the said defendant excepted. The State by counsel under the direction of the court and in pursuance of the demand of said defendant then elected to try said defendant on the first count in the indictment, wherein said defendant is charged with the crime of forgery of the field notes described in said indictment, and then came a jury of twelve good and lawful men of Travis County to wit: W. W. McLaurin foreman and eleven others, who being duly elected empannelled and sworn according to law and said defendant having been arraigned, and said defendant having entered his plea of not guilty, the trial proceeded by the introduction of testimony on the part of the state and said defendant until the 8th day of December 1877 on which day the jury having heard all the evidence introduced in the cause and also argument of counsel retired under the charge of the court to consider of their verdict and after deliberation returned into open court and in the presence of said defendant the following verdict to wit: "We the jury find the defendant guilty and assess the punishment at six years at hard labor in the State penitentiary. W. W. McLaurin foreman." It is therefore ordered adjudged and decreed by the court that said defendant James McCullough is guilty of felony to wit: of the crime of forgery as charged in the first count in the indictment in this cause and that he be confined to hard labor in the State penitentiary for the term of six years and that he be remanded to jail to await his sentence. And it is further ordered that the State of Texas do recover from said defendant James McCullough all the costs of this prosecution for which execution shall issue.

And Court adjourned till to morrow morning 9 oclock.

December 11th 1877.

Court met according to adjournment. Present same as first day Whereupon the following proceedings were had to wit.

5298 The State of Texas vs. Eugen McCarty. This day came the State

December 11th 1877.

by her Attorney and came also the defendant Eugen McCarty in person and by attorney and both parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of W. K. Becker Foreman and eleven others, duly elected empannelled and sworn according to law, heard the indictment read, the defendants plea of "guilty" and the charge of the court and retired from their seats the following verdict to wit: "We the jury find the defendant guilty and assess his punishment at 2 years confinement in the State Penitentiary. W. K. Becker Foreman." It is thereupon ordered adjudged and decreed by the court that said verdict be hereby approved and that the said defendant Eugen McCarty be declared guilty of a felony to wit of burglary as charged in the indictment in this cause and that he be confined to hard labor in the State penitentiary for the term of ~~two~~ years and that he be remanded to jail to await his sentence. And it is further ordered that the State of Texas do recover from the said defendant Eugene McCarty all costs in this behalf expended for which execution may issue.

#907 The State of Texas vs. James B. Barkley. This day the parties in the above entitled cause appeared by attorneys, and it appearing from a duly certified account from the Comptrollers office, that the judgment entered in said cause November 27th 1877 for $36.75 3/4 was erroneous; and it further appearing that the attorneys for the plaintiff and the attorneys for the defendant to the end that justice may be done have agreed that said judgment be set aside; It is therefore ordered and adjudged that the said judgment rendered on Nov. 27th 1877 in said cause for $36.75 3/4 be set aside to the end that a judgment for the proper amount due plaintiff by defendants may be rendered.

4907 The State of Texas vs. James B. Barkley, William J. Black, John H. Bryan, Thomas Field and Daniel Dailey. This day came the parties by their attorneys and waive a jury and submit the matter in controversy as well of fact as of law to the court and the evidence and argument of counsel having been heard and fully understood, it is considered by the court that the said plaintiff the State of Texas do have and recover of the said defendant James B. Barkley the sum of twenty thousand and thirty dollars and two cents together with her costs in this behalf expended and that the said plaintiff the State of Texas do have and recover of the said defendant William J. Black the sum of ten thousand

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dollars and her costs in this behalf expended, and do have and
recover of the said defendant John S. Bryan the sum of ten
thousand dollars and her costs in this behalf expended, and do
have and recover of the said defendant Thomas Field the sum
of five thousand dollars and her costs in this behalf expended
and do have and recover against the said defendant Daniel
Bailey the sum of fifteen thousand dollars and her costs in this
behalf expended and that the said plaintiff do have execution for
the said sum of twenty thousand and thirty dollars and five cents
and costs, and that this judgment and the execution thereon
shall be discharged and satisfied as against all the defendants
upon the payment of the said sum of ($20030^{5}/_{100}$) twenty thousand
and thirty $^{5}/_{100}$ dollars and the legal interest which may accrue
thereon and costs or shall be discharged and satisfied against
either of the said defendants upon the payment by either of them
of the amount with costs for which judgment is herein rendered
against him so that said plaintiff shall not be entitled to recover
over from all the defendants any greater sum than the said sum
of ($20030^{5}/_{100}$) twenty thousand & thirty dollars and five cents and the
legal interest which may accrue thereon and costs nor from
either of the defendants any greater sum than the amount of the
judgment rendered herein against him and the legal interest
which may accrue thereon and costs. It is further ordered that
executions do issue against the said defendants for the use of the
officers of the court for costs in conformity to law.
And thereupon court adjourned till to morrow morning 9 o'clk.

December 12th 1877

Court met according to adjournment. Present same as first
day. The trial of cause 5187 of The State vs. J. R Ham occupied
the whole day. Court adjourned till to morrow 9 o'clock A.M.

December 13th 1877

Court met according to adjournment. Present same as
first day. The trial of cause 5187 of The State vs J. R Ham occup-
ied the entire day. Court adjourned till to morrow 9 o'clock A.M.

December 14th 1877

Court met according to adjournment. Present same as first day
Whereupon the following proceedings were had to wit.
5188 The State of Texas vs. James R Ham alias J. W. Hall. And

December the 14th 1877.

now on this day come the State by counsel and also the defendant James R Ham alias J. W. Hall in his own proper person and by counsel and thereupon said defendant submitted his special pleas to the jurisdiction of this court over the person and the subject matter in this indictment of said defendant, and to which special pleas the State interposed a demurrer and said demurrer being argued and fully understood by the Court it is ordered by the court that said demurrer be and the same is hereby sustained and that said special pleas be held to present no sufficient legal reason why this court shall not try and determine this cause on the merits, to which ruling of the court said defendant excepted.* The State then announced ready for trial and said defendant failing to show any cause why he should not go to trial, the trial proceeded and thereupon came a jury of twelve good and lawful men of Travis County, to wit: Geo. L. Robertson foreman and eleven others, who being duly elected tried empanneled and sworn according to law after hearing the indictment read and the defendants plea of not guilty, the evidence and the argument of counsel retired under the charge of the Court to consider of their verdict and after deliberation returned into open court and in the presence of said defendant the following verdict to wit: "We the jury find the defendant guilty and assess the penalty at ten years imprisonment in the State penitentiary. Geo. L. Robertson Foreman. It is therefore ordered adjudged and decreed by the court that said defendant James R Ham alias J. W. Hall is guilty of felony to wit of the crime of uttering publishing and using the false and forged deed described in the indictment in this cause knowing it to be false and forged with the intent to defraud and that said defendant James R Ham alias J. W. Hall be confined to hard labor in the State penitentiary for the term of ten years and that said defendant be remanded to jail to await his sentence. - And it is further ordered and adjudged that the State of Texas do have and recover of and from said defendant all the costs of this prosecution for which execution may issue.

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

*Thereupon the defendant asked leave to amend his plea, & leave being given, the said pleas were amended & thereupon the State again demurred to said pleas as amended - and the demurrer being considered by the Court to which ruling defendants again excepted.

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Court met according to adjournment. Present same as yesterday. Whereupon the following proceedings were had to wit:

4893 The State of Texas vs. T. B. James et al. This day came the

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parties to this suit by their attorneys and after announcing ready for trial, submitted this cause to the court. And the court after having heard the pleadings, evidence and argument of counsel is of the opinion that the law is with the defendants. It is therefore ordered adjudged and decreed by the court that the plaintiff take nothing in this behalf, that the defendant go hence without day and recover of the plaintiff all costs in this behalf expended.

4731 Amanda J. Wynne et als vs. Louis Felton et al. December 21st 1877. This day came the parties to this suit by their attorneys, and the defendants by counsel submitted their motion for a new trial herein, which motion after being fully argued by counsel was by the court sustained and it was ordered that a new trial be granted herein.

5081 The State of Texas vs. Jeff Gregg. This day came the parties to this suit by their attorneys and the defendant submitted his motion for a new trial, which motion ~~was~~ after being fully argued by counsel, ~~was~~ by the court overruled. And thereupon the defendant by counsel excepted to such ruling of the court and gave notice in open court of appeal to the Court of Appeals.

5063 The State of Texas vs. West Alexander. Novemb 24th 1877. This day came the parties by their attorneys and the defendant by counsel submitted his motion for a new trial, which motions after being fully argued by counsel & amended motion were by the court overruled, and thereupon the defendant gave notice in open court of appeal to the Court of Appeals.

5063 The State of Texas vs. West Alexander. Novb 24/1877. This day, both parties being present by their attorneys, the defendants motion in arrest of judgment came on to be heard & was after argument of counsel by the court overruled.

5219 The State of Texas vs. Rich. Saunsbury. Novb 24/1877. This day, both parties to this suit being present by their attorneys, the defendants motion for a new trial in this cause came on to be heard. and was, after argument by counsel, overruled by the court. And thereupon the defendant gave notice in open court of appeal to the court of appeal.

5217 The State of Texas vs Noah Stewart. Nov. 24/1877. This day came the parties to this suit by their attorneys, and the defendants motion in arrest of judgment herein was submitted to the court & after being fully argued by counsel, was by the court overruled.

5217 The State of Texas vs Noah Stewart. This the 24th day of Nov

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ember A.D. 1877 came the parties to this suit by their attorneys, and the defendants motion for a new trial came on to be heard & ~~was~~, after being fully argued by counsel, was by the Court overruled. And thereupon the defendant by counsel excepted to such ruling of the court and gave notice in open court of appeal to the Court of Appeals.

5038 John M. Bestly vs John P. Henninger. And now on this 1st day
Exec. Book 5. page 26. of December A.D. 1877 this cause coming on to be heard the plaintiff
No by counsel appeared and announced ready for trial and the defendant came not but wholly made default, and it appearing to the court that said defendant has been duly served with citation more than five days before the commencement of this term of this court exclusive of the day of service and of return, and that he has failed to answer, and it further appearing to the court that said defendant is indebted to plaintiff in the sum of 500^{00} five hundred dollars rent and in the further sum of (70^{00}) seventy for supplies and advances with which to make and gather a crop on the lands & premises of plaintiff in the year 1877; it also appearing to the court that plaintiff has sued out a distress warrant in this cause which has been levied by the Sheriff of Travis County, (who now holds the same in his possession) upon the following property to wit: 50 acres of growing cotton more or less: 50 acres of growing corn more or less, one two horse Milburn wagon; one cotton planter, 3 plows, two cultivators; two yokes of steers and one ox yoke and bows; and that plaintiff has a lien on said property as landlord to secure the payment of said indebtedness due from defendant to plaintiff; It is therefore ordered, adjudged and decreed by the Court that said plaintiff John M. Bestly do have and recover from said defendant John P. Hennigner the sum of Five hundred and seventy dollars (570^{00}) as his said debt and all costs of this suit; and that the lien of said plaintiff on the property aforesaid be foreclosed and that an order of sale do issue to the Sheriff of Travis County, requiring him to sell the property aforesaid as under execution and that the proceeds of said sale be applied to the payment first of the costs of this suit, next to the payment of amount herein adjudged in favor of said plaintiff against said defendant, and the balance if any remains to be paid over to said defendant; and should said property not sell for enough to satisfy the amount of this judgment then execution

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shall issue against said defendant for such unratisfied balance.

