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District Court P. For

District Court Ly May Term 1840 Commenced its session in the Senate Chamber Monday 4th " Present His Honor I I Mills, Judge of the third Judicial District " Presiding B D Basford Clerk & Wayne Barton Sheriff " The Venire fortuitously drawn according to Law, being Called, the following Jurors Answered to their Names

Jarmo Smith	Thos I Payton	Daniel Browning
A I Byars	Geo McDolsom	Francis Mahier
Logan Vandavier	P I Hunter	M H Nicholson
H P Savery	Wm Spencer	Nathaniel Mow
Thos I Smith	Benj Robinson	Rubin Hornsby
Noah Smithwick	H. Mathewson	Richard Bullock
L C Barnett	Lewis Hancock	Wm B Swinney

On Motion Logan Vandiver, Nathal Moon and Charles Walker, were excused from serving as Jurors by Order of the Court. A Sufficient Number of Jurors Not being in attendance the Court Orders the Sheriff to summon Elisha of the By-standers, to supply the Original Panneel, Whereupon W. I. Harpe. L I Margaret W B Billingsly, I P Brown, Alexander Russel, W H H. Johnson B I Grayson, A Savery, Nathaniel Townsend, B I Johnson and James Cranwell, were summons by the Sheriff, James Cranwell Not appearing, was by order of Court fined in the Sum of Forty Dollars, the Court also orders an attatchment to bring the said Cranwell into Court, forth with —

From the number of the aforesaid Jurors the following Names were drawn, & Lo Wit & to constitute the grand Jury.

Nathaniel Townsend	A I Byers	Thos I Smith
Francis Mahier	Wm P Harpe	B I Grayson
A Savery	Alexander Russell	Lewis Hancock
James Smith	M H Nicholson	Rubin Hornsby
L I Margaret	W B Billingsly	I P Brown and
B I Johnson —		W H H Johnston

Nathaniel Townsend was appointed Foreman by the Court and being duly Sworn the other Jurors were then sworn accordingly, & Charged (at length) by the Court —

The Grand Jury then retired under charge of the proper officer to Consider of their Presentments —

James Cranwell having been brought into Court by the Sheriff, was excused by the Court from serving as a Juror — The Court also ordered the aforesaid

— fine —

Travis County Spring Term 1840 City of Austin

Fine of Forty dollars imposed on the said Granville to be remitted —
The following persons were then Sworn in Chief as Petit Jurors, To Wit,

H. Holthausen	H P Savery	Richard Bullock
David Browning	S C Bennet	Wm Spencer
Wm B Swiney	Francis Liddick	Noah Smithwick
George M Dolson	P. I. Hunter	Benjn C Robenson
N. M Tucket &	Thos J Payton —	

The appearance Docket being then called the Court adjourned until to morrow Morning (Tuesday) Nine O'Clock A.M. —

Tuesday May 5th 1840

The Court met pursuant to adjournment. The List of the petit Jury being called the following persons answered to their Names H Holthausen David Browning. H P Savery. Noah Smithwick Richard Bullock. S C. Bennet. P I Hunter Wm Spencer. Benjamin C Robinson. Wm B Swiney. N M Tucket. Francis Liddick. Thos J Payton. The Court then appointed Benjn C Robinson foreman When the following Cases were called.

Norman Woods
vs
Assumpsit
Nicholas McArthur — Motion for Consolidation with No 1

Norman Woods
vs
Nicholas McArthur Consolidated with No 1

J V. Cannon for
the use of Asa Hill
vs
John Darman } the defendant filed a plea in abatement to which issue was joined, —

In this case, Judgment for the plaintiff for three hundred dollars with interest from the 1st of January 1837 Costs of suit. Exception was filed by the defendant to the decision of the Court & ordered to be filed & Made a part of the Record.

Spring Term 1840

✓ Saml Fuller Executor &c
V.S.
Saml R Miller & Barth H Sims, Continue with Leave to amend
so far as to change the Venue—

✓ " Edward Linder
V.S.
John Sowlar " Plaintiff ruled to give security for costs-

✓ Wm S Sims
V.S.
Geo W Bowie " Continued

✓ Alfred C Cannon for the use of Geo. M Smith
V.S.
John Garnon " The defendant filed a plea in abatement upon which issue was joined
Judgment for the plaintiff for one hundred dollars with interest from the first of January 1837 and costs of suit. The defendant files exceptions to the decision of the court on the issue which the court orders to be made a part of the record—

Nathaniel Townsend
V.S.
James Smith " Continued with payment of costs up to this day by the plaintiff " and with leave to amend the petition by erasing 1839 & inserting 1838"

✓ Elisha Caple
V.S.
Wm B Sweny " Death of plaintiff suggested & scire facias ordered to be issued to ~~be issued to~~ Administrator " continued
Bartholomew Manlove Administrator &c
V.S.
Noah Smithwick " Settled at Defendants costs.

✓ Saml Highsmith
V.S.
Robt Mitchel " Continued with leave to amend

✓ John Whitehead
V.S.
Saml Whiting " Continued

✓ Saml Whiting
V.S.
L B Hunt Judgment by default for debt & interest

Spring Term 1840

In one hundred and forty three Dollars and eighty four cents.

Jacob Burnet
vs
Davis G Burnet " Judgment by Default - for Debt & Interest
Seven thousand five hundred and eighty five Dollars and forty two cents
and Costs. —

Saml G Burnit
vs
Martin Clark Samuel R Miller & A G Johnson the Garnishees
appeared & answered interrogatories on oath, denying their indebtedness to the
Defendant, upon which issue was joined, and Jury empanneled to try the
Issue. (after hearing the parties with their witnesses the Jury retired (upon
their Charge by the Court) to consider of their verdict. —

A sufficient number of Jurors of the original panel not
being in attendance the Court ordered the Sheriff to summon the
bystanders to supply the deficiency, whereupon the following
persons now summoned by the Sheriff, and took their seats, To Wit
Alfred Smith. Jos. B Robinson. Jesse G Jamerson, Nealan Soles
Saml R Miller, F P Whiting, I I Anderson, John Bratton
John W Hayden, Henry Jones.

Samil Whiting
vs
James N Simmons " Settled at Defendants Costs —

Felix W Goff
25 vs
Thos H Duggan In this case the Court orders that the Plaintiff
recover of the Defendant the sum of Seventy One Dollars, and
Cents, which may be satisfied by the Payment of two hundred
fifty Dollars in the Treasury Notes of the Government of Texas and
Interest thereon from the sixth day of December 1839 —

Wm J Wallace
vs
Jesse G Jamerson " Continued with leave to make James Smith
a Co Defendant —

5

Spring Term 1840

James McPherson
v.s.
John Jordan &
Owen O'Brian The Defendants demand, Whereupon issue was
Joined-A jury and the Cause Submitted to the Court

Jeremiah A Coe
v.s.
Edward Seider Continued by defendant praying ale Dotte

Frederick P Whiting
v.s.
Nathaniel Grimsand, Continued with an alias—

The Court then adjourned until tomorrow Morning
at Nine O'Clock—

Wednesday Morning May the sixth 1840
The Court met pursuant to adjournment adjournment
the Records of previous day were read and amended
Samuel Whiting
Vs
L B Hunt In this case the parties again appeared
whereupon it was ordered by the Court that the Plaintiff
recover of the Defendant the sum of One hundred and forty three
Dollars and eighty four cents Debt and Interest and Costs
in this behalf expended
Jacob Burnett
Vs
David S Burnett In this case the parties again appeared
Whereupon it was ordered by the Court that the Plaintiff
recover of the Defendant the sum of Seven thousand five hundred
and eighty five Dollars and eighty four cents Debt and Interest
and the Costs in this behalf expended
The Petty Jury were then called and answered to their
names. the Court further charged them in the case of
David S Burnett
Vs
Martin Clark
and they again retired to consider of their Verdict after-
which they returned with the following Verdict to wit

Spring Term 1840

We the Jury find the answers of the Garnishees to be untrue and say that they are indebted to the Defendant in the Attachment in the sum of Twenty three thousand Dollars Garnishees files a Motion for new trial signed B C Robertson Foreman

The Grand Jury then came into Court and presented the following Bills to Wit

Republic of Texas
Vs
John Boatton a true Bill signed Nath.l Townsend Foreman

Republic of Texas
Vs
David Harvy a true Bill signed Nath.l Townsend Foreman

Republic of Texas
Vs
David Harvy a true Bill signed Nath.l Townsend Foreman

Republic of Texas
Vs
Abner Frost a true Bill signed Nath.l Townsend Foreman

Republic of Texas
Vs
William A Smith a true Bill signed Nath.l Townsend Foreman

Republic of Texas
Vs
George W Bonnell
&
A. S. Johnson a true Bill signed Nath.l [illegible] Foreman

Republic of Texas
Vs
Jacob Eberly a true Bill signed Nath.l [illegible] Foreman

Republic of Texas
Vs
Francis Prentiss a true Bill signed Nath.l Townsend Foreman

Republic of Texas
Vs
Wm G Bynum a true Bill signed Nath.l [illegible] Foreman

1)

Spring Term 1840

Republic of Texas
Vs
Robert C Todd — Murder — a true Bill signed Nath.l Townsend Forman

Republic of Texas
Vs
Martin Rumpff
Vs
John Nowlan — a true Bill signed Nath.l Townsend Forman

Republic of Texas
Vs
Thomas W Smith — a true Bill signed Nathaniel Townsend Forman

Republic of Texas
Vs
Joseph Prichard — a true Bill signed Nath.l Townsend Forman

~~Republic of Texas~~
Vs
Judicial District, County of Travis. — To the Hon. John T Mills Judge of the third Certificate of Wayne Barton Sheriff of the Filed May 6th 1840 — B D Basford. Clerk of S.d Court

James Knight
Vs
John P Black — Judgment by ~~Default~~ confession of Defendant and it is hereby ordered by the Court that the Plaintiff recover of the Defendant the sum of Five hundred Dollars with Interest from the twentieth of August A.D one thousand eight hundred and thirty nine together with Costs in this behalf expended

Charles B Howard
Vs
Wm L Cazeneau — Continued by consent of parties

A B Fleury
Vs
Wm L Cazeneau — Continued by consent of parties

Norman Woods
Vs
Nicholas McArthur — Jefferson Townhill appeared and

Spring Term 1840

acknowledged himself bound as surety for all Costs on behalf of the Plaintiff. whereupon a Jury were empaneled and the cause submitted Defendant claimed a Nonsuit on the ground that there was no evidence of the loss of the Notes which was not granted the Defendant excepted to the opinion of the Court the Jury were then charged by the Court & retired to consider of their Verdict— after which the following Verdict was rendered to wit. We the Jury find a Verdict for the Plaintiff in the sum of three hundred and thirty three Dollars and thirty three cents with legal interest and Costs of suit from time due until paid Signed B. C. Robertson Foreman

It is therefore ordered by the court that the verdict of the Jury be made the judgment of the court

---

Charles R Reese

Vs

James Smith Jury empaneled and cause submitted after which the Jury rendered the following Verdict to wit We the Jury find a Verdict of One thousand Dollars in Texas Money $1000.00 in favor of the Plaintiff with interest from the 1st Dec. 1839 & We believe that it was the intention of the parties that Texas Promisary Notes were to be received in payment at that time they were 33⅓ cents on the Dollar

(Signed) J W Robertson
Foreman

The Plaintiff by his Att'y moved the Court to render him a Judgment for One thousand Dollars and Interest in the legal currency of the Country upon the finding of the Jury in this case. The Court Orders the motion overruled and that the Plaintiff recover of the Defendant the sum of three hundred and thirty three Dollars and thirty three & a third cents and all Costs by him about his suit in this behalf expended as well as Interest

× Robert C Todd was arraigned and on hearing indictment read pleaded Not Guilty and for his trial put himself upon his Country. Motion was filed for a change of venue and to admit the Prisoner to Bail

William D Bynum was arraigned and on hearing the indictment read pleaded Not Guilty and for his trial put himself upon his Country

Spring Term 1840

11 / Wm B Wainscrat
vs.
Jos W Robertson — Jury empanelled and the Cause submitted
Plaintiff asks a Non-suit which was ordered by the Court.

Thomas H Duggan came into Court and was excused
for non attendance as a Juror on the Original panne[l]

Wm A Smith was arraigned and on hearing the Indictment
read pleaded not guilty and for his trial put himself upon
his Country —

John Bratton was arraigned and on hearing the Indictment
read pleaded not guilty and for his trial put himself upon
his Country —

Samuel Whiting
vs.
23 Nimble & Johnson — Wm B McClellan appeared in Court and
acknowledged himself bound as Surety for all Cost in this
suit on behalf of the plaintiff — A Jury was impanelled &
by the Cause Case submitted The following verdict was
afterwards rendered by the Jury — We the Jury find for
the plaintiff the Amount of Eighty Nine Dollars & Twenty
Nine Cents —

Hunt for the use of Whiting
vs.
Thos Whitehead — Plea of abatement filed & Case continued

Marcus Wilbur
vs.
David G Burnet — Plea of the Statute of Limitation filed, and
Cause continued until tomorrow morning — on plaintiffs giving
Security for Costs

Court adjourned until tomorrow Morning at
Nine o Clock —

Spring Term 1840

Thursday Morning May 7th 1840
Court met pursuant to adjournment

William Winan
Vs
John Jarman — Assumpsit

This day came the plaintiff by his Attorney and defendant by his Att'y and files his demurrer to Plaintiff's petition which being considered and fully understood by the Court it is the opinion of the Court that the Demurrer be overruled & that the plaintiff recover of the Defendant the sum of One hundred and thirty six Dollars with Interest thereon from the first day of January eighteen hundred and thirty nine until paid together with his costs by him about his suit in this behalf expended

Samuel Whiting
Vs
Kimball & Johnson — May term 1840

It is hereby ordered by the Court that the Plaintiff recover of the Defendant the sum of Eighty nine Dollars and twenty nine cents and that the Defendant recover his Cost by him about his suit in this behalf expended

Be it remembered that on the trial of this case the defendants Kimball & Johnson proved payment to plaintiff amounting to the sum of Eight hundred and fifty Dollars reducing the demand of said plaintiff to the sum of three hundred and fifty dollars in the promissary note of the Government of Texas. It was also proved that the promissary note of the Government of Texas were so depreciated that the said three hundred and fifty dollars in the promissary Notes were only equal in value to Eighty nine Dollars in Gold or Silver under this testimony the Jury found a Verdict for the plaintiff for the sum of eighty nine dollars the defendant then moved the Court that judgment be rendered for him and against said plaintiffs for the cost

Spring Term 1840

of said suit which motion was decided by the Court in favor of the said Defendants and to which decision the plaintiff by his councill excepts and asks that his exceptions be signed and made a part of the Record in said case

The Grand Jury ~~now came into~~ presented the following bills of Indictment (To wit)