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

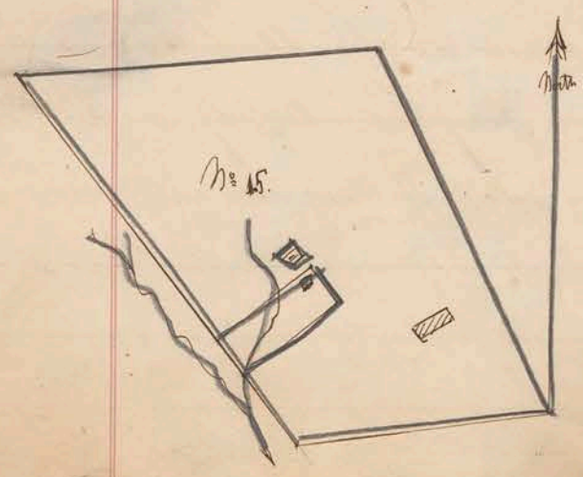
December 17th 1877.

Court met according to adjournment. Present. same as first day. Whereupon the following proceedings were had to wit;

4464 Alfred Smith vs. J. K. Warren. And now on this day came the parties to this cause by Attorneys and the motion of the plaintiff for a new trial of this cause coming on to be heard and argued and fully understood and the court being of opinion that a new trial should be granted: It is therefore ordered that the verdict and judgment rendered in this cause at a former day of this term of this court be set aside and that a new trial of this cause is now here granted.

5025 Loomis & Christian vs S. P Brown and wife and A. G Wheeler

Exec. Book No. 5. page 26, On this the 30th day of November A D 1877 came on this cause to be heard and neither party having demanded a Jury both parties announced ready for trial and thereupon the Court proceeded to hear the pleadings and the evidence of both parties, and having heard the same and the argument of counsel, thereon the Judgment of the Court is for the plaintiffs it is therefore ordered adjudged and decreed that the plaintiffs Simon Loomis and Edward Christian under their firm name of Loomis & Christian do have and recover of the defendants S. P. Brown and A. G Wheeler the sum of Two hundred and thirty-eight dollars and Nine cents ($238.09) with interest on said sum from this date November 30-1877 at the rate of two per centum per month and all costs of this suit and that plaintiffs have a mechanics lien for the security of said sum on the following described property to wit: One and three eighths acres of land together with all houses and buildings thereon described and known as follows. Being part of out lot Number fifteen (15) in Division B of the out lots adjoining the City of Austin in Travis County Texas and by metes and bounds as follows. Beginning 430 feet N 40 W from the S. W cor of out lot No 15 in division B in the City of Austin at a stone mound in the West line of said lot, thence North 50° East 400 feet to a Stake 2 feet S. E of S. E corner of a (Maple) Stake, thence S 40 E 150 feet to a Stake from which a blk oak tree 6 in dia bears N. 88° E 8½ feet another 6 in dia bears S 14 W 7 7/3 feet dist, both marked X, thence S 50 W 400 feet to a Stone in d'dra branch, thence N. 40 W 150 feet to the beginning containing 1 37/100 acre of land as



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the same is described in the field notes of an agreed Survey thereof made by Reuben Ford Surveyor and filed in this cause by the defendants and the Court further finds that said 1 37/100 acres constitutes no part of the homestead of the defendants S. P. Brown and Caroline A Brown and it is therefore ordered adjudged and decreed that the said lien of plaintiff as the the same existed on the 8th day of February A D 1876, be and the same is hereby foreclosed and all right or claim of the defendants or either of them in and to said property as homestead or otherwise subjected to said lien, and that an order of sale do issue, ordering the Sheriff of Travis County, to sell said property according to law and out of the proceeds to pay this judgment and lien, and the remainder to said defendants, and in case the said one 37/100 acres and improvements shall not bring sufficient to pay off and satisfy this judgment and costs, then for the remainder execution may issue against said S. P Brown and A. J Wheeler

5036 G. Cron vs. C. R. Johns et al. Def'ts Upon motion it is ordered that Plff have leave to amend.

5038 John M. Costley vs. Jno P. Hennigen. On this the first day of December 1877 it was upon motion ordered that Plff have leave to amend.

4885 The State of Texas vs J Bell Copes, A T. Mc Kinney, E. L Mc Kinney Samuel Mc Kinney. This 17th day of December 1877 came the parties by their attorneys and waive a jury and submit the matter in controversy as well of fact as of law to the Court, and the evidence and argument of counsel having been heard and fully understood, it is considered adjudged and decreed by the Court that the plaintiff the State of Texas, do have and recover of and from the defendants J B. Copes A T Mc Kinney, E L Mc Kinney and Samuel Mc Kinney, the sum of eleven hundred and seventy five 5/100 dollars and costs of suit And it appearing to the Court the defendant J B Copes is principal in the writing obligatory sued in this case and that the defendants A T Mc Kinney, E. L Mc Kinney and Samuel Mc Kinney executed said writing obligatory as Sureties, and as such Sureties are entitled to the benefit of the Statutes in such cases provided it is therefore ordered and decreed by the Court that the Sheriff do levy the Execution issued by virtue of this judgment, first upon the property of the said defendant J B. Copes subject to execution and situate in the County of Travis before a levy shall be made upon the property of said Sureties or either of them, provided so much of the property of the said J B. Copes shall be found as will be sufficient to make the amount of said Execution, otherwise the levy thereof to be made on the property of the said J. B. Copes as may

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be found if any and upon so much of the property of said Sureties as may be necessary to make the amount of said Execution. And it is further ordered and decreed by the Court that in case said Sureties or either of them shall make any payment which is applied on this Jrdyment by reason their Suretyship in said writing obligatory, this Jrdyment shall not be discharged by such payment, but shall remain in force and be prosecuted to Execution for the use of said Sureties or either of them making such payment to the amount of such payment And it is further ordered that Execution issue in favor of the officers of this Court for the Court Costs in this case.

4969 Elizabeth E. Bartholomew & E. C. Bartholomew vs Daniel Whiting & Anna Whiting. Decbr 1st 1877 This day came the parties to this suit by their attorneys, and the defendants motion for a new trial comming on to be heard & being fully argued by counsel, was by the court overruled. And thereupon the defendant by counsel excepted to such ruling & gave notice in open court of appeal to the Supreme Court.

5219 The State of Texas vs. Nicholas Saunsbury. This 1st day of December 1877 came the parties to this suit by their attorneys, and the defendants motion for arrest of judgment in this cause coming on to be heard and being fully argued by counsel, was by the court overruled. And thereupon the defendant by counsel excepted to such ruling of the court and gave notice in open court of appeal to the courts of appeal.

4890 J. B. Barron vs. W. B. Brush & C. W. White. This the first day of December 1877 came the parties to this suit by their attorneys, and the motion of defendants for a new trial in this cause being presented to the court and being fully argued by counsel was by the court overruled. And thereupon the defendant by counsel excepted to such ruling & gave notice in open court of appeal to the Supreme court.

5188 The State of Texas vs. James R. Ham alias J. W. Hall. This day came the parties to this suit by their attorneys, and the defendant by counsel presented his motion for a new trial of this cause to the court, which motion after being argued by counsel was by the court overruled. And thereupon said defendant by counsel excepted to such ruling of the court and gave notice in open court of appeal to the Court of Appeals.

4904 The State of Texas vs J. B. Copes, Samuel McKinney and A. J Burke

Exec. dock. N: 5. pag 55. This day came the parties by their attorneys and waive a Jury and submit the matters in controversy as well of fact as of law to the Court and the evidence and arguments of counsel having been heard and fully understood It is considered adjudged and decreed by the Court that the plaintiff the

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State of Texas do have and recover of and from the defendants J. B. Copes Samuel McKinney and A J Burke the Sum of Eleven hundred and Seventy five and 5/100 ($1.175 5/100) Dollars and Costs of Suit. And it appearing to the Court that the defendant J. B. Copes is the principal in the writing obligatory sued on in this case, and that the defendants Samuel McKinney and A J. Burke executed said writing obligatory as Sureties and as such Sureties are entitled to the benefit of the Statutes in such cases provided. It is therefore ordered and decreed by the Court that the Sheriff levy the execution issued by virtue of this Judgment first upon the property of the said defendant J B. Cope, Subject to execution and situate in the County of Travis before a levy shall be made upon the property of said Sureties or either of them, provided so much of the property of the said J B. Copes shall be found as will be sufficient to make the amount of said Execution, otherwise the levy thereof to be made on the property of the said J B. Copes that may be found if any and upon so much of the property of the said Sureties as may be necessary to make the amount of said execution. And it is further ordered and decreed by the Court that in case said Sureties or either of them shall make any payment which is applied on this Judgment by reason of their Suretyship on said writing obligatory this Judgment shall not be discharged by such payment but shall remain in force, and, be prosecuted to execution for the use of said Sureties or either of them making such payment to the amount of such payment. And it further appearing to the Court from the evidence that the cause of action and indebtedness upon the writing obligatory sued on in this case is the same as that in case Numbered 4885 on the docket of this Court wherein the State of Texas is plaintiff and J. B. Copes A. T. McKinney, E. L McKinney and Samuel McKinney are defendants, in which Judgment has been rendered in favor of the State on this day for said Sum of Eleven hundred and Seventy five and 5/100 ($1175 5/100) Dollars. It is ordered and adjudged by the Court that the payment and satisfaction of either one of said Judgements, to wit, the said Judgment rendered in case No 4885 or the Judgment rendered in this case shall operate and take effect as a full payment and satisfaction of both of said Judgment, without prejudice to the rights of the Sureties in either case against their principal or to the claim for contribution of said Sureties or either of them as against the others, the defendants in each case to pay the Costs of suit respectively and Judged against them in said cases, and it is further ordered that the the officers of Court have execution for their costs.

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5031 Minnie F. Brunow vs Henry Brunow et al. And now on this November 27th 1877, came on this cause to be heard and both parties the plaintiff by her attorneys and defendants by their guardian ad litem Thos. E Sneed, having announced ready, neither party demanded a jury said cause was submitted to the Court and after hearing the pleadings and evidence and argument of counsel thereon, the Court finds that the property described in plaintiffs petition is the separate property of plaintiff in her own right free from any right or claim or title in the defendants except an undivided interest therein of one twentieth part, said twentieth part being found of the value of one hundred dollars. The same being one half of the value of the community of plaintiffs and J. J. F. Brunow her dec'd husband, expended on said premises. It is therefor ordered adjudged and decreed that the plaintiff have partition of the said property to-wit Lots Numbers Eleven (11) and Twelve (12) in Block No Five of the subdivision by Raymond & Whitis of out lots Nos. Fifteen and Sixteen in Division "D" of the out lots adjoining the City of Austin in Travis County Texas as against the defendants Henry Brunow, Willie Brunow, Georg Brunow and Genalle Brunow. And Wm Earnest, J M. Peacock and Charles P. Raymond; are hereby appointed Commissioners to view and make partition of said property between plaintiff and defendants, and to make partition thereof in Kind if possible without diminishing the value thereof so as to set apart a portion of said property equal in value to one hundred dollars to the defendants in common and to make report of such partition or their inability to make the same to this Court for its action therein.

4755 The State of Texas vs. Joe Simms. November 5th 1877. The defendant Joe Simms having been convicted by the verdict of a jury on a previous day of this term of court of a felony to wit. burglary, and the defendants motion for a new trial having this day been overruled, It is now ordered, adjudged and decreed by the Court, that the said defendant be and he is hereby declared guilty of a felony to wit burglary, and that he be confined in the State penitentiary at hard labor for the full term of (3) three years, and that the State of Texas do have and recover of and from the said defendant all costs of this prosecution for which execution may issue.

5067 The State of Texas vs. Albert Wade & Wade Foster. November 1st 1877 The defendant Wade Foster having been convicted by the verdict of a jury on the 30th of Oct. 1877 of a felony to wit. theft of articles of value over $20.00, and the defendant having made no motion for a new trial, It is now ordered, adjudged and decreed by the court that the said Wade Foster be and he is hereby declared guilty of a felony to wit theft of articles of value over $20.00, and that

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he be confined in the State penitentiary at hard labor for the full term of (2) two years and that the State of Texas do have and recover of the said defendant all costs of this prosecution, for which execution may issue.

5071 The State of Texas vs. Dick Phillips. Novbr 5th 1877. The defendant Dick Phillips having been convicted by the verdict of a jury on a previous day of this term of court to wit on the 1st day of November 1877 of the crime of swindling, and the defendant having made no motion for a new trial, It is now ordered adjudged and decreed by the Court, that the said defendant Dick Phillips be and he is hereby declared guilty of a felony to wit Swindling, and that he be confined to hard labor in the State penitentiary for the full term of (2) two years, and that the State of Texas do have and recover of the said defendant all costs of this prosecution for which execution may issue.

5074. The State of Texas vs. Peter Johnson. Novbr 5th 1877. The defendant Peter Johnson having been on a previous day of this term of court to wit on the 1st day of November 1877 convicted by the verdict of a jury of the crime of theft of money over $20.00, and the defendant having made no motion for a new trial, It is now ordered adjudged and decreed by the court, that the said defendant be and he is hereby declared guilty of a felony to wit theft of money over $20.00, and that he be confined in the State penitentiary at hard labor for the full term of (2) two years, and that the State of Texas do have and recover of and from the said defendant all costs of this prosecution for which execution may issue.

5091 The State of Texas vs Ben Musgrove. Novbr 5th 1877. The defendant Ben Musgrove having been convicted of the crime of burglary at a previous day of this term of court to wit on the 2nd day of November 1877, and the defendant's ~~having made no~~ motion for a new trial having this day been overruled, It is now ordered adjudged and decreed by the court, that the said defendant be and he is hereby declared guilty of a felony to wit Burglary, and that he be confined in the State penitentiary at hard labor for the full term of (3) three years; and that the State of Texas do have and recover of and from said defendant all costs of this prosecution, for which execution may issue.

5090 The State of Texas vs. Saunders Griffin. Novbr 8th 1877. The defendant Saunders Griffin having been convicted of the crime of theft of a buggy of value $75.00 at a previous day of this term of court to wit on the 5th day of November 1877, and the defendant having made no motion for a new trial, It is now ordered adjudged and decreed by the court that the said defendant Saunders Griffin be and he is hereby declared guilty of a felony to wit theft of a buggy of the value of $75.00, and that he be confined in the State penitentiary. ~~at~~ hard

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labor for the full term of (8) eight years, and that the State of Texas do have and recover of and from the said defendant all costs of this prosecution, for which execution may issue.

5081 The State of Texas vs. Jeff Gregg. November 21/77. The defendant Jeff Gregg having been convicted of the crime of burglary by the verdict of a jury at a previous day of the present term of court to wit on the 7th day of November 1877, and the defendants motion for a new trial having been this day overruled; It is now ordered adjudged and decreed by the court that the said defendant Jeff Gregg be and he is hereby declared guilty of a felony to wit Burglary, and that he be confined in the State penitentiary at hard labor for the full term of (3) three years, and that the State of Texas do have and recover of and from said defendant the costs of this prosecution, for which execution may issue.

5083 The State of Texas vs. Garcia Rios & Gartbia. Novebr 12th 1877. The defendant Julian Garcia having been convicted by a verdict of a jury of the crime of theft of a gelding at a previous day of this term of court to wit on the 8th day of November 1877, and the said defendant having made no motion for a new trial; It is now ordered adjudged and decreed that the said defendant Julian Garcia be and he is hereby declared guilty of the felony of theft of a gelding, and that he be confined in the State penitentiary at hard labor for the full term of (10) ten years, and that the State of Texas do have and recover of said defendant all costs of this prosecution for which execution may issue.

5063. The State of Texas vs. West Alexander. November 24th 1877. The defendant West Alexander having been convicted of the crime of theft of a gelding by the verdict of a jury on a previous day of this term of court, to wit: on the 8th day of November 1877 and the defendants motion for a new trial having been this day overruled, It is now ordered adjudged and decreed by the Court that the said defendant be and he is hereby declared guilty of a felony to wit theft of a gelding and that he be confined at hard labor in the State penitentiary for the full term of (5) five years, and that the State of Texas do have and recover of & from said West Alexander all costs of this prosecution for which execution may issue.

5085 The State of Texas vs. Garcia Rias & Gartbia. Nov. 12th 1877. The defendant Sebastian Gartbia having been convicted of the crime of a gelding by the verdict of a jury at a previous day of this term of court to wit on the 8th day of November 1877, and the defendant having made no motion for a new trial in this cause; It is now

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ordered, adjudged and decreed by the court that the said defendant Sebastian Garbia be and he is hereby declared guilty of a felony to wit theft of a gelding, and that he be confined at hard labor in the State penitentiary for the full term of ten years, and that the State of Texas do have and recover of said defendant all costs of this prosecution for which execution may issue.

5076 The State of Texas vs. Primus Johnson & Charley Moore. Novbr 13th 1877 The defendant Primus Johnson having been convicted by the verdict of a jury of the crime of Burglary at a previous ~~term~~ of this term of court to wit on the 9th day of November 1877, and the defendant having made no motion for a new trial, It is now ordered, adjudged and decreed by the court, that the said defendant Primus Johnson be and he is hereby declared guilty of a felony to wit Burglary, and that he be confined in the State penitentiary at hard labor for the full term of (2) two years, and that the State of Texas do have and recover of and from said defendant Primus Johnson all costs of this proceeding, for which execution may issue.

5217 The State of Texas vs. Noah Stewart. Novbr 24th 1877. The defendant Noah Stewart having been convicted by the verdict of a jury of the crime of assault with the intent to kill and murder, on a previous day of the present term of this court to wit on the 13th day of November 1877, and the defendants motion for a new trial having been this day overruled; It is now ordered adjudged and decreed by the court, that the said defendant be and he is hereby declared guilty of a felony to wit of an assault with intent to kill & murder, and that the said defendant be confined to hard labor in the State penitentiary for the full term of (5) five years, and that the State of Texas do have and recover of and from the said defendant all costs of this prosecution for which execution may issue.

4404 The State of Texas vs. James West. November 19th 1877. The defendant James West having been convicted by the verdict of a jury of the crime of murder in the second degree at a previous day of the present term of this court to wit on the 15th day of December 1877 and the defendant having made no motion for a new trial in this cause; It is now ordered adjudged and decreed by the Court that the said defendant be and he is hereby declared guilty of the ~~felony~~ of murder in the second degree and that he be confined at hard labor in the State penitentiary for the full term of (10) ten years, and that the State of Texas do have and

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recover of and from the said defendant all costs of this prosecution, for which execution may issue.

5298 The State of Texas vs. Eugen Mc Carty. December 14th 1877. The defendant Eugene Mc Carty having been convicted by the verdict of a jury of the crime of Swindling at a previous ~~day of~~ this term of court, to wit on the 11th day of December 1877, and the defendant having made no motion for a new trial in this cause, It is now ordered adjudged and decreed by the court, that the said defendant Eugene Mc Carty be and he is hereby declared guilty of a felony to wit Swindling and that he be confined at hard labor in the State penitentiary for the full term of (2) two years, and that the State of Texas do have and recover of & from the said defendant all costs of this prosecution for which execution may issue

5289 The State of Texas vs. Thomas O. Tullis. December 7th 1877. The defendant Thomas O. Tullis having been convicted by the verdict of a jury of the crime of uttering forged instrument in writing, on a previous day of the present term of this court to wit on the 4th day of December ~~1877~~, and the said defendant having made no motion for a new trial in this cause, It is now ordered adjudged and decreed by the court that the said defendant Thomas O Tullis be and he is hereby declared guilty of a felony to wit of Uttering forged instrument in writing, and that he be confined in the State Penitentiary at hard labor for the full term of (6) six years, and that the State of Texas do have and recover of and from the said defendant all costs of this prosecution, for which execution may issue.

Isaac Friedrich Ex parte. Isaac Friedrich Esq. having made application for permanent license to practice as an attorney and counsellor at law, and having produced to the court his license as Attorney issued to him by the District Court of Shawna County, State of Kansas, and having introduced satisfactory evidence of his good moral character and honorable deportment; It was this day ordered by the Court, that the name of said Isaac Friedrich be enrolled as an attorney of this court, and that he be entitled to practice as Attorney & Counsellor at law in all District & inferior Courts of this State, and that the clerk of this court issue licence to said Friedrich accordingly

Court adjourned till to morrow morning 9 o'clock.

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Court met according to adjournment. Present same as first day. Whereupon the following proceedings were had to wit:

4755 The State of Texas vs Joe Simms. This day came the defendant

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Joe Simms in his own proper person and withdrew in open court his notice of appeal and asked that sentence might be passed upon him in accordance with the verdict of the jury, who tried this cause.

5217 The State of Texas vs. Noah Stewart. This day came the defendant Noah Stewart in his own proper person and withdrew in open court his notice of appeal, and asked that sentence might be passed upon him in accordance with the verdict of the jury, who tried this cause.