+ The Republic of Texas }
✓ vs }
K Holladay } signed Nathaniel Townsend
Foreman

Do. }
✓ vs }
James Eaton } signed Nathaniel Townsend
Foreman

Do. }
✓ vs }
J. McKerrall } signed Nathaniel Townsend
Foreman

Do. }
✓ vs }
A. Fred Dunigan } signed N Townsend
Foreman

Ditto }
✓ vs }
Isaac Allen } signed Nathaniel Townsend
Foreman

Do. }
✓ vs }
G. W. Sharpe } signed Nath'l Townsend
Foreman

Do. }
✓ vs }
F. Gaston } signed Nath'l Townsend
Foreman

Ditto }
✓ vs }
David Kerry } signed Nathaniel Townsend
Foreman

Spring Term 1840

Republic of Texas

✓ Francis Deadrick } Signed Nathaniel Townsend
Foreman

✓ Dito
Geo M Dolston } Signed Nathaniel Townsend
Chas F. Percy Foreman

✓ Do
Richard Bullock } Signed Nathaniel Townsend
Foreman

✓ Do
James B. Crabtree } Signed Nathaniel Townsend
Foreman

✓ Do
R. F Brenham } Signed Nathaniel Townsend
Foreman

✓ Do
John Hawkins
Daniel Dickenson } Signed Nathaniel Townsend
Foreman

✓ Dito
Samuel R Miller
O G Johnson } Signed Nathaniel Townsend
Foreman

✓ Marcus Wilbur
Vs
David G Burnet In this case Anson Jones appeared & acknowledged himself bound as surety for the Plaintiff for all costs

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Spring Term 1840

Dr G. Burnet }
To } Attachment
Martin Clark }

And now at this time comes the plaintiff by his Attorney James Webb, and the said Martin Clark being called came not, but made default, Whereupon it is considered and adjudged by the Court that the said plaintiff have judgment by default and that he recover from the said Martin Clark the aforesaid sum of five hundred Dollars in the plaintiffs petition mentioned and all costs about his suit in his behalf expended

David G Burnet
Vs
Martin Clark Defendant in Attachment
Miller & Johnson Garnishees. And now at this day came the plaintiff again by his Attorney James Webb and the said Garnishees by their Att'ys Ogden & Coats & it appears to the Court that upon the issue joined between said plaintiff and said Garnishees that the Jury found the said Garnishees to be indebted to the said Martin Clark in the sum of Twenty three thousand Dollars at the time of the service of said notice of Garnishment, Wherupon it is considered and adjudged by the Court that the said plaintiff have judgment and execution against the said Garnishees for the amount of five hundred Dollars being the amount of the said judgment recovered by said plaintiff in said suit against the said Martin Clark and all costs about his suit in this behalf expended

Republic of Texas } Murder
Vs
Robert C Todd } upon the oath of the prisoner
In this Case it is ordered by the Court that ~~that~~ the Venue be changed to the County of Fayette and that the Prisoner be discharged from the Custody of the Sheriff on his giving Bail himself ~~for~~ the sum of Ten thousand dollars and ~~three~~ Sureties ~~jointly and severally~~ in the sum of ~~Fifteen~~ Twelve thousand dollars for his appearance at the next term of the District Court in and for the County of Fayette to answer to the Indictment whereby he stands charged and which is now on file in this Court

Spring Term 1840

The following persons came before the Court + took the Oath of Allegiance to Wit—
A A Anderson, Berry Gillaspie, James M Ogden Esq Wm H. Murrah, ~~Thomas~~ Thomas Ward, Richard Bullock + Thomas Puckett

John G Chalmers appeared and ~~made~~ declared his intention of becoming a Citizen of the Republic of Texas ~~Oath of~~

The Court then adjourned til tomorrow morning 9 o clock at nine o the clock

Friday Morning May 8th 1840

Court met pursuant to adjournment, When the criminal docket was called.

Republic of Texas }
County of Fannin } Spring term began & holden on the Monday after the fourth monday in
In the year of our Lord one thousand Eight hundred and forty one and of the Independance the Fifth year.

Be it Remembered, That on the Eighth day of May. in the year of our Lord one thousand eight hundred and forty, and of the Independance the fifth Year. That Robert C Todd gentleman and Alfred W Puckett, Roland M Puckett, and George W Bonnell gentlemen, personally appeared before me John J Mills, Judge of the third Judicial District, and severally acknowledged themselves to be indebted to the President of the Republic or his Successor in Office, in the following sums, To wit, The said Robert C Todd in the sum of Ten thousand Dollars, and the said Alfred W Puckett & Roland M Puckett and Geo W Bonnell jointly and severally in the sum of Twenty thousand Dollars good and Lawful money of the Republic, to be Levied Made and Levied, of their goods, and Chattles, lands and tenements to the use of the said Republic, If the said Robt C Todd should fail in performing the Condition underwritten—

The condition of the above Recognizance is such, that if the said Robert C Todd, shall personally appear at the next session of the District Court to be holden in and for the County of Fannin, on the Third Monday, after the Fourth Monday in, October, In the year of our L

15)

Spring Term 1840

One thousand eight hundred and forty. Of the Independance of the Republic. the fifth Year, To. Answer to an Indictment Passed against him by the Grand Juron of the County of Paris, Wherein he is Charged with the Murder of One J A Creary, and to do and Receive and Suffer, What shall by the Court Then and There in point upon him, And shall not depart the Court, without Leav, Then this Recognisance to Void Otherwise to Remain in full force and effect—

R Caudy Foreman
A M Puckett
J Mc Puckett
Geo W Bonnell

Subscribed and acknowledged before me on the day and date above Written—

9th line from the Bottom interlined with the word October before signing—

Jno J Mills
Dist Judge

Marcus Wilbur
vs.
David G Burnet } In this Case the parties appeared by their Attorneys, whereupon a Jury was empaneled to try the issue Joined, after hearing the parties by their Attorneys aforesaid. the Jury Rendered the following Verdict. We the Jury find a verdict in favour of the plaintiff for Eleven hundred and ninety eight Dollars and thirty two Cents with interest from the fourth of March ~~1~~ 1834 at seven per cent per Annum, together with costs of Suit. Signed Richard Bullock, Foreman—

And it is hereby ordered that the verdict of the Jury be made the Judgment of the Court—

Republic of Texas
vs.
John Bratton— } In this Cause a Jury was empaneled and Sworn to try the issue joined on the plea of Not guilty, After hearing the parties, and having been Charged by the Court, the following Verdict was Rendered by the Jury—

Spring Term 1840

We the Jury find the Prisoner Guilty as charged in the Indictment and find the same Cattle taken to be the property of Robert Mitchel and assess his value at ten dollars Richard Bullock Foreman

The Grand Jury returned the following Bills - To Wit.

✓ Republic of Texas / vs. / Mario Harman — A true Bill / For Keeping a Faro Bank / Signed Nathaniel Townsend Foreman

✓ Republic of Texas / vs. / Fielding Secrets — For Keeping a Faro Bank / A True Bill, Signed Nathl Townsend F

✓ Republic of Texas / vs / Alexander McKimble — For Keeping a Faro Bank / A true bill Signed Nathl Townsend Fo

✓ Republic of Texas / vs / James Cranwell — For selling Goods without License / A True Bill Nathl Townsend Foreman

✓ Republic of Texas / vs. / John Green & / Chs Schoolfield — For an Affray / A true Bill Nathl Townsend Fore

✓ Republic of Texas / vs / Raeby Autry — For Gambling / A true Bill Signed Nathl Townsend Fore

Spring Term 1840

Republic of Texas
vs.
Noland Pouls

For Forgery
Atty Gen'l sign Nath'l Townsend, Foreman

Republic of Texas
vs
Thomas A Smith

For Keeping a Faro Bank
Atty Gen'l Nath'l Townsend Foreman

Republic of Texas
vs.
F L. Clayton

For Gambling
Atty Gen'l sign Nath'l Townsend Foreman

Republic of Texas
vs.
J W Puckett

For Gambling
Atty Gen'l sign Nath'l Townsend. Foreman

Republic of Texas
vs.
J B Ransom

For Gambling
Atty Gen'l sign Nath'l Townsend. Foreman

Republic of Texas
vs.
Wm B Billingsly

For Gambling
Atty Gen'l sign Nath'l Townsend Foreman

Republic of Texas
vs.
Manly Autry

For Keeping a Faro Bank
Atty Gen'l sign Nath'l Townsend Foreman

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Republic of Texas
vs.
Francis Prentiss

For Gambling
Atrue bill signed Nathl Townsend Foreman

Republic of Texas
vs.
G. G. Blackwell

For selling Goods & Merchandize without licence
Atrue bill signed Nathl Townsend Foreman

Republic of Texas
vs.
C. C. Cushman

For selling Spirituous Liquors
Atrue bill signed Nathl Townsend Foreman

Republic of Texas
vs.
Wm. J. C. Perry

For Gambling
A true bill signed Nathl Townsend Foreman

Republic of Texas
vs.
Washington M Sloats

For Gambling
A true bill signed Nathl Townsend Foreman

Republic of Texas
vs
Townsend & Sloates

For keeping a Public boarding House
Without Licence
A true bill signed Nathl Townsend Foreman

Republic of Texas
vs.
William Gibson

For retailing Spirituous Liquors without
Licence. A true bill signed Nathl Townsend Foreman

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1st

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Republic of Texas
vs
James Cannell

For Gambling
Atrue bill Signed Nath[l] Townsend. Foreman

Republic of Texas
vs
Dundra

For Retailing Goods & Merchandize without license
Atrue bill Signed Nath[l] Townsend Foreman

Republic of Texas
vs
William Kinchburgh

For selling Merchandize without license
Atrue bill Signed Nath[l] Townsend. Foreman

Republic of Texas
vs
James Patterson

For keeping a Faro Bank
Atrue bill Signed Nath[l] Townsend. Foreman

Republic of Texas
vs
Robt H. Grimes

For Gambling
Atrue bill Signed Nath[l] Townsend. Foreman

Republic of Texas
vs
Owen O'Brian &
John Nolan

For selling Merchandize without license
Atrue bill Signed Nath[l] Townsend Foreman

Republic of Texas
vs
Thos I. Smith

For keeping a Faro Bank
Atrue bill Signed Nath[l] Townsend. Foreman

Republic of Texas
vs
John H. Kearny

For retailing goods & Merchandize without license
Atrue bill Signed Nath[l] Townsend Foreman

Spring Term 1840

Republic of Texas
vs.
Edwin Waller &
Albert C Horton

For an Affray
A true bill signed Nath[l]. Townsend Foreman

Republic of Texas
vs.
William R Allen

For Keeping a Faro Bank
A true bill signed Nath[l] Townsend Foreman

Republic of Texas
vs.
William W Bell

For Keeping a Faro Bank
A true bill signed Nath[l] Townsend Foreman

Republic of Texas
vs
James Gray

For Keeping a Faro Bank
A true bill signed Nath[l] Townsend Foreman

Republic of Texas
vs
George Martin

For Keeping a Faro Bank
A true bill Nath[l] Townsend Foreman

Republic of Texas
vs
James Hamblelon

For Keeping a Faro Bank
A true bill signed Nathaniel Townsend

Republic of Texas
vs
George W Fisher

For selling goods & Merchandize without
A true bill signed Nath[l] Townsend Foreman

Republic of Texas
vs
J G Burney

For Gambling
A true bill signed Nath[l] Townsend Foreman

Spring Term 1840

✓ Republic of Texas
vs.
John C Harrison
For Keeping a Faro Bank
A true bill Signed Nath[l] Townsend foreman

✓ Republic of Texas
vs.
J Edmondson
For Keeping a Faro Bank
A true bill Signed Nath[l] Townsend foreman

✓ Republic of Texas
vs.
Windra
For Retailing Spirituous liquors
without Licence
A true bill Signed Nath[l] Townsend foreman

✓ Republic of Texas
vs.
Underhill
For Gambling
A true bill Signed Nath[l] Townsend foreman

✓ Republic of Texas
vs.
Francis A White
For Gambling
A true bill Signed Nath[l] Townsend foreman

✓ Republic of Texas
vs.
Lewis Goodwin
For Keeping a Faro Bank
A true bill Signed Nath[l] Townsend Foreman

✓ Republic of Texas
vs.
William Lane
For selling Goods without Licence
A true bill Signed Nath[l] Townsend Foreman

✓ Republic of Texas
vs.
James R Cook
For Keeping a Faro Bank
A true bill Signed Nath[l] Townsend Foreman

Spring Term 1840

Republic of Texas
vs
John Gainer &
William Maddox
} For an Affray
Attorney Signed Nathl Townsend Foreman

Republic of Texas
vs
Meilton Shropshire
} For Passing a False Bank
Attorney Signed Nathl Townsend Foreman

It is hereby ordered by the Court that the following rules established for the government of the District Courts by the Judges of the Supreme Court, at the January term 1840 of the said Supreme Court held at the City of Austin — be entered upon the Records of this Court "De Witt"

Rule 1st Concerning Counsel

Absence of Counsel will not be considered cause for postponing a case, unless such absence shall be unavoidable. attendance upon another Court is not unavoidable absence —

Rule 2d

Counsel Must submit in writing, in every cause not argued, a Sketch of the facts admitted, and the points relied on. And in all cases, the Counsel in favor of whose Client, an opinion has been expressed, will, without delay prepare a decree, and submit it to the Court —

Rule 3d

In all cases the Counsel for the party who holds the affirmative of the issue, will open and conclude —

Rule 4th

In Jury trials, the Counsel will first state the circumstances of his Case as he May conceive them to be, and the points and the law on which he means to insist — After the Case has been thus stated, on both sides, the Testimony will be introduced in due order. The Counsel for the party intitled to open will then make his argument — The Counsel for the other party will answer — And the Counsel for the party intitled to open will Reply. This will close the arguments —

Spring Term 1840

Rule 5th

After the Court has pronounced its opinion, no further argument will be heard, But if Counsel think the Court has fallen into error as to Law or fact, they may submit a statement in writing, which the Court will receive

Rule 6

An interruption of Counsel in argument, except upon leave granted, will be a Contempt of Court—

Rule 7th

It shall be the duty of every Attorney, to address the Court, or in the examination of witnesses, Counsel shall rise to their feet, upon pain of being held in Contempt.