5218 The State of Texas vs Dan James. This day came the parties to this suit by there attorneys and the defendants motion for a new trial herein coming on to be heard and being fully argued by counsel, and the Court being of the opinion that a new trial should be granted in this cause, It was ordered and Adjudged by the court that the verdict of the jury & the judgment of court heretofore rendered in this cause be set aside, and that a new trial of this cause be now here granted.

5011 Manorah Brown et als vs J. D. Grumbles et als.

" Execution dock 5. page 24. And now at this 4th day of December 1877 came on to be heard the above numbered cause and the plaintiffs by their counsel having announced ready for trial and the defendants J D Grumbles, Martha Stanley — William Stanley and J W. Grumbles though duly served with process and called came not but wholly made default. The Court proceeded to hear the pleadings evidence and argument of counsel and it appearing to the satisfaction of the Court that the plaintiffs Manorah Brown, W. A. Plumley, Cornelia J. Clements, Thos. A Grumbles, Sam N. Grumbles, John D. Grumbles, Martha Stanley and J. W. Grumbles are the only children and heirs at law of J. J Grumbles decd. That the said J. J Grumbles is now dead and at his death was the owner of Lot Number One (1) in Block Number Four (4) in the City of Austin Travis County Texas, that said lot has never been divided among said heirs, that is desireable that said division should be had and that it is not susceptible of division, but must be sold and the proceeds divided among the said heirs. It is therefore ordered adjudged and decreed by the Court that the Sheriff of Travis County be and he is hereby appointed as commissioner and is directed to proceed to sell all the right title interest and claim of the said Manorah Brown W. A Plumley, Cornelia J Clements, W A Stanley, Thos A Grumbles Sam N Grumbles, J W Grumbles and John D. Grumbles in and to lot Number one (1) in Block No Four (4) Austin City, Travis County Texas to the highest bidder for cash as at Sheriff Sales and shall apply the proceed of such sale as follows, First to the costs of this suit and shall divide the remainder equally between the said

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Manorah Brown, W A Rumley, Cornelia J Clements, W A Stanley, Thos A Grumbles, Sam H Grumbles, J W Grumbles and John D Grumbles share and share alike. And the said Dennis Corbin is hereby authorized and directed to execute to the purchaser or purchasers at said Sale a deed for the said lot

4755 The State of Texas vs Joe Simms.

The defendant Joe Simms having been convicted at a previous day of this term of Court of a felony to wit, Burglary was this day brought into open Court in charge of the Sheriff and being asked in open court if he had any sufficient reason why the sentence of the Court should not be pronounced against him failed to give such reason, it was therefore ordered and decreed by the Court that the said defendant Joe Simms be and he is hereby sentenced in accordance with the verdict of the Jury and judgment of the Court, heretofore rendered in this cause, to confinment at hard labor in the State penitentiary at Huntsville for the full term of (3) three years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said

5067 The State of Texas vs Wade Foster.

The defendant Wade Foster having been convicted at a previous day of this term of Court of a felony to wit, theft of divers articles of value over $20.00 was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him, failed to give such reason, it was therefore ordered and decreed by the Court that the said defendant Wade Foster be and is hereby sentenced in accordance with the verdict of the Jury and judgment of the Court heretofore rendered in this cause to confinment at hard labor in the State penitentiary at Huntsville for the full term of (2) two years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said.

5071 The State of Texas vs Dick Phillips. The defendant Dick Phillips having been convicted at a previous day of this term of Court of a felony to wit Swindling, was this day brought into open Court in Charge of the Sheriff and being asked in open Court if he had any sufficient reason why the Sentence of the Court should not be pronounced against him failed to give such reason, it was

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therefore ordered and decreed by the Court that the said defendant Dick Phillips be and is hereby sentenced in accordance with the verdict of the jury and judgment of the Court heretofore rendered in this cause to confinement at hard labor in the State penitentiary at Huntsville for the full term of (2) two years and that he be taken by the Sheriff of Travis County by and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said

5074 The State of Texas vs Peter Johnson.

The defendant Peter Johnson having been convicted at a previous day of this term of Court of a felony to wit theft of Money over $20.00 was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him, failed to give such reason it was therefore ordered and decreed by the Court that the said defendant Peter Johnson be and is hereby sentenced in accordance with the verdict of the jury and judgment of the Court, heretofore rendered in this cause, to confinment at hard labor in the State penitentiary at Huntsville for the full term of (2) two years, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said

5090 The State of Texas vs Saunders Griffin.

The defendant Saunders Griffin having been convicted at a previous day of this term of Court of a felony to Wit of theft of a buggy of value $75.00 Was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him, failed to give such reasons, it was therefore ordered and decreed by the Court that the said defendant Saunders Griffin, be and he is hereby sentenced in accordance with the verdict of the jury and judgment of the Court, heretofore rendered in this cause, to confinment at hard labor in the State penitentiary at Huntsville for the full term of (8) Eight years, and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said

5091 The State of Texas vs Ben Musgrove. The defendant Ben Musgrove having been convicted at a previous day of this term of Court of a felony to wit Burglary was this day brought into open Court in charge of Sheriff and being asked in open Court if he had any sufficient

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reason why sentence of the Court should not be pronounced ag'nst him, failed to give such reason, it was therefore ordered and decred by the Court that the said defendant ~~dant~~ Ben Ellis prore be and is hereby Sentenced in accordance with the Verdict of the Jury and judgment of the Court heretofor rendered in this cause to confinment at hard labor in the State penitentiary at Huntsville for the full term of (3) three years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said.

4404 The State of Texas vs James West.

The defendant James West having been convicted at a previous day of this term of Court of a felony to Wit. Murder in the 2d degree was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced ag'nst him failed to give such reason it was therefore ordered and decred by the Court that the said defendant James West be and he is hereby sentenced in accordance with the verdict of the Jury and judgment of the Court heretofore rendered in this cause to confinment at hard labor in the State penitentiary at Huntsville for the full term of (10) ten years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary thereto be confined at hard labor for the period above said

5076 The State of Texas vs Primus Johnson

The defendant Primus Johnson having been convicted at a previous day of this term of Court of a felony to wit Burglary was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced ag'nst him, failed to give such reason, it was therefore ordered and decred by the Court that the said defendant Primus Johnson be and he is hereby sentenced in accordance with the verdict of the Jury and judgment of the Court heretofore rendered in this cause, to confinment at hard labor in the State penitentiary at Huntsville for the full term of (2) two years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said.

5083 The State of Texas vs Julian Garzia

The defendant Julian Garzia having been convicted at a pre

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vious day of this term of Court of a felony to wit, theft of a gelding was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him, failed to give such reason, it was therefore ordered and decreed by the Court that the said defendant Julian Garzia be and he is hereby sentenced in accordance with the verdict of the Jury and judgment of the Court, heretofore rendered in this cause, to confinment at hard labor in the State penitentiary at Huntsville for the full term of (10) ten years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said.

5085 The State of Texas vs Sebastian Garbia

The defendant Sebastian Garbia, having been convicted at a previous day of this term of Court of a felony to wit, theft of a gelding was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him, failed to give such reason, it was therefore ordered and decreed by the Court, that the said defendant Sebastian Garbia be and he is hereby sentenced in accordance with the Verdict of the Jury and judgment of the Court heretofore rendered in this cause to confinment at hard labor in the State penitentiary at Huntsville for the full term of (10) ten years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said penitentiary there to be confined at hard labor for the period above said

5189 The State of Texas vs Thomas E Tullis.

The defendant Thomas E Tullis having at a previous day of this term of Court of a felony to wit, Uttering forged instrument in writing was this day brought into open Court in Charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him failed to give such reason it was therefore ordered and decreed by the Court that the said defendant Thomas E Tullis be and he is hereby sentenced in accordance with the verdict of the Jury and judgment of the Court heretofore rendered in this cause to confinment at hard labor in the State penitentiary at Huntsville for the full term of (6) Six years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered

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to the Superintendant of said penitentiary there to be confined at hard labor for the period above said.

5217 The State of Texas vs Noah Stewart

The defendant Noah Stewart having been convicted at a previous day of this term of Court of a felony to wit Assault with intent to kill and Murder, was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the Sentence of the Court should not be pronounced against him failed to give such reason, it was therefore ordered and decreed by the Court that the said defendant Noah Stewart be and he is hereby sentenced in accordance with the Verdict of the Jury and judgment of the Court, heretofore rendered in this cause, to Confinment at hard labor in the State penitentiary at Huntsville for the full term of (5) years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said penitentiary there to be confined at hard labor for the period above said.

5298 The State of Texas vs Eugene McCarty

The defendant Eugene McCarty having been convicted at a previous day of this term of Court, of a felony to wit Swindling was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the Sentence of the Court should not be pronounced against him failed to give such reason, it was therefore ordered and decreed by the Court that the said defendant Eugen McCarty be and he is hereby sentenced in accordance with the Verdict of the Jury and judgment of the Court heretofore rendered in this cause, to confinment at hard labor in the State penitentiary at Huntsville for the full term of (2) two years, and that be be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said penitentiary there to be confined at hard labor for the period above said.

Guards. This day it was ordered by the Court that the Sheriff of Travis County be allowed three guards to convey the prisoners, sentenced at the present term of court, to the State penitentiary at Huntsville.

and thereupon Court adjourned until Friday Morning December 21st 1877, at 9. o'clock am.

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Court met pursuant to adjournment, present same as on first day, whereupon the following proceedings were had by said Court to wit

No 4936 N. A Morris vs W R Scudder, Annie W Scudder defts, and
Exec. Book No 5. pg 25. Anna G McKenny and J F. Minter. Intervenors. And now

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on this 30th day November 1877 came the plaintiff by his attorney Fred Carleton and the Intervinors by John W Robertson, but the defendants though called came not, whereupon the plaintiff and the intervinors announced themselves ready for trial, and after hearing the evidence and the argument of counsel the Court adjudged and decreed as follows. It is ordered adjudged and decreed by the Court that the plaintiff N. A. Morris do have and recover off and from the defendants W R. Scudder and Annie W Scudder the sum of two hundred and fifty five dollars together with all his costs in this behalf expended. It is ordered adjudged and decreed by the Court that the intervenors, Anna J W Kinney and J. F. Winter do have and recover of and from Annie W Scudder and W R Scudder the sum of two thousand, three hundred, $2.300 dollars and all their costs in this behalf expended. It is further considered by the Court that the afore mentioned sums of money are due upon certain seven promissory notes executed and delivered by the said Annie W. Scudder and W R Scudder as the purchase money of the following four tracts of land situated partly in Bastrop and partly in Travis Counties Texas, as follows, 640 acres of land out of the Antonio Navarro grant of land (partly in Travis and partly in Bastrop Counties) being the same 640 acres deeded by John Caldwell to the president and trustees of Rutersville College Sept 17. 1840, recorded in Bastrop County in Book "D" page 98 and by C. Richardson, President of Rutersville College to John Rabb, Nov 28th 1849 recorded Bastrop County in Book "W" page 123 and deeded by Rabb to W. Shipman agent &c April 5- 1859 recorded in Bastrop County in Book "W" page 125 and by Shipman to Thos F. W Kinney, February 18th 1861, recorded in Bastrop County in Book "W" page 126 & 127 and deeded by W Kinney & wife to J. F. Winter, March 14th 1861, recorded in Bastrop County in Book "W" page 229 & 230, and by another deed on the 28th day of March 1870, recorded in Bastrop County in Book "P" page 289. 2nd, 120 acres of land out of a tract of two hundred acres of land deeded by John Caldwell to Saml Wharton out of the Navarro grant on the 1st day of January 1850 recorded in Bastrop County in Book H pages 683 & 684, this 120 acres having been deeded by said Wharton to Pleasant S Oalman on the 25th day of December 1851, recorded in Bastrop County Book H page 536 and by Oalman & wife to John Woodlie on the 15th day of February 1854, recorded in Bastrop County in Book J page 528 and by said Woodlie to Thomas F. W Kinney April 2nd 1859, recorded in Bastrop County Book "W" page 130.

3d, 380 acres of land out of the Navarro grant deeded by John Caldwell to Thos F. W Kinney, on the 1st day of January 1854, recorded in Bastrop County in Book J. page 628.

4th, 320 acres of land out of the Navarro grant being the same 320 acres

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deeded by John Cardwell to T. J Shackelford, October 12th 1857, recorded in Bastrop County in Book "K" page 603, deeded by T. J Shackelford and Levi Shackelford to L. C. Cunningham Oct 14th 1857, recorded in Bastrop County Book "K" page 643 and by Cunningham to Thos F. McKinney Oct 5th 1859, recorded in Bastrop County Book "L" page 392, all the foregoing tracts of land being the same conveyed by deed of gift from Thos F. McKinney and his wife anna G McKinney to J. F. Winterrowd the 14th day 1861, of record in Bastrop County Book "M" page 229 the whole comprising fourteen hundred and sixty acres and forming one Contiguous tract. It is ordered adjudged and decreed by the Court that the vendors lien as it existed upon the 28th day of February 1876 be and the same is hereby foreclosed, and that the Clerk of this Court do issue an order of sale directed to the Sheriff of Travis County Texas, Commanding him to sell the above described tracts of land as under Execution and that he apply the proceeds thereof to the payment prorata of the said Sums of money due N. A Morris, and Anna G McKinney and J F. Winter, together with all interest that may be due thereon, and the costs of this suit, and if the said land shall sell for more than sufficient to pay off and discharge said sums of money, then the said officer is hereby directed to pay over the excess to the defendants, but if the said land shall not sell for enough to pay off and satisfy this judyment, then the Clerk of this Court is directed to issue execution for the balance against the defendants W R. Scudder and Annie W Scudder. It is further ordered by the Court that the defendants W R and Annie W Scudder may if they or either of them so choose select from said tracts of land, two hundred acres to include the improvements thereon and that the Sheriff shall sell the said fourteen hundred and sixty acres in two tracts leaving the two hundred acres to be sold last and if the said twelve hundred and sixty acres shall bring enough to satisfy this judyment then the 200 acres shall not be sold at all.

4687 C. F. Millett vs W. J. Randle and Jules A Randle Executor.

And now on this day came on this cause for trial, and both parties having announced ready, and neither party having demanded a Jury, all matters as well of law as of fact were Submitted to the Court, and the Court after hearing the pleadings and the evidence and argument of Counsel thereon and fully understanding the same is of opinion that the Estate of W. J. Randle deceased is justly indebted to plaintiff in the Sum of two hundred and Seventy two 77/100 Dollars in Gold ($272 77/100), with interest from the rendition of this Judyment at 10% per annum, but that plaintiff has lost his mechanics lien for the Security thereof on the real Estate of said Randle. And it being found by the Court that said W J Randle

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did after service upon her and her appearance in this cause, and that Jules A Randle is the duly qualified executor of the last will of said W J Randle, deceased, and that said Executor has been made party to this cause and appeared in the same, according to law. It is therefore ordered adjudged and decreed that plaintiff C. F. Willett do have and recover of and from the Estate of W. J. Randle deceased the said sum of two hundred Seventy two & 72/100 Dollars ($272 72/100) in gold, with ten per cent per annum interest from this date, and all costs in this suit. The same to be paid in due course of administration by the said Jules A Randle Executor &c as aforesaid and the same is hereby duly established and adjudged a claim against the estate of said W J Randle deceased, and it is ordered that this judgment be certified together with a bill of all costs herein to the County Court of Washington County Texas, and it is adjudged that said Executor shall pay the same in due course of administration.

4888 The State of Texas vs A J Wright, Gideon A Rucker, Drew L Middleton and D. L Nutt. This day came the parties in the above entitled cause by their attorneys and waive a jury and submit the matter in controversy as well of fact as of law to the Court and the evidence and the argument of Counsel having been heard and fully understood it is therefore ordered adjudged and decreed by the Court that the said plaintiff The State of Texas do have and recover of and from the said defendants A J Wright Gideon A Rucker, Drew L Middleton and D. L. Nutt the sum of two thousand six hundred and sixty six and 47/100 ($2.666.47) Dollars together with costs of suit by said plaintiff in this behalf expended for all of which let execution issue.

Exco. dock. 5 page 18.

5031 Minnie F. Brunorr vs Henry Brunorr et al

And now on this day came on to be heard the Report of J M Peacock and Wm Earnest, two of the Commissioners heretofore appointed by this Court to make partition of the property in said cause between plaintiff and defendants, the same being in words as follows.

Minnie F. Brunorr vs Henry Brunorr et al 5031

We the undersigned Commissioners appointed by the Honorable, the District Court of Travis County Texas to view and make partition in the above styled and numbered cause of lots Nos. Eleven (11) and twelve in Block No. Five (5) of the Subdivision made by Raymond & Whites of out lots No 15 and 16 in Division "D", Austin out lots between the parties to said Cause would respectfully report. That understanding their duties to be, to make partition of said lots and premises so as to set apart to the defendants minor children, a portion of said premises equal in

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valued to one hundred Dollars. They procedded to examine the same and found that said lots were so divided by the enclosures and improvements thereon as to set apart the West portion and ends of both said lots to themselves in a single lot fronting about 62 feet to the South on orange Street, and the East ends of said lots are formed into a lot fronting on said Orange Street 68 feet and running north Ninety six feet on a Street at right angles with Orange Street and being the original frontage of said two lots, each of these two lots have house upon them, but finding that a small lot fronting east on said Street according to the original frontage of said lots could be set apart so as not to materially injure the value of the whole property we procedid to set apart to the defendants off of the North East corner of lot Number Eleven a lot fronting east on said Street 35- feet and running back 68 feet, and described as follows. Beginning at the North East cor of said lot Nº 11 and running West with the North line of said lot 68 feet for N. W. corner, thence South in a line parallel with the East line of said lot 35 feet, to the S. W. corner of this part lot. Thence East 68 feet to the East line of lot Nº 11 for S E corner, thence North with East line Nº 11, to place of beginning, including 35- by 68 feet and being of the value of one hundred dollars. Commissioners say that they are not of Kin to either or any of parties to this suit and are not interested in the property.

J. M. Peacock,
W. Earnest } Commissioners.

Sworn to and subscribed before me this 21st day of December 1877.

E. Hallmann Clerk

And the said Court having inquired into the qualifications of said Commissioners, and finding them duly qualified according to law and both parties being content with said report, and the Court finding the same in all things correct and in compliance with the decree of the Court, it is ordered adjudged and decreed that said Report be and the same is hereby affirmed and all right title and interest of the plaintiff Minnie F. Brunow in and to the property in said Report described and set apart to the defendants be and the same is hereby divested out of the said plaintiff and vested and decreed in and to the defendants Henry Brunow, Willie Brunow, Guy Brunow and Genalla Brunow, and that all right and interest of the said defendants in and to the remainder of said lots Nos 11 and 12 and all improvements thereon, be and the same is hereby divested and decreed out of the said defendants and vested and decreed to and in the plaintiff Minnie F. Brunow

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as her own separate property free from all and any claim or claims of right and title in or on the part of said defendants or either of them And it is ordered that plaintiff pay all costs of this proceedings.

5039 Mattie T. Goodloe et al vs S. G. Sneed Jr et al

& And now come the plaintiffs by attys and also defendant S. G. Sneed Jr and the minors defendants Ada Sneed, Minnie Sneed, Maggie Sneed and Mike Sneed by their special guardian Robert H Ward appointed at a former day of this term of this Court to represent the said minor defendants in this cause and announce themselves ready for trial and no jury being demanded this cause as to matters of fact as well as to matters of law being submitted to the Court; and it appearing to the Court that defendant S. G. Sneed Jr on the 15th day of May 1860 was married to Fannie Finn in that said Fannie, departed this life on the 3d day of September 1867, that said Fannie left as her only children and as the fruit of said marriage the said minor defendants, that after the death of said Fannie to wit on the 9th day of September 1867, the said defendant S. G Sneed Jr purchased lots Numbers (9) nine and (10) ten in Block Number (29) twenty nine in the City of Austin in Travis County Texas, from George W Morris and wife Jane Morris and that in the Execution of the deed of conveyance from said Morris and wife to said S. G. Sneed Jr for said lots, said deed was made erroneously to bear date on the 26th day of August A D 1867 instead of on the 9th day of September A D 1867 the true date thereof and that said Fannie Sneed deceased at the date of her death had no right or interest in said lots and that at the death of said Fannie no right in said lots descended to her said minor Children and that at the date of the sale of said lots by said S. G Sneed Jr to the plaintiff— Mattie T Goodloe he the said S. G. Sneed Jr was the owner of said lots in his own separate right and as his own separate property and that by the deed from said S. G. Sneed Jr to plaintiff Mattie T Goodloe of date 28th day of June A D 1876 the title to said lots became and was fully and completely vested in the said Mattie T Goodloe. It is therefore ordered adjudged and decreed by the Court that the plaintiff Mattie T. Goodloe recover of and from the defendants in this suit the lots aforesaid and that all right title and interest of said defendants S. G Sneed Jr, Ada Sneed, Minnie Sneed Maggie Sneed and Mike Sneed be forever and fully divested out of them and fully and completely vested in the said plaintiff Mattie T Goodloe as her own separate and individual property and that all of said defendants be perpetually enjoined and restrained from heretofore asserting any right or title in said Lots. And it is

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further ordered that said plaintiff Mattie T Goodlee be forever quieted in her title and possession in said lots, and it is further ordered that the defendant S. G. Sneed pay all the costs of this suit for which Execution shall issue.