Rule 8th

If the Counsel for the plaintiff, wave the right of opening the argument, they shall not have the right of Concluding

Rule 9th

No Attorney or Counsellor or other officer the Court shall be bail or security in any Cause pending in Court, under pain of being stricken from the rolls; and any Clerk or Sheriff, who shall accept an attorney as bail in any Cause shall be considered in Contempt of the Court—

Rule 10th

When several Counsel are employed on the same side the examination or cross examination of witnesses of witnesses shall be Conducted by one of the Counsel only—

Rule 11th

On all Rules to show cause, the party called on shall begin and end his cause; And on all special Maters, either springing out of cause at issue, or otherwise, the actor, or party submitting a point to the Court—, shall in like manner begin and close; And so shall a defendant who admits a plaintiffs case and takes upon himself the burthen of proof, have the like privilage, And in no case shall more than one Counsel be heard in Conclusion—

Rule 12th

The Clerk shall keep a trial Docket in a well bound book kept for that purpose, Ruled into Columns: first Column, No of Case and Names of Attornies, second Names of parties: Third Nature of the action: Fourth the pleas: Fifth, Rules of the former Term, Sixth, Motions & Rules of the present Term

The Cases shall be placed on the docket, as they are filed, The Clerk shall at each term, Make out two Copies of the Docket, One for the use of the Court, the other for the use of the Bar—

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Rule 13th

All Causes on the appearance docket, shall be entered in the Order in which they were issued by the Clerk—

Rule 14th

On the first day of each term, the appearance Docket shall be called, when all appearances either in person or by attorney; And all defaults, shall be noted by the Judge on the Docket; And any Cause marked in default, shall proceed Exparte, under the direction of the Judge, unless the default be opened by the payment into Court of all Costs that have accrued by the party in Default

Rule 15

It shall be the duty of the Clerks of the district Courts to issue alias writs, on, petitions, in all Cases where they shall be retourned "Not executed", unless the plaintiff or their attorneys shall otherwise direct—

Rule 16th

— of Interrogatories —

In all Cases where either plaintiff or defendant desires to propound interrogatories to the oposite party, He shall annex the same in writing to his petition or plea, and serve the oposite party or his counsel with a Copy, And no party shall be bound to answer them unless the party filing the same or his attorney, shall swear that he believes the answer Material to the Case—

Rule 17th

Motions—

The Court will set apart a particular day in each term for the hearing of Motions—; but they may be sooner heard by leave of the Court—

Rule 18th

The Clerk shall keep a seperate Docket, in which shall be entered all Motions made during the term (except Motions incidental to the Cause) in the order of time in which they were made; which shall be called in the order in which they are entered—

— Rule 19th

Reasons in arrest of Judgement, And Reasons for new trials, And the affidavit in support thereof, if any relied upon, shall be filed with the Clerk, And notice be given thereof, to the adverse party, one day before the argument And if the Cause is tried on the last day of the Term, The notice shall be given when the Motion is made—

Spring Term 1840

When any Counsel shall wish to make any motion, the same shall be reduced to writing, and submitted to the Court, If approved of by the Judge; It shall be entered by the Clerk, On his Motion Docket, and be brought up for disposition

Rule 21

Continuances

A Continuance shall Not be granted in any cause, unless duly supported by Affidavit, except by Consent of parties, Which Consent may be given, One Term, (and not in writing) On the second application for the Continuance of a cause, The Party Moving for the same, Shall set forth his Affidavit in Support thereof (if for the want of testimony of an absent witness) That he cannot safely go to trial for the want of a Material witness, Naming him his place of residence, The Means he has used to procure his attendance, And what he expects to prove by the absent witness, And that the application is Not made for delay, but that Justice May be done, And that he expects to be able to procure his attendance, or testimony, by the Next term of the Court—

Rule 22d

No Cause Shall be continued More than twice in Succession by the Consent of parties—

Rule 23d

New Trial

In Cases in which a party Shall receive notice of a Motion for a new trial, in arrest of Judgment, he Shall have leave, Notwithstanding, to enter up Judgement, And lodge his execution to bind property, With a Notice of Such New trial, or arrest of Judgments, endorsed on Said execution; but if the Motion be Sustained, the Judgement And execution Shall be wholly set a side

Rule 24th

All Motions in arrest of Judgment, and for new trials Not acted upon, Shall be discharged, of Course, On the last day of the term, unless Continued by order of the Court—

Spring Term 1840

Rule 25th

On all motions for non suit, in arrest of Judgment or for new trial, all the points intended to be taken on shall be taken at Once

Rule 26

A motion for a New trial shall not operate as a supersedeas, unless the same shall be made during the term at which the case is tried, the Court shall pass an order to that effect

Rule 27th

No motion for an arrest of Judgment will be heard, after the overruling of a motion, for a New trial.

Rule 28th

No Consent between attorneys or parties. touching any suit pending, will be enforced by the Court, unless such Consent be in writing and signed by the parties or Attorneys

Rule 29

When either party has given notice in Court of his intention to appeal, the Counsel for the appellant shall furnish to the leading Counsel, on the other side, a statement of the Material facts, which are sworn to, or proven by written documents, and if admitted to be Correct, the Counsel on both sides shall sign the same but if not agreed on, the Counsel for the appellee, shall make out his statement, and the two shall be handed to the Judge, who shall proceed to make out and certify a true statement,

Should the appellee neglect to furnish his statement after refusing to sign that made by the appellant, the Judge shall then make & certify the same according to the evidence introduced on the trial

Rule 30

Of Remedial Writs-

No Judge shall hear any petition for remedial writs in Chambers, where the party defendants reside without the District. In the absence of the Judge beyond the limits of this Republic, any Judge may proceed to hear and grant such remedial writs-

The petitioner must set forth the absence of such Judge in his petition or bill of injunction

Rule 31-

Mandamus

The party petitioning for a mandamus shall make oath to the truth of the facts alledged in his petition

Spring Term 1840

When a peremptory Mandamus is prayed for an order for the same may issue. the defendant therein having the right of appearing before the Judge either in Chambers or at the next term, and showing cause to set aside the same upon giving the adverse party ten days Notice in writing

Rule 32

When a Mandamus Not peremptory, is prayed for the order will be a Scire facias, against the Defendant therein to appear at the next term and Show Cause why such writ shall Not issue –

Rule 33

Scire facias –

To every Scire facias which may have been issue the defendant shall plead within the two first days of the term to which the same is returned, the plaintiff shall on the next day thereafter, and so on from day to day – until issue in fact or in law be joined, but either party may demand a trial at the return term although the Court may not Continue in Session three days

The Court adjourned until to Morrow Morning at Nine O'Clock

Saturday Morning May the 9th 1840

The Court met pursuant to adjournment

Republic of Texas
Vs
Kelly Holliday } The Defendant appeared and pleaded guilty. In this case it is ordered by the Court that the Defendant pay a fine of One Dollar and Costs –

Wm Pettus
Vs
M B Lamar } In this case by agreement of parties the following Verdict was rendered by the jury, to wit.

We the Jury find for the Plaintiff. Five hundred and twenty eight dollars. with interest thereon at eight per cent per annum from the sixth of February 1840 until paid.

Richard Bullock
Foreman

Spring Term 1840

and it is hereby ordered that the Verdict of the Jury be made the Judgment of the Court.

It is hereby ordered by the Court that Richard Loyd. Silas Jessup and Willian R Smith pay a fine of twenty dollars each for obstructing the Windows of the Court House. It was afterwards remitted so far as concerns Silas Jessup. and Richard Loyd.

Republic of Texas County of Travis Grand Jury Room City of Austin May 9th 1840

To the Hone John T Mills Judge of the third Judicial Distrist, The Undersigned would most respectfully represent to your honor that after due deligence and mature deliberation We have acquitted our selves of the onerous duties imposed upon us by Law to the best of our knowledge & ability

Your honor will discover that although there are a great Number of presentments and true bills presented therein that there are but very few of any considerable Magnitude, a great majority being for gambling, breaches of the Common Law, and other minor offences.

We cannot forbear on the present occasion the expression of our gratification, at the Sparcity of high offences, which have come before us for our action, And trust that the rebuke And punishment under the Laws, of this small Number may prove a salutary warning to evil doers in all time to come.

Herewith you will receive the Report of the Hon Wm Smith showing the measures that have been taken for the erection of Public buildings which we deem quite satisfactory, All of which is most respectfully submitted to your honor by the Grand Jurors of Travis County — Sept

Spring Term 1840

Nathl Townsend Foreman, Alx Russell Wm Henry H Johnston M H Nicholson, J Porter Brown, Thos J Smith James Smith Benjamin T Grayson, Wm P Sharp, F Mayher, Reuben Hornsby, L F Margaret, N T Byers, Wm B Billingsley A Savery L S Hancock. —

Accompaning the above report is the following resolution —

Republic of Texas } Commissioners Court
Travis County } Apr 13th 1840 — }

Be it resolved that the Chief Justice be and he is hereby empowered to let out the building of a jail house for this County to the Lowest bidder the Contractor giving bond and approved security in double the amt of the Contract and that the Contract be paid by the first day of January 1840 —

Be it further resolved that the Magistrates in Beat No 1 & 2 meet here on tomorrow at 10 O'clock and draft a plan for said Jail and that the Chief justice let it out as soon as possible —

A true Copy from the minuits
Signed M H Beaty Clerk.

Annexed to the above resolution is the report of the Hon^e J W Smith Chief Justice of the County of Travis shewing the measures taken to carry into effect the above resolution — This day filed

Republic of Texas }
V.S. } No 1
John Bratton } In this cause this day came again the parties the Republic by its District Attorney and the defendant in his own proper person, whereupon the Court proceeded to pass sentance upon Defendant which was as follows. That he be taken by the Sheriff of the County from his place of Confinement, On wednesday the 13th inst between the hours of 12 A.M & four P.M. to some public place within the limits of the City of Austin, and there and there receive at the hand of the Sheriff or some other individual acting under his authority, thirty nine lashes on this bare-back, after which punishment upon payment of the costs of this prosecution the prisoner may be discharged —

Spring Term 1840

Republic of Texas
vs. No 2
Davis Harvey — Continued on Alias ordered

Republic of Texas
vs. No 3
Davis Harvey — Continued and Alias ordered

Republic of Texas
vs. No 4
Abner Hart — Continued and alias ordered.

Republic of Texas
vs. No 5
Wm A Smith — Continued

Republic of Texas
vs. No 6
Jacob Eberly — Continued and Alias ordered

Republic of Texas
vs. No 10
Robt C Good — In this Cause the following Excep
is filed.

Republic of Texas
vs. No 11
Martin Rumpff &
John Nolan — Discontinued as to Rumpff and alias ordered against John Nolan with Continuance

Spring Term 1840.

Republic of Texas V.S. No. 15 John Nolen & Danl S. Dickinson privilege of presenting exceptions	In this Cause Danl S. Dickinson appeared and pleaded guilty, Case submitted to the Court, the Defendant having the to his honor affidavits in defence or
Republic of Texas V.S. 16 R. F. Brenham into Court and pleaded, Nolo Contendere, and submits to the clemency of the Court.	In this Cause the Defendant came
Republic of Texas V.S. 17 James B. Crabtree	Continued and alias ordered
Republic of Texas V.S. No. 21 Francis Dedrick and pleaded not guilty, upon which issue was joined, Jury impannelled and sworn, afterwards Cause dismissed for want of evidence	In this Cause the Defendant appeared
Republic of Texas V.S. 28 James Eaden of Washington	Continued and alias ordered to the Court

Spring Term 1840

Republic of Texas
V.S. 329
Kelly Holladay

Republic of Texas
V.S.
J B Ransom — In this Cause Wm B Billingsly appeared in Court and made an affidavit against the sd Ransom, for a Contempt of this Court, whereupon a Capias was issued and the said Ransom brought fourthwith before the Court. After hearing the Defence of the said Ransom, he is ordered to be Discharged

The Grand Jury came into Court and presented the following bills of Indictments to wit

Republic of Texas
V.S.
H C Davis — For permitting the game of Farrow to be played at his house
A true bill signed Nathl Townsend Foreman

Republic of Texas
V.S.
George Martin — Assault & Battery
A true bill signed Nathl Townsend Foreman

Republic of Texas
V.S.
Allomo Manshaca — For keeping a Faro Bank
A true bill signed Nathl Townsend Foreman

Republic of Texas
V.S.
Jos Tevenden — For permitting a Faro Bank to be kept at his house. A true bill signed Nathl Townsend Foreman

Spring Term 1840.

Republic of Texas v.s. Augustus M. Tompkins	A Hault & Batery A true bill signed Nathl Townsend Foreman
Republic of Texas v.s. Washington H. Secretts	For Keeping a Faro Bank
Republic of Texas v.s. John McNeil	For Keeping a Faro Bank A true bill signed Nathl Townsend Foreman
Republic of Texas v.s. A E Brown	Betting on Faro A true bill signed Nathl Townsend Foreman
Republic of Texas v.s. Alexander Coleman	For Keeping a Faro Bank A true bill signed Nathl Townsend Foreman
Republic of Texas v.s. R L Woods	Betting at a Faro Bank A true bill signed Nathl Townsend Foreman
Republic of Texas v.s. Nolan & O'Brian	For permitting Faro to be Dealt in their house. A true bill signed Nathl Townsend Foreman

Spring Term 1840

Republic of Texas
vs
Edward Seiders
For permitting the Game of Faro to be kept in his house. A true bill signed Nathl Townsend
Foreman

Republic of Texas
vs
A M Weathers
Larceny
A true bill signed Nathl Townsend
Foreman

Republic of Texas
vs
Francis A White
Am E Affray
A true bill signed Nathl Townsend
Foreman

Republic of Texas
vs
R H Wenn
Gambling
A true bill signed Nathl Townsend
Foreman

Republic of Texas
vs
Saml Gibbs
Keeping a Faro Bank
A true bill signed Nathl Townsend
Foreman

Republic of Texas
vs
Thos Lockhart
Keeping a Faro Bank
A true bill signed Nathl Townsend
Foreman

Republic of Texas
vs
Epham Tally
Keeping a Faro Bank
A true bill signed Nathl Townsend
Foreman

Spring Term 1840

Republic of Texas vs James Crabtree — Keeping a Faro Bank — A true bill signed Nathl Townsend Foreman

The Court then adjourned until Monday Morning 9 O'Clock

Monday Morning May 11th 1840

The Court met pursuant to adjournment —

Republic of Texas vs Richd Bullock — Information filed by the District Attorney against the said Richd Bullock for Keeping a Public House without License — And ordered to be dismissed by the Court.

Republic of Texas vs Wm D Pegrum

In this cause the parties again appeared in Court the Republic of Texas by its Attorney H C Hudson and the Defendant in his own proper person.

The Defendant by his Attorney Move the Court to strike out the second account in the indictment — the Court sustains the Motion, and orders a Nole Prosequi to be entered as to the second account.

A jury was then empanneled an sworn to try the issue joined on the first account, after hearing the case the Jury rendered the following verdict,

We the Jury find the Defendant guilty of Feloniously Stealing and Carrying away the articles alluded to, in the indictment, But being of no intrinsic value of them alone are compelled to find him Not guilty as charged in the indictment —

Signd Richd Bullock, foreman.

The Court then ordered the prisn to be discharged from the Custody of the Sheriff —

Spring Term 1840

Republic of Texas
vs
Francis Prentiss } Dismissed on account of the indtlement Not containing sufficient inditeable matter,

Republic of Texas
vs
Geo W Bonnell &
A G Johnson } The Defendants came in to Court and pleaded Nolle Contendery, And submitted to the clemency of the Court, Whereupon it is ordered by the Court that they be fined in the Sum of One Dollar each & upon payment thereof And Costs, that they be discharged.

Republic of Texas
vs
Thos W Smith } For keeping a public boarding house without Licence, Dismissed on account of the Indtlement — not containing suffcnt inditeable mater.