5217. The State of Texas vs Noah Stewart

Now on this day came on to be heard the motion to set aside the sentence heretofore passed in this case and permit the defendant to take his appeal, after hearing the same the prayer of defendant is refused for the reasons following which are ordered to be made part of this order. The defendant came into Court and in open Court requested to be sentenced according to the verdict and judgment in his case. Whereupon the judge presiding fully explained to defendant that a motion had been made for a new trial in his case by his attorneys which motion had been overruled by the Court and that notice of an appeal had been given, defendant being fully advised freely in open Court declared that he wished to waive and abandon his appeal and be sentenced, which was accordingly done as appears by the entry of december 18th 1877, Wherefore the motion of this the 21st December ought not to prevail and the right now to stay procedings and punishment is denied, but as defendant desires through his counsel to place the case if it may be properly done in condition to be revised in the Court of appeals, it is ordered that a record of the case be made so that in the event that this Court has mistaken the law of the case, that defendant may avail himself of the error and have the same corrected. The defendant having freely and advisedly exercised the right conferred upon him by the 2d Section of the Code of Criminal procedure Paschal digest 2492 cannot at his caprice or on suggestion of others annul what he has solemnly and rightfully conceded and reputed, should be done in this behalf. It is therefore ordered that Sentence be executed and that the motion this day filed be overruled and denied and that his notice of appeal which is now given be made of record and the Clerk will make out a transcript as in other cases. The defendant fully concurring in the disposition to be made of his person during the pendency and of further procedings in this case.

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

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Court met pursuant to adjournment, present same as on foreid day, Whereupon the following procedings were had by said Court to wit

4775 Jonathan Rogers in his own right and as next friend of Rachel Rogers Charles J Rogers, James Rogers, Lizzie Rogers and Jonathan W Rogers vs The Life Association of America

By consent of parties the continuance herein is set aside and thereupon

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Judgment as to Chandler. Set aside on file. Feb. 11/78 E.

the defendant enters his appearance and pleads, and thereupon the cause was submitted to the Court and after hearing the pleadings and evidence. It is considered ordered and adjudged by the Court that the plaintiffs do have and recover of defendant three hundred and thirty nine & 35/100 dollars, and that the costs of suit by consent of parties, be taxed one half against each party, for which execution may issue.

4897 J H Raymond and Company vs F. W. Chandler et al

In this cause that the record may show the action of the Court it is ordered that this certificate accompany and be made part of the record. At the close or nearly the close of the State docket counsel generally were anxious to know when the Civil docket would be called, on the 22 of November the State docket was disposed of and the Court announced just before recess at 12 M that in litigated cases I would not make a peremptory call, for the reason that parties were not supposed to know exactly when the State docket would be mainly cloud and that in such cases I would not that day make a peremptory call but more litigated cases would be disposed of. The counsel undoubtedly misunderstood the meaning of the Court. But after the attorney had filed his motion on the 24th November. The Judge presiding informed him of his misunderstanding and offered to set aside the judgment in case the said attorney F. W. Carleton would state that he had a legal or meritorious defence to the action said attorney stated in open Court that he could not conscientiously so state. The amended motion considers the misunderstanding but no reasons are assigned why the new trial should be had as is believed. It is ordered that this statement by the Court be carried into the record and made part thereof in case of an appeal

To certify which I hereto set my hand as the Judge presiding at the trial

4026 The State of Texas vs John Bennett. (E. B. Turner. Judge

On hearing the evidence in this cause under a writ of habeas corpus: It was ordered by the Court that the defendant John Bennett be admitted to bail in the sum of Three thousand dollars.

4459 J. L. Adams & wife vs. T. T. Pendley. This day came the parties to this suit by their attorneys, and the motion of plaintiffs coming on to be heard & being fully argued by plaintiff, the same was overruled.

5221 The State of Texas vs C. P. Phillips

5223 The State of Texas vs Fred Carleton

5225 The State of Texas vs Isaac Friedrich

5227 The State of Texas vs Robert H. Ward

5228 The State of Texas vs R M Russell

5230 The State of Texas vs A. B. Townes

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5232 The State of Texas vs Chas S. Evans
5262 The State of Texas vs Dr. M. A. Taylor
5306 The State of Texas vs William Poe
5309 The State of Texas vs Jerry Johnson

It appearing that this Court has no jurisdiction to try the above named ten (10) causes, it is ordered that the same be transferred to Justice James Neill's Court of Travis County and that the Clerk of this Court do deliver to said Justice, the indictments and all the papers relating to said causes, together with a certificate copy of all the proceedings taken in this Court in regard to the same, and also a bill of costs, showing what costs have accrued that such proceedings may be had therein as may be provided by Law.

5222 The State of Texas vs W. P. Bacon
5224 The State of Texas vs J. B. Harris
5226 The State of Texas vs Geo F. Pendexter
5229 The State of Texas vs J. H. Wilde
5231 The State of Texas vs Robt Cohen
5261 The State of Texas vs Jim Goodson
5263 The State of Texas vs Noah Steinert
5265 The State of Texas vs Ed Zimmerman
5307 The State of Texas vs Mack (a colored man)
5308 The State of Texas vs Monroe Wilson

It appearing that this Court has no Jurisdiction to try the above named ten (10) causes, it is ordered that the same be transferred to Justice Fritz Tegener's Court of Travis County and that the clerk of this Court do deliver to said Justice the Indictments and all the papers relating to said causes, together with a certified copy of all the proceedings taken in this Court in regard to the same, and also a bill of costs, showing what costs have accrued that such proceedings may be had therein as may be provided by Law.

~~5264 The State of Texas vs~~
5266 The State of Texas vs Ed Zimmerman
5267 The State of Texas vs August Knacht
5286 The State of Texas vs John Wallace
5287 The State of Texas vs Dave Sauls
5304 The State of Texas vs Mack (a freedman)
5305 The State of Texas vs Manchest Ware

It appearing that this Court has no jurisdiction to try the above named six (6) causes, it is ordered that the same be transferred to the County Court of Travis County and that the clerk of this Court do

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deliver to the Clerk of said County Court, the Indictments and all the papers relating to said Causes, together with a certified copy of all the proceedings taken in this Court in regard to the same, and also a bill of costs showing what costs have accrued that such proceedings may be had therein as may be provided by Law.

And now comes the Clerk of the District Court of Travis County and upon motion it is ordered that the plaintiffs in the following thirty five (35) Causes be required to enter into bond and Security for costs in said several Causes, and unless said rules are complied with on or before the first day of next term of the Court the same will be dismissed, plaintiffs attorneys being notified

3933 E. A Nicks vs James S Gillett
4812 W J Cavenaugh vs W A Taylor et als
4817 Henrietta Siebel vs Henry Ulmer
4831 Mrs Mary Duffau vs Wilton Wallace et al
4874 N. A Hancock vs Maria Hancock
4879 Sallie Ann Denton vs John R Denton
4896 Joseph Able Jr vs B. Brown et als
4902 S. R Yates vs Mrs S Nichols et als
4906 W. H. Keath vs Capital Ice Co
4908 W E Rogers & N. C Ford vs John C Wilson et al
4922 William Bills vs Thomas E Cater et al
4936 N. A Morris vs W R Scudder et als
4940 Lucy Robinson vs G. W. Ervin et als
4941 Wm Hudson vs C R Johns & Co
4953 Albert S Roberts vs Crockett Narbart
4957 Wilson Green vs Robert B Renick et al
4968 Mary C Canady vs William C Canady
4970 W. W & S. E Sanford et als vs The unknown heirs of Ebnathan Bebee et al
4976 Thomas E Tullis vs Dennis Corwin Sheriff Travis County
5014 B. J Collins vs Chandler, Carleton & Roberton
5017 Maranda W Rae vs A L W Rae
5018 Andrew Johnson vs James L Hall et al
5019 Minerva Davis vs Walker Davis
5021 J. B. Wyggall et als vs The Treasurer of the State of Texas
5020 J L Love vs Amelia J Love
5023 F. C Arnold vs L. F. Arnold
5026 James H Wade vs John C Duval
5029 Mary J Lee vs Chas O Sorell
5031 Minnie F. Brunow vs Henry Brunow et al
5038 John W Carthy vs John P Henniger

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5039 Mattie T. Goodloe vs S. G. Sneed Jr et als
5040 Finis E Foster vs J C & Mary V. Foster
5045 Sophie Clay vs Henry Clay
5048 James & Dorcy vs Thomas Young & Smith Harrison
5049 Hattie Johnson vs Fremont Johnson
5243 The State of Texas vs. D. C. Ruby and R. H. Hanna. December 17th A.D. 1877. And now comes the State by counsel and asks the Court to dismiss this case as against defendant R. H. Hanna for the following reasons, to wit: 1st That the counsel for the State are satisfied that said defendant R. H. Hanna is not guilty of the charge in the Indictment in this case. 2nd That the counsel for the State are satisfied that said defendant R. H. Hanna's connection with the instrument charged to be forged, was entirely free of any wrongful or criminal intent or knowledge, he merely filed said instrument in the General Land Office as a mere act of accommodation for defendant Ruby, without any knowledge on the part of said Hanna that said instrument was forged. D. T. Moore & S. G. Sneed Attys. for the State. It was thereupon ordered and decreed by the Court, that this indictment be dismissed as to the defendant R. H. Hanna, and that said Hanna go hence without day fully discharged and acquitted of this accusation.

James Neill
M. S. Walton &
M. T. Hill.
Ex parte.

Decb 22nd And now on this day came on to be heard the report of the committee, heretofore appointed to examine James Neill, M. S. Walton, & M. T. Hill, touching their qualification to practice law, and said report showing that the said committe have discharged their duty & have found the aforesaid applicants fully qualified to practice law, It was ordered by the court that the names of the said James Neill, M. S. Walton & M. T. Hill be enrolled as attorneys of this court that the said James Neill, M. S. Walton & M. T. Hill be admitted to practice as attorneys and counsellors at law in the several District and inferior Courts of this State, and that the clerk of this court issue license to them accordingly.