Republic of Texas
vs
Saml R Miller &
A G Johnson } Dismissed on account of the Indtlement — Not containing sufficient inditeable Mater.

Republic of Texas
vs
John Noulan &
Danl L Dickinson } This Case is submitted to the Court Whereupon it is ordered by the Court that the said Dickinson be fined in the Sum of One Dollar and Costs & upon payment whereof he is Discharged

Spring Term 1840

Republic of Texas
vs
Richd F Brenham } The Defendant came into Court and pleaded Nolle Contendery, And submits to the Clemency of the Court. Whereupon it is considered by the Court, that he be fined the sum of One Dollar and Costs. And upon payment thereof he be discharged —

Republic of Texas
vs
James B Crabtree } Continued and alias ordered

Republic of Texas
vs No 19
Richard Bullock } Dismissed ~~On account of indetement not containing sufficient indeleable matter~~ —

Republic of Texas
vs No 22
David Harry } Continued

Republic of Texas
vs
J Gustin — } Continued

Republic of Texas
vs No 24
G W Sharp } Nolle Prosequi Entered.

Republic of Texas
vs
Isaac Allen } Continued

Spring Term 1840

Republic of Texas
vs
Alfred Dungan } Continued

Republic of Texas
vs
Isaac Harrold } Dismissed on account of the indictment
not containing sufficient matter—

Republic of Texas
vs
Wm D Paynine }

Republic of Texas
vs
David Harmon } Continued

Republic of Texas
vs
Fulden Sheriff
County of Harris— } Continued and alias ordered to the

Republic of Texas
vs
Alexander McKimble } Continued and alias ordered to the
County of Harris—

Spring Term 1840

Republic of Texas
v.s.
John Green &
Chr Schoolfield } Continued

Republic of Texas
v.s.
Rawley Autry } Continued

Republic of Texas
v.s.
J C Pierce } Continued

Republic of Texas
v.s.
John H Gerby } Continued

Republic of Texas
v.s.
John C Harrison } Continued

Republic of Texas
v.s.
Underhill } Continued

Republic of Texas
v.s.
Wm W Bell } Continued and alias ordered to the
County of Milam

Spring Term 1840

Republic of Texas
vs
J G Burney — Continued

Republic of Texas
vs
Francis A White — Continued

Republic of Texas
vs
James Gray — Continued

Republic of Texas
vs
J D Clayton — Continued

Republic of Texas
vs
J B Ransom — Continued

Republic of Texas
vs
Francis Pendleton — 48 — Continued

Republic of Texas
vs
Thos J Smith — No. 49 — Continued

Republic of Texas
vs
Jam Crabtree — Continued and alias ordered to the County of Washington —

Spring Term 1840.

Republic of Texas
vs
Ephrim Talley } Continued And alias ordered to
County of San Augustine

Republic of Texas
vs
Thos Lockhart } Continued & alias ordrd to San
Augustine.

Republic of Texas
vs
Saml Gibbs - } Continued

Republic of Texas
vs
D H Winn } The Defendant in this cause
pleads guilty under the fourth section of the
act &c — Whereupon it is ordered by the Court that
he be fined in the Sum of twenty Dollars & Costs &
to stay payment thereof that he be discharged

Republic of Texas
vs
Francis A White } Continued

Republic of Texas
vs
William McWeathers } Continued

Spring Term 1840

Republic of Texas
vs
Edward Sicles — Continued

Republic of Texas
vs
Owen O'Brian &
John Rowlan — Continued

Republic of Texas
vs
R D Wood — Continued

Republic of Texas
vs
Alexander Coleman — Continued and Alias ordered to San Augustine

Republic of Texas
vs
A E Brown — Continued

Republic of Texas
vs
John McNeil — Continued

Republic of Texas
vs
Washington Secrest — Continued

Spring Term 1840

Republic of Texas
v.s.
Augustus M Tompkins } Continued and alias ordered to the County of Harris —

Republic of Texas
v.s.
Jos Fesenden &
Colden Denman } Continued

Republic of Texas
v.s.
Antonio Manchaca } Continued & Alias ordered to Bexar County —

Republic of Texas
v.s. No 67
George Martin } Continued

Republic of Texas
v.s. No 68
James Cranwell } Continued

Republic of Texas
v.s.
Lewis Goodwin } Continued & Alias ordered to the County of Bastrop —

Republic of Texas
v.s.
John Gaines &
Wm Maddox — } Continued

Spring Term 1840

Republic of Texas
vs
I Edmondson — Continued and alias ordered

Republic of Texas
vs
Edwin Waller &
A C Horton — continued and alias ordered to Matagorda County as to A C Horton and to Brazoria County as to E Waller

Republic of Texas
vs
A W Crockett — Continued

Republic of Texas
vs
W B Billingsley — Continued

Republic of Texas
vs
R J Hunter — Continued

Republic of Texas
vs
Wm R Alford — Continued

Republic of Texas
vs
Milton Throckmorton — Continued

45

Spring Term 1840

Republic of Texas
vs
Jamis Hamilton } Continued

Republic of Texas
vs
Rowly Autry } Continued and alias ordered to the County of Bastrop

Republic of Texas
vs
Robt. H. Grimes } Continued

Republic of Texas
vs No 82
George Martin } Continued

Republic of Texas
vs
Thos J Smith } Continued

Republic of Texas
vs
Washington H Scrutts } Continued

Republic of Texas
vs
M F Wardhouse } Continued

Spring Term 1840

Republic of Texas
vs
James R Cook — Continued and Alias ordered to the County of Washington—

Republick of Texas
vs
H C Davis — Continued

Republic of Texas
vs
William Heidberg — Continued

Republic of Texas
vs
George W Smith — Dismissed, On account of the indictment not containing sufficient Matter.

Republic of Texas
vs
John H Harry — Continued

Republic of Texas
vs
Solomon L Stocks — Dismissed on account of the indictment Not Containing Sufficient Matter—

Republic of Texas
vs
Sundry — For Retailing Liquors without License Continued

Spring Term 1840

1 Republic of Texas vs Sundry } For selling Goods without Licence
} Discontinued on account of the indictment not containing sufficient matter

Continued

Republic of Texas vs James Cranmle } For selling goods without licence
} Discontinued on account of the indictment not containing sufficient matter

Republic of Texas vs E. B. Shettuck } Continued

Republic of Texas vs James Moreland } Continued

Republic of Texas vs E. E. Cushman } Continued

Republic of Texas vs Will Gibson } Continued

Republic of Texas vs Owen O'Brian & John Nolan } Selling goods without Licence
} Continued

Spring Term 1840

Republic of Texas
vs
William Law } Continued

The Court then adjourned until tomorrow Morning at 8 Oclock —

Tuesday Morning May 12th 1840
The Court pursuant to adjournment—

Republic of Texas
vs
F B Clayton } The defendant came into Court & pleaded Guilty. Cause submitted to the clemency of the Court
J. S. Mowe Atty for Defnt

Whereupon it is ordered by the Court that he be fined in sum of Forty Dollars and all Costs & upon payment thereof that he be Discharged

Republic of Texas
vs
Wm D Byrum } Nolle Prosequi Entered by order of the Court

Republic of Texas
vs
Wm A Smith } In this cause the Defendant appeared in Court, and files an affidavit for a change of Venue, wherefor it is ordered by the Court that the Clerk transmit to the Clerk at Bastrop a full & correct copy of all the proceedings in this Case—

It is further ordered that the prisoner upon giving bond and security in the sum of five thousand Dollars to be approved of by the clerk of Travis, Conditional for his appearance at the next term of the District court in and for the County of Bastrop to answer as charged & there await & abide the Judgment of the Court, may be discharged from the hands of the Sheriff of Bastrop

Spring Term 1840

This day A. McLucket and L. Johnson appeared in Court, and acknowledged themselves indebted in the sum of one hundred dollars each to the Republic of Texas on condition that the said Lucket shall be and appear at the next term of the District Court for the County of Travis to answer an Indictment for Gambling forthwith he stands charged

Francis Pointick and Wm. A. Wade this day appeared in Court and acknowledged themselves bound fine & recognizance in the sume of one hundred Dollars each condition for the appearance of the said Pointick at the next term of the District Courts for the County of Travis to answer an Indictment for Gambling for which he stands charged

M. D. Woodhouse and Johnson appeared in Court and acknowledged themselves bound in a recognizance of the sum of One Hundred Dollars each conditioned for their appearance of the said Woodhouse at the next term of the District Courts for the County of Travis to answer an Indictment for Gambling for which he stands charged

A. C. Borum and Owen Moran appeared in Court and acknowledged themselves bound in a recognizance of the sum of One Hundred Dollars each conditioned for the appearance of the said Borum at the next term of the District Courts for the County of Travis to answer an Indictment for Gambling for which he stands charged

D. S. Hunter and Daniel Borum appeared in Court and acknowledged themselves bound in a recognizance of the sum of One Hundred Dollars each conditioned for the appearance of the said Hunter at the next term of the District Courts for the County of Travis to answer an Indictment for Gambling for which he stands charged

Spring Term 1840

Owen Owen Jr. & Wade appeared this day in Court and acknowledged themselves bound in a recognizance in the Sum of Five Hundred Dollars Each for the appearance of the said Owen at the next District Courts for the County of Travis then and there to answer to Two Indictments one of which is for promoting the game of Faro to be played at his House for a breach of the Revenue Law by which he stands charged

J. M. Brown and J. S. McLeod this day appeared in Court and acknowledged themselves bound in a Recognizance in the Sum of One Hundred Dollars Each for the appearance of the said J. M. Brown at the next District Courts for the County of Travis then and there to answer two Indictments for gambling by which he stands charged

James Crandell and Owen Owen appeared this day in Court and acknowledged themselves bound in a recognizance in the Sum of One Hundred Dollars Each for the appearance of the said Crandell at the next District Courts for the County of Travis then and there to answer to an Indictment for gambling by which he stands charged

Edward Seldon and John D. McLeod appeared this day in Court and acknowledged themselves bound in a Recognizance in the Sum of One Hundred Dollars Each for the appearance of the said Seldon at the next District Courts for the County of Travis then and there to answer and Indictment for promoting the game of Faro to be played in his House by which he stands charged

Wm. Nelson and Owen Owen and A. D. Allen appeared this day in Court and acknowledged themselves bound in a recognizance in the sum of One Hundred Dollars Each for the appearance of the said Nelson at the next District Courts for the County of Travis then and there to answer an Indictment for selling liquor without a license and also the stands charged

Spring Term 1840

Edward Seeder vs. Wm. Woolard — This day came Granville appeared in Court and acknowledged himself bound as surety for all costs on the part of the Plaintiff

Republic of Texas vs. Wm. King and Jno. Dobson — For Selling without a Licence — This day dismissed

The following names were drawn from the Box to constitute the Jurors for the next term of the District Courts for the County of Travis (to wit)

1 Martin Moore
2 John Hambleton
3 Richd. D Lloyd
4 Wm. Hambleton
5 Matthew Hoop
6 Thos. Simpson
7 John F Webb
8 Isac Carleen
9 Joseph Duty
10 Robt. Billingsley
11 James Boyce
12 Joseph Richards
13 Elijah Durham
14 Henry Johns
15 Wm. Attwood
16 Ferdenand Haw
17 James Maner
18 Wm. Cook
19 Thos. Anderson
20 Dimmore Simpson
21 Benja. M Clopton
22 Jayne H Baker
23 Jesse Burleson
24 Chas. Cumming
25 John P Bladby
26 Mrs. Johnson
27 Wm. Hancock
28 Joseph Hependen
29 Wm. W Hornesby
30 Washington Anderson
31 Henry Bleiseng
32 Alexandra Ferguson
33 A W Cook
34 John Davis
35 D C McHarrell
36 W Robinson

Spring Term 1840

Republic of Texas
vs
Reuben Soules

Ordered by the court that the prisoner be Dismissed and that the Prisoner go hence without day

This day appeared in Court Joseph Hesenden and John J. Ware and acknowledged themselves in a recognizance of the sum of One Hundred Dollars each Conditioned for the appearance of said Ware at the next term of the District Court for the County of Travis, to answer an Indictment for gambling by which he stands charged

Thomas S. Smith and Joseph Hesenden this day appeared in Court and acknowledged themselves in a recognizance of the sum of Two hundred Dollars each conditioned for the appearance of the said Smith at the next term of the District Court for the County of Travis to answer an Indictment for keeping a Faro Bank by which he stands charged and the said Hesenden and Smith acknowledged themselves in the further sum of Two hundred Dollars each conditioned for the appearance of the said Hesenden at the next term of the District Court for the County of Travis to answer to an Indictment for Keeping a Faro Bank to be kept in his House by which he stands charged

Ordered by the Court that Scire Facias Issue against all defaulting Juros returnable to the next term of the Court

Court adjourned

Ls. Thrall
Dis Judge

District Court December

District Court December Term 1840 Commenced its session in the City of Austin Monday the seventh day of December. Present his Honor John T. Mills Judge of the Third Judicial District Presiding W.D. Bassford Clerk & Wayne Barton Sheriff —

The Venire having been previously drawn according to Law being called the following persons answered to their names. Abner H. Cooke. Joseph Fessenden William Ward Richard J. Loyd and Jacob M. Harrell. Henry Jones. Washington Anderson. & Elijah Durham & Moses Johnson

The following names were drawn to constitute the Grand Jury. Linsmore Simpson. Abner H. Cooke Joseph Fessenden Aaron Burleson William Atwood Richard J. Loyd Thomas Simpson Ferdinand Ham Isaac Cosner Benjamin M Clopton William Love William Hancock James Manor John Hamilton Jacob M Harrell Martin M Moore

The following persons were excused from serving as Jurors, to wit, Matthew Moss Elijah Durham Henry Jones

The Court then called the Docket & adjourned to Tuesday morning at 9 Oclock

Tuesday Dec 8th

Court met pursuant to adjournment

Anderson Hutchinson came into Court & took the Oath prescribed for Attorneys at Law

The following persons were constituted a Grand Jury for this Term & sworn accordingly, to wit, Joseph Fessenden A. H. Cooke Aaron Burleson Richard J. Loyd. James Cranwill J. M. Harrell John Brothers L. R. Webb John M. Shreve Heman Ward Thomas Puckett A. J. Payle John Lee Wesly Hunt. Joseph Fessenden was appointed Forman by the Court

The following persons were sworn as Petit Jurors for the term. John F. Webb Joseph Daly Washington Anderson Edward Sanders L. N. Tucker Nathan Mitchell Wm. J. Beaty. H. P. Hill Wm. Hornsby J. W. Hann Alex. Murchison & John W Harrison

Term 1840

The Court then adjourned until Wednesday morning at 10 Oclock.

Wednesday morning 9th, December.