Jury Service. It appearing to the court that the following named persons have served as grand & petit jurors during the present term of court the number of days set opposite their names, it is ordered that the clerk of this court issue to them certificates accordingly:

Grand Jurors:

John Arens	29 days	$58.00	Adolph Trautwein	29 Days	$58.00
Robert Jones	29 "	$58.00	Thos Hancock	29 "	$58.00
Jam J Redd	29 "	$58	J B Barron	29 "	$58.00

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R Bertram	29	days	$58.00	H. L Raven	29	days	$58.00
J W Whitt	29	"	$58.00	David Jones	29	"	$58.00
W Hay	29.	"	$58.00	Wade Henry	29	"	$58.00

2nd Week

G. W Malone	2	days	$4.00	Jas Reid	6	days	$12.00
Jas A Hamilton	8	"	$16.00	A. Wahrman	6	"	$12.00
E. R Crockett	8	"	$16.00	E B Connell	6	"	$12.00
W. L Harris	8	"	$16.00	W Rhodius	6	"	$12.00
Jamb Birdwell	8	"	$16.00	R J Levett	6	"	$12.00
N W Dean	8	"	$16.00	A Eanes	5	"	$10.00
T. F. Rowe	6	"	$12.00	W. T Anderson	5	"	$10.00
Jandy Hayden	8	"	$16.00	Geo. Jempke	7	"	$14.00
W J Cloud	6.	"	$12.00	Robert Johnson	2.	$	4.00
Joe Pollard	8	"	$16.00				
W C Nichols	8	"	$16				
Wm Risher	8	"	$16.00				
E W Edgar	8	"	$16.00				
Robt Johnson	6	"	$12.00				
Theo Goldbeck	8	"	$16.00				
Louis Nitschke	6.	"	$12.00				
Henry Ziller	6.	"	$12				
J N Walker	6.	"	$12				

3d Week

D C Pace	5	Days	$10.00	Wm Ernst	5	Days	$10.00
E Martin	5	"	10.00	Wm Parkes	5	"	10.00
J. J Hamilton	5	"	10.00	Leslie Price	5.	"	10.00
J R Jones	5	"	10.00	Henry Flugger	5.	"	10.00
F Everett	5	"	10.00	W P Goodloe	5.	"	10.00
Wm Rainey	5	"	10.00	Thomas Algea	5	"	10.00
R Hatcher	5	"	10.00	J W Moore	5	"	10.00
W. G Crockett	5	"	10.00	Geo Evans	5.	"	10.00
A Bahn	5.00		10.00	C R Hicks	5.	"	10.00
C H Deffenbaugh	5.00		10.00	J W Moore	4	"	8.00
Thos Howard	5.00		10.00	H C Whithorn	4	"	8.00
Stark Washington	5.00		10.00	Henry Jones	5	"	10.00
Thos Robb	5.00		10.00	R B Hamilton	5	"	10.00
J D Thomas	5.00		10				

December 22nd 1877.

4th Week

A O Duty	5 Days	$ 10.00	Thos Goldbeck	3 Days	$ 6.00
A Bebenstein	5 "	$ 10.00	Fred Schmidt	3 "	$ 6.00
J C Hamilton	5 "	$ 10.00	Henry Zillen	3 "	$ 6.00
Henry Ottens	5 "	$ 10.00	A Otto	3 "	$ 6.00
James H Shaw	5 "	$ 10.00	G Johnson	3 "	$ 6.00
Jas Harrington	5 "	$ 10.00	O P Daniel	3 "	$ 6.00
Jno Carson	5 "	$ 10.00	R A Chadwick	3 "	$ 6.00
Jack Hammett	5 "	$ 10.00	Wm Spence	3 "	$ 6.00
J L Bucas	5 "	$ 10.00	J W Holmes	3 "	$ 6.00
N Larson	5 "	$ 10.00	H. Pannecker	3 "	$ 6.00
P Thompson	5 "	$ 10.00	E B Connell	3 "	$ 6.00
Geo. Criser	5 "	$ 10.00	J H Burns	3 "	$ 6.00
J B Smith	5 "	$ 10.00	J H Daniel	1 Day	$ 2.00
James Evans	5 "	$ 10.00	Jno Penn	2 " 5	$ 4.00
Wm Holden	5 "	$ 10.00	Dave Sterrack	1 "	2.00
J W LaRue	5 "	$ 10.00			

5th Week

Embre Smith	4 Days	$ 8.00	J. E Raney	4 Days	$ 8.00
David Strickland	4 "	$ 8.00	J H Fleytinch	4 "	$ 8.00
Wm Schantz	4 "	$ 8.00	Lewis Pfluger	4 "	$ 8.00
Jos Wenslaw	4 "	$ 8.00	Jno Boles	4 "	$ 8.00
Sterling Chamberlin	4 "	$ 8.00	Paul Von Rosenberg	4 "	$ 8.00
Fred Walker	4 "	$ 8.00	R Nahke	4 "	$ 8.00
Ben Van Zandt	4 "	$ 8.00	W. F. Bergener	4 "	$ 8.00
J H Coleman	4 "	$ 8.00	J H Daniel	1 "	$ 2.00
W W Turner	4 "	$ 8.00	Jas Reid	3 "	$ 6.00
R T Gault	4 "	$ 8.00	J R Graham	3 "	$ 6.00
J A Martin	4 "	$ 8.00	W. S. Biles	3 "	$ 6.00

Special Service. Jim West

Henry Jones	1 Day	$ 2.00
C H Deffenbaugh	1 "	$ 2.00
B Millam	1 "	$ 2.00
J B Headpeth	1 "	$ 2.00
W. S. Johnson	1 "	$ 2.00
Arnold Klein	1 "	$ 2.00
J C Hamilton	1 "	$ 2.00
C W Berryman	1 "	$ 2.00

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Special Venire Cornelius Williams

Jos Metcalf	1 Day @ 2.00	G W Burditt	1 Day @ 2.00
J Everett	1 " @ 2.00	D M Crossnoe	1 " @ 2.00
A R Morris	1 " @ 2.00	J W Daniel	1 " @ 2.00
J A Martin	1 " @ 2.00	J R Jones	1 " @ 2.00
C A Denny	1 " @ 2.00	J D Henry	1 " @ 2.00
Arnold Klein	1 " @ 2.00	W M Kinney	1 " @ 2.00

6th Week

W. S. Johnson	5 Days @ 10.00	E. S Berry	3 Days @ 6.00
Thos Harvey	5 " @ 10.00	G W Burditt	3 " @ 6.00
Arnold Klein	5 " @ 10.00	A R Morris	3 " @ 6.00
Jos Metcalf	5 " @ 10.00	L B Biles	3 " @ 6.00
C Domke	5 " @ 10.00	E T Norwood	2 " @ 4.00
C W Brannan	5 " @ 10.00	W B Hussey	5 " @ 10.00
Wm Lohm	5 " @ 10.00	Robt Finley	2 " @ 4.00
J R Billingsley	5 " @ 10.00	W S Biles	2 " @ 4.00
B Millam	5 " @ 10.00	A J Sharp	5 " @ 10.00

7th Week

G W Crozier	2 Days @ 4.00	J Honberger	2 Days @ 4.00
J B Gilbert	2 " @ 4.00	Haywood Croft	2 " @ 4.00
Jno T Miller	2 " @ 4.00	Jesse Hickson	2 " @ 4.00
R C Booth	2 " @ 4.00	S Norwood	2 " @ 4.00
Jno Walter	2 " @ 4.00	J D Johnson	2 " @ 4.00
J. F. Frank	2 " @ 4.00	Henry Dickerson	2 " @ 4.00
D M Crossnoe	2 " @ 4.00	W W. Simmons	2 " @ 4.00
J. I. Evans	2 " @ 4.00	Wm M Vance	2 " @ 4.00

8th Week

Alex Piper	7 Days @ 14.00	Tom Burditt	6 Days @ 12.00
Chattam Berry	7 " @ 14.00	J B Henry	6 " @ 12.00
P L. Hopkins	6 " @ 12.00	Tom Johnson	2 " @ 4.00
Henry Willis	7 " @ 12.00	Jas Heffner	7 " @ 14.00
Peter Ault	4 " @ 8.00	John Bird	6 " @ 12.00
Thos McCutchon	6 " @ 12.00	Milton Wallace	6 " @ 12.00
W M McLaurin	6 " @ 12.00	Wm Glascock	6 " @ 12.00
Wm Gay	4 " @ 8.00	Jas Taylor	1 " @ 2.00
Chas Miller	6 " @ 12.00	Paul Pressler	3 " @ 6.00
Jno T Pruett	6 " @ 12.00	W S Biles	4 " @ 8.00

December 22nd 1877.

Jake Brown,	6 Days	$12.00.	Caldwell	3 Days	$6.00
Ed Moore	4 "	$8.00	Wm Spence	4 "	$8.00
N.C. Strong	4 "	$8.00			

9th Week

J C Bonner	6 Days	$12.00	Geo L Robertson	6 Days	$12.00
Frank Fosselman	6 "	$12.00	Jam Johnson	6 "	$12.00
Wm Robertson	6 "	$12.00	Jep Strickland	6 "	$12.00
J B. Bird	6 "	$12.00	John Bargely	6 "	$12.00
Jas Hewett	6 "	$12.00	J L Nichols	6 "	$12.00
W K Beckett	6 "	$12.00	Henry Ault	6 "	$12.00
D B Whithers	6 "	$12.00	Chas Wm Rosenburg	6 "	$12.00
J J Davis	6 "	$12.00	W J Downing	6 "	$12.00
Frank Smith	6 "	$12.00	Wm Caldfield	6 "	$12.00
R E White	6 "	$12.00	I. D Davis	6 "	$12.00
Geo Keisene	6 "	$12.00	A G Mathews	6 "	$12.00
Granville Bayley	6 "	$12.00	Jno Carlfield	6 "	$12.00

December 24th 1877.

Henry Brown	1 Day	$2.00	J. W La Rue	1 Day	$2.00
Hamm Metz	1 "	$2.00	Neill McCaskin	1 "	$2.00
A Baxter	1 "	$2.00	Geo Juncke	1 "	$2.00
L M Bradley	1 "	$2.00	Wm Frazer	1 "	$2.00
Jas Reed	1 "	$2.00	Henry Willis	1 "	$2.00
D C Robinson	1 "	$2.00	Lawy Hughes	1 "	$2.00

And thereupon Court adjourned until Monday Morning December 24th A.D. 1877 at 9. o'clock a.m.

December 24th 1877.

Court met pursuant to adjournment, present Samuel Orr first day. Whereupon the following proceedings were had by said Court to wit.

4960 W C Townes and John C Townes vs David Epperight R. S. Riggle & Martin Riggle

This day came the defendants by attorney and it appearing to the Court that this Cause has heretofore been submitted to arbitration and that the award of the arbitrators was made and filed herein on the 28th day of July 1877, the Continuance heretofore entered in this Cause of the 28th day of November 1877 is set aside and on motion of defendants attorneys judgment is now rendered on the award of the Arbitrators, which is in words and figures in substance as follows.

December 24th 1877.

4960 W C Townes & Jno C Townes vs David Eppright, R. S. Rigglet Martin Riggle
We find for the defendants and that the common line between the W Kean and Wells Survey be run by course and distance from the N. E Corner of the Wayman Wells Survey, We believe the testimony insufficient to establish the cotton wood named in the Wells patent as the same claimed as such in the testimony of Judge Rector and others. July 28th 1877. W. M. Hill
J. E Ranny. Umpire

It is therefore ordered adjudged and decreed by the Court that the common boundary line between the J W Kean and the Wayman Wells Survey of Land described and referred to in the agreement to arbitrate in this Cause is hereby established and shall run as follows Beginning at the North East Corner of the said Wayman Wells Survey thence North Sixty degrees West one thousand two hundred and fifty varas and there establishing the North West Corner of the said Wayman Wells Survey without reference to the Cotton Wood tree called for in the patent to said Wayman Wells Survey or to any other tree or bearing the same being as claimed by the defendants in this Controversy.