Court met pursuant to adjournment and proceeded to the trial of the causes on the Criminal docket. The Court ordered an attachment against J. W. Winkes to appear and give evidence in a cause in which the Republic of Texas complains against Stanley Hutsey. [illegible]

No. 49. The Republic of Texas vs. Thos J. Smith for keeping faro bank } In this cause the parties appeared in Court, the Republic by its attorney H. C. Hudson, and the deft. in his own proper person. On hearing the indictment read pleaded not guilty; and thereupon a jury was empannelled and sworn to try the issue joined in said cause. After hearing the parties with their witnesses, the jury rendered a verdict of not guilty. Signed Nathan Mitchell foreman.

The court ordered that a scire facias issue J B Ransom to summons

The Republic of Texas vs. Edward Hedrick for permitting the game of faro to be played in his house } In this cause the parties appeared in Court, the Republic by its Atty, H. C. Hudson and the Defendant in his own proper person. The indictment being read, the Defendant pleaded not guilty. Whereupon a jury was empannelled and sworn to try the issue joined in said cause. On hearing the parties with their witnesses the jury rendered a verdict of guilty. Signed Nathan Mitchell foreman.

The Court orders the clerk to pay a fine of twenty four dollars on account of certain causes not being ready for trial some of the papers being mislaid

Fall Term 1840

The Republic of Texas
vs
A E Brown
Ex betting at a faro bank
in a public house

Docket

In this cause the parties appeared in court the Republic by its Attorney A. G. Hansen and the defendant in his own proper person. On reading the indictment the defendant pleaded not guilty whereupon a jury was empannelled and sworn to try the issue joined in said cause. after hearing the parties with their witnesses the jury rendered the following verdict Guilty of having betted at faro in the County of Travis. But find the defendant to have betted on a public house as charged in this bill of indictment. Signed Nathan Mitchell Foreman.

The Court adjourned until to morrow morning 10 o'clock.

Fall Term 1840

Thursday Dec 10th Court met pursuant to adjournment and adjourned to 7 oClock P.M. Met at 7 & adjourned to Friday at nine oClock.

Friday morning December 11th 1840

Court met pursuant to adjournment

Republic of Texas
vs
Washington Scurlls
No 63 of May Term 1840

For keeping a Faro Bank

In this cause the parties appeared in court the Republic by its attorney Henry Sewell and the defendant in his own proper person The indictment being read the defendant pleaded not guilty whereupon a Jury was empanelled to try the issue joined and said cause after hearing the parties with their witnesses the Jury rendered the following verdict Guilty of having dealt Faro in the city of Austin between the 1st of May 1839 and the first July 1840 Signed L. H. Thurgeau Foreman

The Republic of Texas
vs
John Dowlan & Owen O'Brian
No 285

For permitting the game of Faro in their House

In this case the party appeared in Court the Republic by its attorney Henry J. Jewett and the defendant in person proper person the Indictment being read the defendants pleaded not guilty whereupon a Jury was empanelled to try the issue joined who after hearing the parties returned the following verdict viz "Not Guilty signed W. H. Marquerat Forman

The public of Texas
vs
Joseph Hessinden &
Colden Denman
No 278
by the District Attorney

For permitting Faro in their House

In this case Nolle Prosequi entered

57 Fall Term 1840

√ Republic of Texas } For Assault & Battery
vs
George Martin
No 67

In this case the parties appeared the Republic by its Attorney Henry J. Jewett and the defendant by his own proper person the Indictment being read the Defen.t pleded not guilty whereupon a Jury was empaneled & the cause submitted to them who returned the following Verdict viz. "Not Guilty" signed "E. F. Marguerat foreman"

No 1 √ Republic of Texas } For Murder
vs
Matthew Moss

Nolle Prosequi

Court adjourned til tomorrow morning at nine o Clock

Saturday December 12th Court met pursuant to adjournment

No 68 √ Republic of Texas } For Gambling
vs
James Cranvill } Dismissed

73 √ Republic of Texas } For Gambling
vs
A. W. Luckett } Dismissed

73 √ Republic of Texas } For Gambling
vs
Wm. G. Billingsly } Dismissed

75 √ Republic of Texas } For Playing Cards in a public House
vs
S. J. Hunter } Dismissed

80 √ Republic of Texas } For Gambling
vs
Rawley Autry } Dismissed

81 √ Republic of Texas } For Playing cards
vs
Robert H Primm } Dismissed

Fall Term 1840

No 182 — Republic of Texas vs George Martin — For Keeping a Faro Bank — Quashed

" 185 — Republic of Texas vs M. P. Woodhouse — For Gambling — Dismissed

" 174 — Republic of Texas vs Wm B. Billingsley — For playing cards in a public House

In this case the parties appeared in Court the Republic by its Attys H. J. Jewett & the defendant in his own proper person & pleads not Guilty a Jury was empanelled to try the facts & returned the following Verdict viz Not Guilty signed L F Marguerat Foreman

" 183 — Republic of Texas vs Thomas J. Smith — For Keeping a Faro Bank

In this case the parties appeared in Court the Republic by its Attys H. J. Jewett & the defendant in his own proper person & pleds Not Guilty a Jury was empanelled to try the facts who returned the following verdict viz "Guilty of dealing Faro in the City of Austin previous to 1840 & after the 1st May 1839 signed L. F. Marguerat foreman

" 47 — Republic of Texas vs J. B. Hanson — For Gambling

In this case the parties appeared in Court the plaintiff by its Attys H. J. Jewett & the defendant in his own proper person & pleds Not Guilty a Jury was empanelled to try the facts who returned the following Verdict viz Not Guilty signed L. F. Marguerat foreman

" 66 — Republic of Texas vs Antonio Manchaca — For dealing Faro — Nolle Prosequi

Matthew Moss in open Court acknowledges himself indebted to Mirabeau B. Lamar president of the Republic of Texas & his successors in Office in the sum of Ten thousand dollars good & lawfull money of this Republic and Alexander Murchison and Lewis Goodwin his sureties in the sum of ten thousand dollars good and lawful money as aforesaid to be levied of their respective Goods & chattels lands & tenements but to be void on condition the said Moss appear on the first day of the next term of this Court to answer to an Indictment against him for the murder of Wm B. Sweany & not depart the Court without leave thereof

Moses Wood in open Court acknowledges himself indebted to Mirabeau B. Lamar president of the Republic of Texas & his successors in Office in the sum of Two thousand dollars good and lawfull money of this Republic and James W Smith and Samuel R. Miller his sureties in the sum of Two thousand dollars good and lawful money as aforesaid to be levied of their respective Goods & chattels lands & tenements but to be void on condition the said Wood appear on the first day of the next term of this Court to answer to an Indictment against him for Assault and not depart the Court without leave thereof

David Harman in open Court acknowledges himself indebted to M. B. Lamar president of the Republic of Texas & his successors in Office in the sum of $2000 good & lawful money of this Republic and Wm. C. McKinstry & David Harry his sureties in the like sum of $2000 as aforesaid to be levied of their respective goods chattels lands & tenements, but to be void on condition the said Harman appear on the first day of the next term of this Court to answer to an Indictment against him for Keeping a Faro Bank and not depart the Court without leave thereof

Thomas J Smith in open court acknowledges himself indebted to Mirabeau B Lamar President of the Republic of Texas and his successors in office in the sum of one thousand dollars good and lawful money of this republic and Joseph Hessenden his surety in the sum of one thousand dollars in like money to be levied of their respective goods and chattels lands and tenements but to be void on condition the said Thos J Smith appear on the first day of the next Term of this court to answer to an indictment against him for keeping a faro bank found at the May Term of this court for 1840 and No 83 of said Term and that he do not depart the court without leave thereof

Fall Term 1840

Monday 14th Dec Court met at 9 Oclock A.M.

Civil Docket

No 1 √ Samuel Fuller Curator vs Samuel R. Miller & Bartlett Simons — In this case it is ordered by the Court that the Plaintiff recover of the Defendants the sum of One hundred and six dollars with interest thereon from the 14th day of Sept 1838 untill paid as also Costs of suit

No 2 √ Edward Seiders vs John Nowlan — Continued & ordered by Court that Plaintiff pay the Costs

No 3 √ William J Jones vs George W Bonnell — In this cause the parties appeared in Court & the cause was submitted to a Jury who returned the following Verdict viz" Verdict for Plaintiff for three hundred and ten dollars with interest from 8th August 1839 signed L F Murphy-rat foreman. The Court hereby orders the Verdict of the Jury to become the Judgment of the Court

No 4 Nathaniel Townsend vs James Smith — Continued on affadavit of Plaintiff

No 5 √ Elijah Caple vs Wm B. Sweeny — Dismissed at Plaintiffs cost

No 6 √ Samuel Highsmith vs Robert Mitchell — Continued on Affidavit of Plaintiff

No 7 √ John Whitehead vs Samuel Whiting — In this cause the parties appeared in Court & the cause was submitted to a Jury who rendered the following Verdict viz" Verdict for Plaintiff fourteen hundred & ninety eight 70/100 Dollars & lawfull interest from 2nd of May 1839 with cost of suit & it is hereby ordered that the Verdict of the Jury be made the Judgment of the Court

Fall Term 1840

No 8 ✓ L. B. Hunt for use of Samuel Whiting
vs
Thomas Whitehead

In this cause the parties appeared by Court & submitted their cause to a Jury who returned the following verdict viz "We the Jury find for the Plaintiff one hundred and sixty six dollars with interest from the first of may last & costs of Suit signed Marguerat Foreman and it is hereby made the order of the Court that the Verdict of the Jury become the Judgment of the Court

No 9 ✓ ~~Edmund~~ B. Howard
vs
William L Cazeneau

In this cause the parties appeared and submitted their cause to a Jury who rendered the following Verdict viz Verdict for Plaintiff two hundred and four dollars ~~with~~ interest from 26 of July 1837 signed Marguerat Foreman. And it is hereby ordered that the Verdict of the Jury become the Judgment of the Court

No 10 ✓ Wm S. Wallace
vs
Jesse C Jamahillo
James Smith

Continued at plaintiffs cost to this date & Silas Dinsmore is hereby made a Co Defendant

No 11 ✓ A. B. Fleury for use of C. Howard
vs
William L Cazeneau

In this cause the parties appeared and submitted the cause to a Jury who rendered the following Verdict viz " Verdict for Plaintiff for two hundred and seventy four dollars with interest from 31 Jan 1839 signed L. F. Marguebat foreman And it is hereby ordered that the Verdict of the Jury become the judgment of the Court

No 12 ✓ James McPherson
vs
John Nowlan &
Corn O Brien

Dismissed at Plaintiff Cost

No 13 ✓ Jeremiah A. Coe
vs
Edward Seiders

In this cause the Defendant appeared in Court & confessed Judgment in the amount of one hundred and twenty six 63/100 dollars with interest from 16th day of May 1839

No 14 ✓ F. P. Whiting
vs
Nathaniel Townsend

Continued by consent of Parties

Fall Term 1840

No 17 William D Austin
vs
John P. Black

In this cause the parties appeared and submitted their cause to a Jury who rendered a the following Verdict viz We Verdict for Plaintiff for two hundred and sifty five dollars and seventy five cents in par funds or its equivelant in Texas promisory note with interest signed Marguerat foreman & it is hereby ordered that the Verdict of the Jury become the judgment of the Court

No 19 James P. Henderson
vs
John H. Harry

In this cause the parties appeared and submitted their cause to a Jury who rendered the following ~~Verdict~~ viz The Jury return a Verdict of $318 40/100 with interest thereon in Gold or Silver from 4th Febuary 1840 signed Geo J. Glascock And it is hereby ordered that the Verdict of the Jury become the Judgment of the Court

No 21 Pideon Bowditch
vs
Joseph Fessenden

In this cause the parties appeared and submitted their cause to a Jury who rendered the following Verdict viz We Verdict for Plaintiff for two hundred and thirteen dollars and nine cents with interest from 19th April 1840 signed Marguerat foreman And it is hereby ordered that the Verdict of the Jury become the judgment of the Court

It is further ordered that the judgment be credited in the amount of $65.

John Scott appeared in Court and acknowledged himself bound as surety for all costs in behalf of Plaintiff in the case of Edward Pideny vs John Nowlan et al No 57

Fall Term 1840

The Grand Jury Came in to Court and presented the Follow
Indictments. to Wit:

No. 1. Republic of Texas vs Mathew Morse } Murder

No. 2. Republic of Texas vs Alexander Neffler } Larceny

No. 3. Republic of Texas vs D. Laughlin } Demanding Extortionary Fee.

No. 4 Republic of Texas vs Mathew Mosp } Murder

No. 5. Republic of Texas vs William G. Cooke } Sending a Challenge & fighting a duel

No 6. Republic of Texas vs M. B. Sherret } Being a Second in a duel.

No. 7 Republic of Texas vs Edward Burleson } Being a Second in a duel

No 8. Republic of Texas vs Felix Huston } Accepting a Challenge & fighting a duel

No 9 Republic of Texas vs Moses Wood } Assault

No 10 Republic of Texas vs William G. Wood } Assault

No. 11. Republic of Texas vs Owen O'Brian } Retailing liquors without License

No 12. Republic of Texas vs DeMott. } Keeping a Faro Bank

No. 13. Republic of Texas vs Allen } Keeping a Faro Bank

No. 14. Republic of Texas vs Barkley } Keeping a Faro Bank

No. 15. Republic of Texas vs W W. Massey } Retailing liquors without License

No. 16 Republic of Texas vs Washington H Secrest } Keeping a Faro Bank

No. 17. Republic of Texas vs James Underhill } Keeping a Faro Bank

No. 18. Republic of Texas vs Richard Ross. } Keeping a Faro Bank

No. 19 Republic of Texas vs David Harman } Keeping a Faro Bank

No. 20 Republic of Texas vs Rawley Autry } Keeping a Faro Bank

Fall Term. A.D. 1840.

No 21	✓	Republic of Texas vs Grier	Betting at Faro
No 22.	✓	Republic of Texas vs Wm A. Porter	Betting at Faro
No 23.	✓	Republic of Texas vs K H. Mills	Betting at Faro
No 24	✓	Republic of Texas vs Thomas J Smith	Keeping a Faro Bank
No 25.	✓	Republic of Texas vs Lockhart	Carrying on a Faro Bank

The Grand Jury were discharged and the Court then adjourned until tomorrow Morning at Nine O'clock

Wednesday December 18th The Court met pursuant to Adjournment

No 15.	✓	W A A Johnson vs Holland & Slocomb	Continued
No 16	✓	Anson Jones vs Ruger & Bonnell	In this Cause the parties appeared & Submitted their Case to a Jury who rendered the following Verdict: "Verdict for Plaintiff against Ruger & Bonnell for two Hundred & fifty four dollars & fifty five cts with interest from 31st July 1840. in good & lawful Money" (Signed) L F Marguerat Foreman

And it is Hereby ordered that the Verdict of the Jury become the judgment of the Court.

No 22.	✓	James H Worland & C vs Gabriel Cagan	It is Hereby ordered that the Plaintiffs recover of the defendant the Sum of three Hundred & [illegible] four dollars with interest at the rate of ten per Cent per annum from 19th May 1839 & all Costs in their behalf in this suit expended

Fall Term 1840

No 23. ✓	Wm M Cooke vs John Woodruff	It is hereby ordered that the Plaintiff recover of the defendant the sum of two hun with interest at the rate of ten pr cent pr annum & all cost in their behalf in this suit expended
No. 24. ✓	James Turley vs John R. Slocomb & Sam Whiting	In this case the parties appeared & submitted the cause to the jury who rendered the following verdict: "Verdict for plaintiff for two hundred & four & 18 3/100 dollars in Par funds we the jury are of opinion that no Copartnership existed (at the time the contract sued for was made) between Slocomb & Whiting & that said Whiting is justly bound for the above sum we have no evidence that Mr Slocomb induced Mr Turley to believe that he was acting as agent at the time the contract was made but that he Slocomb made the contract (Signed) L F Marguerat Foreman
No 26 ✓	Lockhart I. Irwin vs W. P. Sweney	Abated on account of death of defendant
No 27 ✓	Thomas H Duggan vs. Matthew Moss	Continued by the consent of the parties
No 29. ✓	Neelan Soles vs Nathl. Townsend	Continued with leave to take the testimony of John Wood & A C. Hyde and L F Marguerat were appointed Commissioners
No 30. ✓	Waller & Masterson for the use of Jos Fessenden vs Charles Schoolfield	Continued and an order of Scire facias against the legal representatives of defendant
No 31 ✓	Saml. Hilderburn vs John H Harry	It is herby ordered that the plaintiff recover of the defendant the sum of Seven hundred & thirty nine 48/100 dollars with interest at the rate of 6 pr ct pr annum from the 27th September 1836 & all cost in their behalf in this suit expended.

Fall Term, Ad. 1840.

No. 32. ✓	James Fisher Adm. for the use of William Cannon vs. Jacob Eberly and Gabriel Eagan	Continued
No. 33. ✓	H. O. Hudson vs. Massillon Farley	Submitted to arbitration A. A. Anderson and J. M. Ogden Esqrs were appointed arbitrators
No. 35. ✓	Benj. S. Grayson vs. P. B. Cocke	Dismissed
No. 36. ✓	A. & N. Boyce vs. John Jarman & John Jordan	In this cause the parties appeared and submitted their case to the jury who rendered the following verdict: "Verdict for plaintiffs for five hundred & eighty one dollars with interest from 11th December 1839 in good & lawful money (Signed) L. F. Marguerat Foreman. And it is hereby ordered that the verdict of the jury become the judgement of the Court.
No. 38. ✓	Asa Mitchell for the use of J. J. Crosby vs. Branch T. Archer	It is hereby ordered that the plaintiff recover of the defendant the sum of Nine hundred & eighteen 40/100 dollars with interest at the rate of six pr. cent. annum & all cost of suit in his behalf expended.
No. 39. ✓	Josiah J. Crosby vs. John Rice Jones	Continued
No. 40. ✓	Matthew Moss vs. Thomas Duggan	Continued by Consent
No. 41. ✓	Allen S. Holderman vs. James A. Haynie	Continued with leave to plead on or before the first day of the next term.
No. 42. ✓	Wm. H. Patton & Co. vs. John F. Webber	Continued

Fall Term A.D. 1840

No. 43. James Cole vs Thomas H. Duggan & Henry Terrell } Continued & plaintiff ruled for cost

No. 44. John W. Ladd vs N. H. Wynne } Continued on affidavit of defendant

The Court Adjourned untill to morrow morning at Nine O'clock

Thursday morning December 16th 1840
Court met persuant to adjournment

No. 45 Francis Arthur vs Joseph Fesenden } Continued and defendant ordered to give security for cost

46 James W. Smith & Angeline D. Smith vs Thomas B. Muston } In this cause the parties appeared in court and the cause was submitted to a Jury who rendered the following verdict (to wit) verdict for the plaintiff for damages in the sum of ten dollars Signed
L. F. Margaret Foreman
And it is hereby ordered that the verdict of the Jury be made the Judgment of the court

No. 47 Charles H. Reese Admr &c vs Silas Jessup and Reuben Hornsby and Sowles } Judgment by default against Hornsby and Sowles and demurrer of Jessup continued over for argument

Misentry No. 48 J. S. Belknap & William J. Maynor vs Ala Savery } Judgment is rendered for Plaintiffs on the confession of the Defendant

No. 50. Hannah Alexander vs D. C. Gilmore & Cornelius Lane } Judgment by default & ruled for sale of land

Fall Term A.D. 1840

No. 51.	George Gresham vs Edward Seiders	Judgment by default and rule for sale of Land —
No. 52.	John Sosburn assignee vs Milton B. Atkinson	Judgment by default & rule for sale of land
No. 53.	George J. Glascock vs John F. Webber	Continued by the Defts.
No. 54	Charles Kesler & James A. Mason vs Louis F. Cooke	In this case the parties appeared and the cause was submitted to a Jury who rendered the following verdict, "Verdict for Plaintiff for three Hundred & thirty five Dollars with interest from the 1st of September 1839. (Signed) L. F. Marquis Foreman. And it is hereby ordered that the verdict of the Jury become the Judgment of the Court — — —

An now December 28th 1840 The court orders the verdict & Judgment set aside and awards a new trial & the cause continued to the next term

No. 55	Toby B. Capell vs Samuel Whiting	Continued
No. 56	Seth Marvin vs Lewis Haas adm. H.	Dismissed at Defendants costs
No. 58	S. Jourdan vs Samuel Whiting	Settled

Fall Term A.D. 1840

No 59. James Wilson Surviving Partner vs Colden Denmon — In this case the Defendant filed a Plea in abatement to which the Plaintiff demurred, The Court sustains the demurrer and orders that the Plaintiff recover of the Defendant the sum of two hundred & Eighty dollars with ten per cent interest from the first of January 1840. Together with all costs of suit, in this behalf expended.

No 60 John Burns vs Wisly Hunt — Continued

No 61 Ancontry James Campbell vs Philip S. Rawson & Maurice Samuel — Judgment by Default & Ruled for Sale

No 23 William M. Cooke vs John Woodruff — In this cause Judgment was rendered by default & the Jury empannelled to assess the damages who rendered the following verdict "Amount due Two hundred and thirty dollars and Sixty four cents, with interest from the twenty second November 1838. (Signed) L. F. Marguerat It is hereby ordered that the verdict of the Jury & Foreman become the Judgment of the Court.

No 61 2 James Campbell vs Philo S Rawson & Maurice Samuels — In this case Judgment was rendered by default and a Jury empannelled to assess the damages who rendered the following verdict (to wit) verdict for plaintiff for four hundred and ten dollars twenty eight cents with interest from the first of June 1841 Signed L. F. Marguerat foreman And it is hereby ordered that the verdict of the Jury become the Judgment of the Court The fine of twenty five dollar imposed upon the clerk on the 9th December inst is this day remitted

Fall Term A D 1840

Thursday December 17th The Court met pursuant to adjournment the Hon P. W. Terrell presiding

No 20 Wm. Newcomb vs John F. Webber } Continued
John D Anderson appeared in this case and acknowledged himself bound as surety for all costs on behalf of the plaintiff

No 25 James H. Hammond vs Sam Whiting } Continued on affidavit of defendant

No 50 Hannah Alexander vs D. C. Gilmore & Cornelius Laur } In this case upon the hearing before his Honor J. T. Mills Judge presiding it appearing by the exhibits filed in this case that defendants had made their joint notes to plaintiff dated on the 1st January 1839 for three hundred & seventy four 74/100 dollars due twelve months after date the other dated 1st Feby 1839 and due three months after date for the same amount with several credits upon which there is now due one hundred & thirty three 50/100 dollars and it also appears to the Court that said defendants on 1st January 1839 Mortgaged for the payment of said notes to said plaintiff a certain tract of land then in Bastrop now in Travis County being one fourth of a league of land known on the map of Bastrop County as the North east quarter of league No. 22 situated on Wilbargers Creek and known as part of the head right of Amos Alexander as appears by reference to the records of the Land Office in this City and it further appears that said Mortgage has been duly registered and also that the whole of the first mentioned note & $133.50/100 on the second is unpaid and that the defendants have been duly notified of this proceeding it is therefore ordered & decreed that the afore mentioned land be sold &c & according to law to satisfy the full amount of said debt interest & costs &c

No 51. George Gresham vs Edward Seiders } In this case it appearing that the defendant was indebted to the plaintiff in the sum of six hundred dollars of the promissory notes of the Government of Texas and that the same became due on 11th July 1840 and it further appearing that the said sum was secured by a Mortgage upon a lot of land in the City of Austin County of Travis known and described as lot No. 4. in block No. 42. in said City and it appearing by the inquest of the jury the sum of $120.00 with interest from 11th July 1840 in par money it is therefore ordered and decreed that the land described in said Mortgage be sold according to law to satisfy the said sum of 120 f. and interest from the said 11th July together with the cost of suit.

Fall Term. A.D. 1840.

No 84	Republic of Texas vs Washington H. Secrest	Dismissed
No 90	Republic of Texas vs John D. Harry	Quashed
No. 95	Republic of Texas vs G. T. Blackwell	Quashed
No 97	Republic of Texas vs C. C. Cushman	Quashed
[illegible] 98	Republic of Texas vs William Gibson	Judgement for defendant on demurrer
[illegible] 99	Republic of Texas vs David Harry	Judgement for defendant on demurrer
No. 3[illegible]	Republic of Texas vs David Harry	Quashed

No. 60 Republic of Texas vs Alex. Coleman — In this cause the parties appeared and the Republic by its attorney H. J. Jewett and the defendant in his own proper person and pleaded not guilty whereupon the cause was submitted to a jury who rendered a verdict of Guilty. *

(Signed) L. H. Marquerat
Foreman

The Court hereby orders that the defendant pay a fine of five hundred dollars and Costs of Suit and remain in Custody of the Sheriff until the sentence of the Court be complied with.

Fall Term A.D. 1840.

No 57 Republic of Texas vs Edward Seiders } The Court hereby orders that the defendant pay a fine of five hundred dollars and remain in the Custody of the Sheriff untill the sentence of the Court be complied with.

No 24 Republic of Texas vs Thomas J. Smith } December Term 1840. In this cause the parties appeared in court the Republic by its attorney H. J. Sewett and the defendant in his own proper person and pleaded not guilty whereupon the cause was submited to a jury who rendered a verdict of Guilty.

(Signed) L. F. Marguerat
Foreman

And the Court hereby orders that the defendant pay a fine of one thousand dollars and remain in the custody of the Sheriff untill the sentence of the Court be complied with. It is further ordered that the Defendant be released upon his paying Costs of suit

No 69 Republic of Texas vs Lewis Goodin } Dismissed

No 63 (Spring term) Republic of Texas vs Washington H. Secrest } Motion in arrest of judgement overruled

No 10. Dec Term Republic of Texas vs Wm Y. Wood } In this cause the parties appeared in Court the Republic by its attorney H. J. Sewett and the defendant in his own proper person and submited their cause to a jury and rendered a verdict of not guilty. (Signed) L. F. Marguerat
Foreman

No 3. Republic of Texas vs D. Laughlin } In this case the parties appeared and in the Court the Republic by its attorney H. J. Sewett and the defendant in his own proper person who plead not guilty whereupon the case was submited to a jury who rendered a verdict of Guilty as charged in the indictment

(Signed) L. F. Marguerat
Foreman

Pursuant to a Proclamation of the President of the Republic directed to the Clerk of the District Court for Travis County and filed in his Office the Fine of $500.00 imposed upon Edward Seiders for permitting the game of Faro to be played in his House is hereby remitted upon his pay the Costs of suit

Fall Term A.D. 1840.

No 11 — Republic of Texas vs Owen O'Brian — } Sole Prosequi defendant assumes the Costs

No 21 — Republic of Texas vs Greer — } Dismissed

No 52 — John L. Osborn ass^e vs Milton B. Atkinson

In this case it appears to the satisfaction of the Court that Milton B. Atkinson is indebted to the said John L Osborn as set forth in the petition of said Osborn in the sum of $376 87/100 & that the same is secured by a Mortgage on one third of a League of land belonging to said Atkinson in said County more particularly described in the mortgage itself which accompanies this Decree and is made a part of the record in this cause

And whereas the said John L. Osborn in his petition has prayed that the same Mortgage be forecloced and that he have judgment for his debt, interest & cost. And the said Atkinson failing to appear and show cause to the contrary, it is therefore ordered and decreed by the court. that the said Mortgage be foreclosed and that sale be made of the said mortgage property according to law to satisfy said debt, with interest and costs, and that the said Osborn have judgment for the said sum of $376 87/100 with costs of suit

Court aggjourned until Friday Dec 18th at 9 Clock A.M.

Friday Dec 18th Court met pursuant to adjournment his Hon^r S. W. Sorrell Presiding

No 9 Fall Term — Republic of Texas vs Moses Word — } Continued

No 48 Spring Term — Republic of Texas vs Francis Bentin — In this cause the parties appeared in [illegible] and the Defendant moved to Quash the Indictment on the ground that no prosecutor was marked in it whereupon the Court reserved the decision to be submitted to the Supreme Court considering the question novel and difficult

No 83 F.T. 1840 — Republic of Texas vs Thomas J. Smith — The Court hereby orders that the Defendant pay a fine of $500.— & Costs and that he remain in the custody of the Sheriff until paid

The Defendant moves the Court for an Appeal which is granted upon his giving security according to Law

It is further ordered that the Defendant be released from the custody of the Sheriff upon his paying the Costs

Fall Term A.D. 1840.

No 63 Republic of Texas vs Washington H. Secrets } The Court hereby orders that the defendant pay a fine of $500.00 & Costs and that he remain in the custody of the Sheriff untill paid

The Defendant moves the Court for an appeal which is granted upon his giving security according to law

No 57 Edward Seiders vs Nowlan O'Brien & Co. } Continued and an Alias ordered for Nowlan

The Court hereby orders the Sheriff of this County to take all prisoners in his Custody to the jail in the County of Fayette untill they shall pay or secure the payments of the several Fines imposed upon them together with all costs

Court adjourned untill Monday Dec 21st at 9 Ol. A.M.

Monday Dec 21st Court met pursuant to adjournment & adjourned untill Dec 22 Tuesday morning nine Oclock

Fall Term A.D. 1840.