5081 The State of Texas vs Jeff Gregg, December 18th 1877. The defendant Jeff Gregg having been convicted at a previous day of this term of Court of a felony to wit "Burglary, was this day brought into open Court in charge of the Sheriff and being asked in open Court if he had any sufficient reason why the sentence of the Court should not be pronounced against him failed to give such reason, it was therefore ordered and decreed by the Court that the said defendant Jeff Gregg be and he is hereby sentenced in accordance with the Verdict of the Jury and judgment of the Court heretofore rendered in this Cause, to Confinement at hard labor in the State penitentiary at Huntsville for the full term of (3) three years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said, and the said Jeff Gregg now in open Court giving notice of appeal to the Court of Appeal, it is ordered that the foregoing sentence be suspended during the pendancy of said Appeal, and that the defendant be remanded to the County Jail of Travis County to wait the action of the Court of Appeal.

5081 The State of Texas vs Jeff Gregg. December 24th 1877. This day came the defendant Jeff Gregg into open Court and by his Counsel W M Walton Esq withdrew his notice of appeal. It was thereupon ordered by the Court, that the sentence heretofore rendered in this Cause be now Executed.

December 24th 1877

5061 The State of Texas vs J M Simpson.
This day came the State by her atty and came also the defendant J M Simpson in person and by attorney, whereupon came a jury of 12 good and lawfull men of Travis County consisting of L. W. Bradley and eleven others, who being duly elected, tried empannelled and sworn according to law, heard the indictment, to which indictment the defendant J M. Simpson plead "Guilty." and as to the law in this case and retired to consider of their Verdict and after due consideration said jury returned into open Court the following Verdict to wit. "We the jury find the defendant J M. Simpson, Guilty and assess the punishment by imprisonment in the penitentiary for five years L W Bradley Foreman" Whereupon it is ordered and decreed by the Court that said Verdict be and the same is hereby approved. And it is further ordered adjudged and decreed by the Court that the said defendant J M Simpson be and he is hereby declared guilty of the crime of theft of a Gelding, and that he the said Simpson be and he is hereby condemned to be punished by confinment in the State Penitentiary by hard labor for the full term of 5 years in accordance with the Verdict of the Jury in this Cause, and that he pay all costs of this prosecution for which Execution may issue, and the defendant J. W Simpson now asking the Court that sentence might now be passed upon him, it was therefore ordered and decreed by the Court that the said defendant J M Simpson be and he is hereby sentenced in accordance with the Verdict of the Jury and judgment of the Court heretofore rendered in this cause to confinment at hard labor in the State penitentiary at Huntsville for the full term of (5) Five years and that he be taken by the Sheriff of Travis County and safely conveyed and delivered to the Superintendant of said Penitentiary there to be confined at hard labor for the period above said.

3139 Sabas Fuentes et als vs The State of Texas
And now at this day November 30th 1877, came on to be heard the motion of the defendant by Hon W H Boone attorney general praying this Court to Suppress the deposition of Martin de J Sanchez filed in this cause on the 13th day of November 1877 and it appearing to the satisfaction of the Court that the law is for the motion. It is therefore ordered by the Court that the said deposition be suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiffs that the said plaintiffs have leave to withdraw the said deposition

December 24th 1877.

and interrogatories thereto attached from the files of this cause, it is further ordered that this cause stand continued.

3192 Gabriel Garcia et al vs The State of Texas.

And now at this day, Nov. 30th 1877 came on to be heard the motion of the defendant by Hon N H Boone attorney General praying this Court to suppress the deposition of Martin de J Sanchez filed in this cause on the 13th day of November 1877, and it appearing to the Satisfaction of the Court that the law is for the motion, it is therefore ordered by the Court that the said deposition be suppressed and held for naught. It is further ordered and decreed by the Court on motion of plaintiffs that the said plaintiffs have leave to withdraw the said deposition and interrogatories thereto attached from the files of this cause, it is further ordered that this cause stand continued.

5174 The State of Texas vs. James R Ham alias J. W. Hall. Dec 10/77 Another indictment No 5188 containing the same charges, having been preferred, it is ordered that this cause be dismissed.

5175 The State of Texas vs. James R Ham. Dec 10/77 Continued by the State.

5184 The State of Texas vs R D. Hatch. Decbr 10/77 Continued by the State.

5187 The State of Texas vs. James R Ham. Continued by the State.

5258 The State of Texas vs. Andrew Abercomby, John Matt, & Watt Pennington. Decbr 7/77 Continued by the State.

5259 The State of Texas vs. Andrew Abercomby, John Matt & Watt Pennington. Decbr 5th 1877 Continued by the State.

5260 The State of Texas vs Andrew Abercomby, John Matt & Watt Pennington. Dec 5th 1877 Continued by the State.

And thereupon Court adjourned until Friday Morning December 28th at 9. o'clock am.

December 28th 1877

Court met pursuant to adjournment, present same as on first day whereupon the following proceedings were had by said Court to wit

5063 Edward C Johnson, David Johnson Sr, Sallie Morris and her husband S A Morris, Sarah A Wharton and James S Montgomery administrator of the Estate of James Thompson vs E M Pease.

This day came on for hearing the above entitled cause, whereupon the parties appeared by their attorneys, waived a Jury and submitted the cause to the Judge for trial upon the law and facts of the case and it appearing to the Court by the pleadings and written admission of the parties in the same, That the several plaintiffs and the defendant are the joint owners of the league and labor of land lying and being situated in the County of Brown in the State of Texas originally granted to William

December 28th 1877.

H Wharton by Patent Numbered 150 in volume 12 and dated the 11th day of April A D 1855 in the following proportions viz. That the said Edward C Johnson is the owner of Seven hundred and fifty acres. The said David Johnson Sr of Seven hundred and fifty acres. The said Sallie Morris of six hundred acres. The Estate of said James Thompson of Five hundred acres, the said E M Pease of one thousand acres and the said Sarah A Wharton of the balance of said league and labor of land. And then appearing to the Court no reason why the prayer of the Plaintiffs and defendant should not be granted. It is therefore considered by the Court, ordered adjudged and decreed, that the said described league and labor of land shall be partitioned and divided between the said plaintiffs and defendant in proportion to their several interests in the same as herein before set forth and that G Ferris, John T. Rankin and Heber Stowe Citizens of Brown County in the State of Texas, be and they are hereby appointed Commissioners, to make a partition and division of the said league and labor of land between the said plaintiffs and defendant, assigning to each of said parties the several portions of said league and labor of land herein before set forth having due regard to the quality and value of each of said portions, as compared with the quality and value of the whole league and labor. And that said Commissioners or a majority make and return to this Court a written report under oath of their partition and division of said land, under this decree with a plot and field notes of the several tracts set apart and assigned to each of said parties. Upon the coming in of which report a further and final decree herein will be made by the Court. And this cause is continued for said report.

5063 Edward C Johnson et als vs E M Pease.

And now on this the 28th day of December 1877, came the parties, Plaintiffs and defendants by their attorneys and by consent it is ordered and decreed that the venue of this cause be and the same is hereby changed to the District Court of Washington County in said State, and that the Clerk of this Court shall transmit the original papers with a transcript of all the orders and proceedings had herein to the Clerk of the District Court of said County for further proceedings herein in said Court

4973 Joe P. Stewart vs Int. & Great Northern Rail R. &c. This day came the parties by their attorneys and the plaintiffs motion for a new trial coming on to be heard & being fully argued the same was by the Court overruled, and thereupon the plaintiff excepted to such ruling and gave notice in open Court of

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appeal to the Supreme Court.

5176 The State of Texas vs James McCullough. This day came the State by Attorney & also the defendant in person and by Attorney, and the defendant submitted his motion for a new trial, which motion, after being fully argued, was by the Court overruled. And thereupon the defendant excepted and gave notice in open court of appeal to the Court of appeals.

5219 The State of Texas vs. Nicholas Saunsbury. Novbr 24th 1877. The defendant Nicholas Saunsbury having by the verdict of a jury been convicted of a felony to wit theft of money over $20.00 on a previous day of this term, and the defendants motion for a new trial herein having been this day overruled; It is now ordered adjudged and decreed by the court that the said defendant Nicholas Saunsburry be and he is hereby declared guilty of the felony of theft of money over $20.00 and that he be confined at hard labor in the State penitentiary for the full term of (7) seven years and that the State of Texas do have and recover of and from said defendant all costs of this prosecution for which execution may issue.

4953 Albert S. Roberts vs. Brackett Harbart. Upon motion of defendants counsel it was ordered that the notary's return of the deposition in this cause be by said notary amended.

4615 H. & T. C. R. R. Co vs. F. W. Chandler. Upon motion of plaintiffs counsel it was ordered that P. De Cordova a notary public of this County, may amend his return of deposition, taken before him in this cause.

4026 The State of Texas vs. John Bennett. This day it was ordered that the defendant John Bennett be admitted to bail in the sum of ($2500.00) twenty five hundred dollars.

4593 James B. Morris et al vs. Fred Carleton et al. The death of Horace L. Luckett, heretofore appointed commissioner to partition the land in controversy, being this day suggested to the Court, it was ordered that T. L. Wren be hereby appointed commissioner to act in his place.

Gen. continuance. And now it was ordered by the court that all causes civil and criminal, not heretofore otherwise disposed of, be now continued until the next term of court.

Order. The foregoing minutes having been read in open court, examined and found correct, It is ordered that the same stand as part of the minutes of the present term of court, and that this court do now stand adjourned until its next regular term.

Judge 16th Judicial District of the State of Tex

December 28th 1877.

5176 The State of Texas vs. James McCullough & Wm McCullough.
This day came the defendant James McCullough in person & by his attorney and in open court withdrew his notice of appeal and asked that sentence be now passed upon him in accordance with the verdict of the jury, who tried this case. And it appearing to the Court that the said defendant James McCullough was on a previous day of this term of court convicted of the felony of forgery and that his punishment had been by the jury assessed at six years confinement in the State penitentiary, and the defendant being asked and giving no reason why sentence should not be pronounced upon him; It is now ordered and decreed by the Court in accordance with the verdict of the jury and the judgment of the Court heretofore rendered in this cause, That the said James McCullough be and he is hereby sentenced to confinement at hard labor in the State penitentiary for the full term of (6) Six years and that he be taken by the Sheriff of Travis county and safely conveyed and delivered to the superintendent of the State penitentiary at Huntsville there to be confined at hard labor for period aforesaid.

Gen. Continuance. It was now ordered by the court that all causes civil and criminal, not heretofore otherwise disposed of, be now continued until the next term of court.

The foregoing minutes having been read in open court, examined and found correct, It is now ordered that the same stand as part of the minutes of the present term of court, and that this court do now stand adjourned until its next regular term.

E B Turner

Judge 16th Judicial District of Texas

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CIVIL MINUTES

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