Saturday Decr. 19th Court met pursuant to adjournment
His Honor P. W. Terrell presiding

No 18 McKinney & Welch vs Black & Sharpe — Discontinued as to Sharpe
It is hereby ordered that the Plaintiffs recover of the defendant John R. Black the sum of $348 with interest from the 6th day of March 1840 at the rate of eight percent per annum and all costs in this suit in his behalf expended

Tuesday December 22 1840
Court met pursuant to adjournment
His Honour G. W. Terrell presiding

No 24 James Turley vs John R Sloum & Samuel Whiting — The court allowed a Writ Prosequies to Sloum to be entered and hereby orders that the plaintiff recover of the Defendant Whiting the sum of two hundred and four dollars and eighteen cents it being the verdict of the Jury together with all cost of suit in this behalf expended The parties file an agreement that on appeal no objection will be taken to the Jurisdiction of the Supreme Court on account of the amount in controversy

No 16 Anson Jones vs Cruger & Bonell — In this case the court orders the verdict of the Jury set aside and awards a new trial on the ground that one partner cannot bind his partner in a contract for the purchase of real estate without the consent of such to partner and that in this case there was no evidence of Cruger's consent to be bound in the note given by Bonell alone in the name of the firm upon which the suit was brought for a lot of ground in the city of Austin

34 Charles Cummings vs Newton Obrien & Craig — Certiorari to the County Court of the County of Travis In this cause the court orders that the plaintiff recover of the defendant the sum of thirty eight dollars and fifty cents together with all cost about his suit in this behalf expended

Fall Term A D 1848.

To the Hon— the Judge of the District Court of the third Judicial District

The undersigned to whom was referred the cause of J P Cocke vs J P Black & Co with the papers and documents belonging to the same for the purpose of liquidating the accounts between said parties, and report the same to your Hon— court beg leave to submit the following as the result of a careful ~~investigation~~ examination of the matters in controversy

The transactions between the above parties out of which this controversy has arisen are entirely of a merchantile character; and the matters in controversy consist of accounts between them

The method which I pursued in adjusting their accounts was to require vouchers for all the different items charged in their mutual accounts and whenever I found an item charged unsupported by proof, which the opposite party would not admit, I rejected it

Proof was made to me that in the return of sales ~~made by~~ to Mr Russel, for the month of May that there was error in the charge of flour. The proof was that one bill of flour had been sold to Mr Townsend at one hundred and twenty dollars when it was charged in the return at ninety, only. I made the proper allowance for this error giving Mr Cocke credit for the difference

The counsel for Mr Cocke filed exceptions to the whole of that report in the item of flour on the ground that as they had falsified the return as to the sale of one bill of flour, that the return is false as to all of that article sold by them They claim a credit therefor for all of the flour This position I should have regarded and allowed a credit for all the flour sold that, during month; but there was proof of but a single erroneous charge and abundant proof brought before me to establish the fact that it was charged higher than the ordinary selling price of flour in this city during the same month so I considered the general presumption rebutted and did not allow the credit asked. Besides evidence came before me from both sides that the items as charged in the returns were generally correct

Another exception was also taken to the returns of said Blackwell on the ground that the Treasury notes were estimated at seventeen cents to the dollar when their correct sale at the time was higher. When this exception was filed I immediately gave notice to both parties that I wished them to furnish me with written proof supported by affidavit as to the value of said notes during the time specified in the return The weight of proof furnished induced me

to alter the rate as to one month from seventeen cents to twenty cents on the dollar The other rates were supported by the proof

One item of two hundred and fifty five dollars charged in the account of said Black & Co I felt considerable delicacy in acting on This item was stricken out of the account by the order of the court on the petition of the opposite party The facts with regard to it are these— that during the last spring said Cooke consigned to said Black & Co a considerable quantity of merchandize

Wednesday morning December 23d 1840

Court met at nine of the clock

His honour G W Terrell presiding and adjourned til Saturday morning at nine of the clock

Republic of Texas vs David Laughlin } December Term 1840

The Republic of Texas County of Travis

In the name and by the authority of the republic of Texas the Grand Jurors for said Republic and county upon their oaths present That one David Laughlin of the said county of Travis on the fifteenth day of October in the year of our Lord one thousand eight hundred and forty then being one of the Justices of the peace for said county duly and legally appointed and qualified to perform the duties of said office but not regarding the duties of said office and intending to oppress one J. C. Tannehill on the aforesaid fifteenth day of October in the year aforesaid at the City of Austin in the county aforesaid by color of his said office did wilfully ~~and~~ corruptly and extortively demand take and receive of him the said J. C. Tannehill a greater fee than is allowed and provided by law for the Judgment rendered by the said Laughlin as Justice of the peace of said county in a certain civil action in which one Wm G Wood was plaintiff and said J. C. Tannehill Defendant and which was commenced and tried before the said David Laughlin as a Justice of the peace duly appointed (to wit) the sum of twenty dollars in the promissory notes of the Government which sum is more than the fee allowed and provided by law for costs in such case contrary to the duty of him the said D Laughlin in his office aforesaid against the laws and statutes in such cases made and provided and against the peace and dignity of the republic

A true bill signed Joseph Fennerden Foreman

In this cause on the 11th December A.D. the parties appeared in court the Republic by its attorney H. Jewett and the Defendant in his own pro

person who pleaded not guilty Thereupon the cause was submitted to a Jury who rendered a verdict of guilty as charged in the indictment
(signed) L. F Marguerat foreman

Motion was made in arrest of Judgment J. M. Ogden Counsel for defendant contended that Judgment should be arrested 1st Because the charge in the Indictment was too general and should have specified what sum was due the the Justice and what sum he demanded and received

2 Because the Statute passed January 23 1839 requiring all Government officers to receive promissory notes of the government for all dues accruing them in discharge of the duties of their offices was unconstitutional, and that Defendant did not demand or receive a greater fee than was allowed by law

3 That the Indictment should show upon its face under what Statute it was found so that the Defendant may know what offence he is to answer and what penalty is sought to be recovered against him 4th That Judgment if any can be rendered must be removal from office which this court has no power to render

H. D Iwon District Attorney on behalf of the Republic contended that Defendant by taking Texas promissory notes at the rate of five for one as it was admitted Defendant received them (to wit) twenty dollars in promissory notes for four dollars par funds being the costs in the action Defendant had received an illegal fee

2 That the Statute regulating fees of Justices of the peace &c being a public Statute the court was bound to take notice of it ex officio and that the charge in the indictment was sufficiently specific and Deft bound to justify and show that he was entitled by law to the fee which he received

The Judge considering the foregoing questions novel and difficult directed the same to be reserved for the consideration and discretion of the supreme court

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Charles H. Rose
vs
Silas Jessop Reuben Hornsby & Nelson Soley

It is hereby ordered that the Plaintiff recover of the Defendants the sum of $298 40/100 with interest thereon from the 10th day of August 1840 & all costs in his behalf on his behalf expended

79

Fall Term A D 1840.

The Republic of Texas
vs
Thomas I Smith

No 53 d
Spring Term 1840 in
This cause the following Bill of Indictment
was returned by the Grand Jury to wit

The Republic of Texas
County of Travis
of the Republic of Texas

In the name and by the authority

The grand Juors for the Republic and county aforesaid upon their oath present That Thomas I Smith late of the county aforesaid on the first day of February in the year of our Lord one thousand eight hundred and forty in the county aforesaid Did hold a faro bank for the purpose of playing at the game of faro and thereon then and there did and received bets to the aforesaid faro bank against the form of the Statute in such case made and provided and against the peace and dignity of the republic Signed H. C. Hudson District Attorney endorsed A true bill Nathan Townsend Foreman Grand Jury Travis county December 11th 1840 the parties appeared in court the Republic by its attorney H. J Swisher and the Deft in his own proper person and pleaded not guilty Whereupon the cause was submitted to a Jury who rendered the following verdict (to wit) guilty of dealing faro in the city of Austin previous to 1840 and after the first of may 1839 Signed

L. H. Mayfield Foreman

Motion was made in arrest of judgment

Cooke & Anderson for the Deft— contended that Judgment should be arrested first because the indictment charging the offence says it to have been committed in Travis County when in fact from the face of the indictment and the proof advanced on trial the offence was shown to have been committed in the county of Bastrop The court overruled the motion and ordered the Deft Thomas I Smith to pay a fine of five hundred dollars together with the costs of prosecution and that he remain in the custody of the Sheriff until the sentence of the court be complied with From this sentence the Defendant prays an appeal which the court allows on the Defendants giving bond and security in the sum of one thousand dollars conditioned for the appearance of the said Smith at the next Term of this court and not depart without leave thereof

Fall Term A.D. 1840.

Saturday morning December 26th Court met pursuant to adjournment J. T. Mills presiding

No 19 James P. Henderson vs John H. Harry } Motion in arrest of judgment overrule

Nathaniel Townsend vs The Sheriff of Travis County } Rule nisi to refund money collected for costs
The sheriff of Travis having made his return to the rule sued out in this case & it appearing thereby that the executions upon which the money was made were for costs alone and the sheriff having collected the same in Texas Treasury notes charging four dollars in said notes for each dollar of the amount specified in said Executions, against the provisions of an act approved January 19th 1839 entitled an act to compel all Government officers to receive the promissory notes of the government for all dues that may accrue to them in the discharge of their duties of their office
The following points are reserved an order to be certified to the supreme Court of this Republic for its opinion and judgment
1. Is the said act of Congress constitutional in itself
2. Are Officers who have been appointed to office previous to its passage subject to its provisions if constitutional

Respectfully submitted to the supreme court
J. T. Mills Dist. Judge

The following is a copy of the recit of James M. Long Defty Sheriff filed in this cause an order to be put upon the record (to wit)
Rec.d Austin December 1st 1840 from Nathaniel Townsend one hundred and ninety three dollars in Texas promissory notes in full of two executions in my hands issued by the Clerk of the District Court for the County of Austin for costs in that Court in suit of James Irwin & Horace Eggleston the amount of said Executions being for forty eight dollars and twenty five cents which was claimed in par funds or four dollars for one

James M. Long
D. S. T. C.

Republic of Texas vs P. J. Hunter } Attachment for contempt of Court
The affidavit of the Deft held sufficient and he is hereby ordered to be discharged

Court adjourned untill Monday morning at 9 O'clock

Fall Term A D 1840

Monday Dec 28th Court met pursuant to adjournment

P. B. Cocke vs J. P. Black & Co. — In this case it is ordered that the Papers documents & evidence be refered to the Clerk & master for an Account current between parties & that the same be returned into Court on or before the next term thereof

Thomas Puckett vs Thos. A. Moore — In this case it is ordered by the Court that the Plaintiff give further security & a new bond signed by Plaintiff or his Agent under power of Attorney or that on his failure so to do the case be dismissed with costs

The following names were drawn from the Box to constitute the Jury for the next Term of this Court, To wit:

1.	George J. Gasscock	13	William Austin	25	H. W. Raglin
2.	M. H. Nicholson	14	John W. Hayden	26	Samuel R. Miller
3	Thomas C. Collins	15	B. F. Johnston	27	Joseph Harrell
4.	William B. Billingsley	16	Colden Denman	28	Alexander Russell
5.	Thomas H. Hood	17	N. M. Luckett	29	A. C. Macfarlane
6.	John Woodruff	18	Alford Smith	30	Thos. L. Jones
7	Samuel Crannell	19	Thos. H. Duggan	31	Alfred W. Luckett
8	Parry W. Humphreys	20	Chas. F. King	32	Francis Prentice
9	George W. Bonnell	21	James F. Johnson	33	Benjamin S. Grayson
10	Nicholas McArthur	22	C. C. Cushman	34	Harvey P. Savery
11	Alexander T. Gayle	23	William Hamilton	35.	David P. Barhydt
12	Asa Brigham	24	James Smith	36	N. T. Byers.

Examined and approved

Wm. T. Mills

Dis. Judge

District Court 1848

Be it remembered that on the third day of May One thousand Eight hundred & forty one; There was begun and holden in the County of Travis, at the Court house thereof a District Court for said County, present the Honorable R E B Baylor Judge A C Macfarlane Sheriff and M H Beaty Deputy Clerk; When the following Causes came on to be heard, and the following proceedings were had = The Venire previously drawn according to Law being called, the following jurors answered to their names = M H Nicholson Thomas C Collins John Woodruff A T Gayle B F Johnson N M Luckett Alfred Smith Charles F King James F Johnson James Smith Samuel R. Miller Alexander Russell Thomas L Jones

On motion James F Johnson and Thomas L Jones were excused from serving as Jurors. = A sufficient number of jurors of the original panel not being in attendance on the Court; it is ordered that six bye standers be summoned to make up the panel of the Grand jury. = Whereupon, H B Hill Abner Mathews George W Bonnel S L Johnson A G Johnson John M Shockley William Cockburn N T Byers and T R Marston were summoned from the byestanders. [illegible] said

The following names were drawn to serve as Grand jurors from the original panel [illegible] by [illegible] day [illegible] A Russell T R Marston Charles F King A G Johnson N T Byers John M Shockley M H Nicholson S L Johnson Thomas C Collins A T Gayle B F Johnson James Smith William Cockburn John Woodruff G W Bonnel & N M Luckett = Whereupon A Russell was appointed foreman by the Court, and having been duly sworn, together with the other Grand jurors according to Law And after receiving the several matters & things given them in charge by the Court, retired to consider of their presentments. = A E Brown was appointed and duly sworn as Bailiff to attend the Grand Jury. =

On motion of B Gillespie the following petitions were entered on the Docket. Joseph E Plummer Vs Commissioner General Land office. = Petition for Mandamus. = Joseph F Smith Vs Commissioner General Land office = Petition for mandamus. =

Thomas D Dillard Vs Commissioner General Land office; Petition for mandamus. =

On the foregoing applications a rule was granted, against the Commissioner of the General Land office, requiring him to appear on Friday next & show cause why a mandamus peremptory should not issue against him as prayed for, in the several petitions.

Court adjourned until 3 o'clock P. M.

Court met pursuant to Adjournment.

Thursday next was set apart by order of the Court for the trial of the Criminal Cases. The Civil Docket was then called; and the following proceedings had

2 Edward Seiders vs John Nowlan } This day came the parties by their Attorneys, and on motion of the Plaintiff, it was ordered that this Suit be dismissed; and that the defendant go hence without day & recover of the Plaintiff his Costs about this Suit, in his behalf had and expended. & for which execution may issue

30 Wallace & masterson for the use of I Fessenden vs Charles Schoolfield } This day came the parties by their Attorneys, and on motion of the Plaintiff it was ordered, that this Suit be dismissed and that the defendant go hence without day, and recover of the Plaintiff, his Costs, about this Suit in his behalf had and expended. which execution may issue

32 James Fisher Admin^r For the use of Wm Cannon vs Jacob Eberly & Gabriel Hagan } This day came the parties by their Attorneys, and on motion of the Plaintiff it was ordered that this Suit be dismissed, and that the defendant go hence without day, and recover of the Plaintiff, his costs, about this Suit in his behalf had and expended for which execution may issue

39 Josiah Crosby vs John Rice Jones } This day came the parties by their Attorneys and on motion of defendant by affidavit it was ordered that this Suit be continued until the next term of this Court & the rule to arbitrate & case set aside & cost to be

45 Francis Arthur vs Joseph Fessenden } This day came the parties by their Attorneys, and on motion of the Plaintiff this Suit was dismissed, for want of Security for costs, requiring at a former Court It is therefore considered by the Court that the defendant go hence without day & recover of the Plaintiff all cost in this Suit in his behalf had & expended & for which execution may issue

60 John Baner vs Wiley Hunt } This day came the parties by their Attorneys and on motion of the Plaintiff, it was ordered by the Court that this Suit be dismissed, and that the defendant go hence without day and recover of the Plaintiff his costs about this Suit in his behalf had & expended & for which execution may issue

1 P B Locke vs Benj S Grayson } This day came the parties by their Attorneys and on Motion of Plaintiff on motion it was ordered that A C Hyde be appointed

Master in chancery who reported, report set aside, & the case continued till the next term
Court adjourned until tomorrow morning 9 O'clock.

Tuesday morning 9 O'clock, Court met pursuant to adjournment

6 Sam Highsmith vs Robert Mitchell — This day came the parties by their Attorneys; and on motion, the Plaintiff takes a non suit It is therefore considered by the Court that the defendant go hence without day & recover of the Plaintiff & all cost in this suit had & expended & for which execution may issue

53 George S Glasscock vs John F Webber — In this case the Plaintiff has leave to amend on payment of the costs of amendment, and defendant has leave to plead over

92 William Everson vs Samuel Watkins — Security for costs to be given within sixty days or the suit to be dismissed, and that the Joseph Lee be appointed master in chancery take an account between the parties & report to the next term

15 W H A Johnson vs Bird Holland & H H Slocomb — Dismissed by order of the Plaintiff and each party assumes to pay one half the cost, the Executions may issue

The Court hereby orders a fine of twenty dollars each against J W Hayden Owen O'Brien, W. S. B. Anderson & James Haynie for not appearing as jurors in Court when summoned

The following persons were then sworn in Chief as petit jurors Samuel R Miller John R Slocomb W T M Smithson Augustus Bowles W A Force H B Hill Abner Mathews Hupchurch Neri Chamberlin Joseph Tanner F P Whiting A H Cooke

10 William S Wallace vs Jesse C Tannahill James Smith & Silas Dinsmore — In this case the parties appeared with their witnesses, an submitted their cause to the jury who rendered the following Verdict We the jury find for the plaintiff the sum of Two hundred and twenty four 87/100 Dollars (Signed) W A Force foreman and it is hereby ordered that the Verdict of the jury become the judgement of the Court and that the plaintiff recover of the Defendant all costs in this suit in his behalf, had & expended & for which execution may issue discontinue this suit as to Dinsmore the Plaintiff having previously discontinued this suit as to Dinsmore

Spring Term A.D. 1841.

William Austin was excused by jurymen upon the affidavit of Henry Terrill

S. P. Whiting
vs
+14 ✓ Nathaniel Townsend } In this case plaintiff takes a non suit, when upon it was ordered by the court that the defendant recover of the plaintiff his costs in this behalf expended & for which execution may issue

Nathaniel Townsend
vs
✓ 4 James Smith } In this case the parties appeared with their witnesses, and submitted their cause to a jury who rendered the following Verdict We the jury find a verdict in favor of plaintiff One hundred Dollars. damages (Signed) W. A Force foreman. And it is hereby ordered that the Verdict of the jury become the judgment of the Court, and that the plaintiff recover of the defendant all costs in this suit in his behalf expended & for which execution may issue
The Court hereby remits the fine of Twenty dollars against James A Haynie

Court adjourned until 9 Oclock tomorrow morning

May 5th 9 Oclock A M
Court met pursuant to adjournment

Prewett & Browning
vs
H W Hamner } In this case it is ordered by the Court that the Plaintiff give Security for the Cost within Sixty days, or else the suit stand dismissed & that the suit be continued until the next term

John R Jones
vs
✓ 75 A G Kimble } In this case, it is ordered by the Court, that a judicial attachment be issued against the goods & chattles of defendant & the case stand continued until the next term

Daniel Kinchelow
vs
81 Kindred H. House Admr of the estate of B D. Noble Decd } In this case it is ordered by the Court that this cause be continued, and that an alias writ issue to defendant

Joseph Hamner was excused by the Court from serving as a juror

Cont. Defendant enters appearance

P. W. Hubbart
vs
81 Nathan'l Townsend } Judgement by default in favor of Plaintiff for one hundred & Sixty dollars with 8 per cent interest from 12th October 1840

Spring Term A.D. 1841.

85 Kipman & Co vs Browning & Potter } This day came the parties by their attorneys and on motion of the defendt. it was ordered that an alias Writ be issued to the aforesaid county for Potter & defendants Cost to be agreed in sixty days or this suit to be dismissed and that this Case be continued

89 Goodman & Miller vs E L Stickney } In this case, it was ordered by the Court that the Plaintiff give Security within Sixty days. Or else this Suit to be dismissed & suit to be continued until the next

90 James Craft vs Joseph Hamner } This day came the parties by their Attorneys and on motion of the Defendant, it was ordered by the Court that the Plaintiff give Security for Cost, or the Suit be dismissed within sixty days

Thereupon came the Defendt & moved and ackowledged himself Security for costs of this Suit Cont and leave to amend his pleas

void Prewett & Browning vs J W Hamner } In this Case, it was ordered by the Court that Joel Hamner give Security within Sixty days or this Suit to be dismissed

In Chancery

Henry Koontz vs J. P. Savery } Judgement by Defaunet for Debt and interest & cost if enquiry to the present term

William Mecomb vs John F Webber } In this Case the Plaintiff takes a non Suit whereupon it is ordered by the Court, that the

20 defendant go hence without day & that he recover of the Plaintiff all costs by him about his defence for which Execution may issue

Thomas Duggan vs Mathew Moss } In this Case Plaintiff takes a non Suit

27 whereupon it is ordered by the Court that the defendant go hence without a day & recover of the Plff all costs in this behalf expended & for which Execution may issue

Mathew Moss vs Thomas Duggan } In this Case the Plaintiff takes a non Suit

40 whereupon it is ordered by the Court that the defendant go hence without a day & recover of the Plaintiff all costs in this Suit in this behalf expended & for which Execution may issue

The Court hereby orders a fine of fifty dollars against A Gayle, for failing to attend as a grand juror when summoned

Calvin Jones was duly sworn as an assistant Bailiff to wait upon the Grand jury

Spring Term A.D. 1841.

The Grand Jury, there being a full pannel returned the following Bills of Indictment

The Republic of Texas
60 Vs
K H Holliday } Murder
A true Bill Signed A Russell foreman

Republic of Texas
63 Vs
Thomas A Duggan } An assault with intent to murder
A true Bill Signed Alex Russell foreman

Republic of Texas
66 Vs
Samuel Cranwell } An assault with intent to murder
A true Bill signed A Russell foreman

Republic of Texas
67 Vs
Louis P Cooke } Assault & Battery
A true Bill Alex Russell foreman

Republic of Texas
Vs
James Fisher } Larceny
A true Bill Alex Russell foreman

Republic of Texas
62 Vs
Thomas A Duggan } Resisting an officer &c
A true bill Alex Russell foreman

Republic of Texas
61 Vs
Ira Munson } Assault & Battery
A true bill signed Alex Russell foreman

Republic of Texas
Vs
Solomon L Johnson } Assault & Battery
A true bill found & signed Alexander Russell foreman

Court adjourned until 2 oclock P.M

2 oclock P.M

Court met pursuant to adjournment

Nelson South
29 Vs
Nathaniel Journeay } Continued by Defendants paying Costs of the term of the Court on his affidavit Cost of the present term & the order remains as to the taking the testimony of John Wood & Security for cost to be given within sixty days or the suit to be dismissed.

Spring Term AD 1844

41 Allen S Holderman vs James A Haynie } Continued on affidavit of Plaintiff

42 William A Patton & Co vs John F Webber } Continued on affidavit of Plaintiff. he paying all Costs of this term

44 John W Ladd vs W W Wynne } Settled as per agreement filed

48 J J Belknap & W J Maynor vs Asa Savery } Continued & Process not ordered

A J Gayle a grand juror came forward and rendered her excuse, and her fine was remitted by the Court for non attendance as a Grand juror

46 Anson Jones vs Conger & G W Bonnell } This day came the parties by their Attorneys, & Witnesses, and Submitted then cause to a jury, who rendered the following Verdict We the jury find a Verdict in favor of the Plaintiff against defendant George W Bonnell for the sum of Two hundred & thirty dollars with legal interest, And find issue in favor of the other defendant Conger - (Signed) William A Force foreman It is hereby ordered by the Court, that the defendant Conger go hence without day - And that the Plaintiff recover of the defendant George W Bonnell the damages assessed by the jury aforesaid Costs, in this Suit in her behalf expended for which Execution may issue

Court Adjourned until tomorrow Morning 9 o'clock

Thursday Morning 9 o'clock A.M. Court met pursuant to adjournment

33 George A Glascock vs John F Webber } This day came the parties by their Attorneys - And thereupon came a Jury of good and Lawful men to wit W B Force, A B Hill Samuel K Miller John R & Co=

Spring Term A.D. 1841.

Comb Nere Chamberlin A H Cooke Nathaniel H Watrous Augustus Bowles F. P. Whiting Alfred Smith W. T. M. Smithson H. Upschurch who were elected and duly Sworn to try the Matters in dispute, retired to Consider of their Verdict the jury not being able to agree, they were discharged, by consent of parties and this Case be Continued until the next term.

The Grand jury, there being a full pannel, returned the following bills of Indictment

68 Republic of Texas vs John A McAlister } Dealing Faro. A true bill found Signed. Alex Russell foreman

69 Republic of Texas vs George M Martin } Dealing Faro. A true bill found Signed. Alex Russell foreman

70 Republic of Texas vs W R Smith } Dealing Faro. A true Bill found Signed Alex Russell foreman

71 Republic of Texas vs H H Farley & J W Tuckett } An affray. A true bill found Signed Alex Russell foreman

72 Republic of Texas vs Granbery H Hanson } Betting at Faro. A true bill found Signed Alex Russell foreman

73 Republic of Texas vs Granbery H Hanson } Permitting a faro Bank to be Kept in his house. A true bill found Signed Alex Russell foreman

76 Republic of Texas vs Richard Bullock } An Assault & Bat on the Servant of a public minister. A true bill found Signed Alex Russell foreman

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75 Republic vs Richard Bullock } An Assault upon a Public Minister
A true bill found Signed Alex Russell foreman

76 Republic vs Ross Gorman } Dealing Faro
A true Bill found Signed Alex Russell foreman

77 Republic vs George M Martin } Betting at Faro
A true bill found Signed Alex Russell foreman

78 Republic vs M P Woodhouse } Betting at Faro
A true bill found Signed Alex Russell foreman

79 Republic vs Samuel Whiting } Betting at Faro
A true bill found Signed Alex Russell foreman

80 Republic vs Alexander Coleman } Betting at Faro
A true bill found Signed Alex Russell foreman

81 Republic vs John D McAlister } Betting at Faro
A true bill found Signed Alex Russell foreman

82 Republic vs Samuel Cranmill } Betting at Faro
A true bill found Signed Alex Russell foreman

83 Republic vs Mark B Lewis } An Assault & Battery
A true bill found Signed Alex Russell foreman

84 Republic vs Shadrock Perkins } An Assault
A true bill found Signed Alex Russell foreman

85 Motion vs Henry Jones } Overseer of road = A true bill found Signed Alex Russell foreman

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Samuel Cromwell came forward and rendered his excuse & his fine was remitted by order of the Court

In the matter of J A & L S Wilkins for a writ of habeas corpus } On Motion of Petitioners it was ordered by the Court that a Commission issue to take the deposition of His Excellency Mirabeau B Lamar, at the Executive office on this day at 2 O'clock P M. to be read as evidence in said matter

It is hereby ordered by the Court that the Criminal Docket be now taken up. Whereupon the following Cases were called

No 10 Republic vs John Gaines & William Maddux } In this case William Maddux pleads guilty, & it is ordered by the Court that he be fined one dollar in par funds & stand committed until fine & cost are paid, & this suit be continued as to the other defendant

Republic vs Edwin Waller & A C Horton } On suggestion of the District Attorney

12 In this case it is ordered by the Court that a Nole Prosequi be entered

Republic vs James R Cocke } In this case it is ordered by the Court that it be continued, and an alias capias sent

16 to Washington County

Republic vs James Crabtree } In this case it is ordering by the Court, that it be continued, and an alias Capias sent to Washington County

23

Republic vs A B Crabtree } In this case it is ordered by the Court, that it be continued, and an alias Capias sent to Washington County

30

Republic vs Washington H Secrest } In this case it is ordered by the Court that it be continued, and that an alias capias be sent to Fort Bend County

48

Republic vs Richard Ross } In this case it is ordered by the Court that a Scire facias be issued against the defendant & his Securities the recognizance bond having been forfeited

50

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51 Republic vs David Hammon } In this Case it is ordered by the Court that a Scire facies be issued to the defendant this sureties the recognizance bong having been forfeited

54 Republic vs Kindred H. Muse } In this Case it is ordered by the Court that it be continued and an alias Capias issue to Nacogdoches County

56 Republic vs A W Hamner } on the suggestion of the Attorney for the Republic In this Case it is ordered by the Court that a Nolle Prosequi be entered

57 Republic vs W Tm Smithson } on the suggestion of the Attorney for the Republic In This Case it is ordered by the Court that a Nolle prosequi be entered

Court. Is journed until 2 Oclock P M

Court met, pursuant to adjournment

Court adjourned until tomorrow Morning 9 Oclock

Friday Morning 9 Oclock A M

Court met pursuant to adjournment

Owen O'Brian came forward and tendered his excuse for non attendance as a petit juror, Thereupon it was ordered by the Court that he be released from his fine

In the Matter of the Application of the John A Wilkins & Lavender S Wilkins against M H Beaty Joseph G Beaty & Daniel Browning } on motion of the Writ of Habeas Corpus It was ordered adjudged and decreed by the Court That the Motion be Sustained against M H Beaty & Joseph G Beaty, and it is further ordered and adjudged by the Court that the Motion be overruled in the Case of Daniel Browning

Newberry made a

57½ G Kesler et al vs Louis Rhodes } They came the parties by their attorneys and Submitted their Cause to a jury: who of good and lawful men duly tried & sworn the issue to try rendered the following Verdict We the jury find for the Plaintiff the Sum of three hundred & thirty five dollars together with five per cent interest from 1st September 1839 Signed William A Force foreman And it is ~~hereby ordered~~ therefore considered by the Court that the Plaintiffs do recover of the defendant the said Sum of three hundred & thirty five dollars ~~without a day~~ & ~~relieves of the defendant~~ all cost, with interest at five per cent per annum together with all

Spring Term A.D. 1846

~~in favor~~ about this suit had & expended in his behalf &c. for which execution may issue

57 Edward Seiders vs John Nowlan & Owen O'Brian & John B Craig } This day came the parties by there Attorneys, and on Motion of the Plaintiff it was ordered by the Court that an alias writ of Capias be issued to Marion County against the defendant John Nowlan

66 Jacob Black vs James A Caldwell } This day came the parties by their Attorneys, and on motion of the Plaintiff it was ordered by the Court that an alias writ of Capias be issued against the defendant Jas A Caldwell, & the case be continued to the next term of this court

66 Shannon & Co vs Nolan & O'Brian } This day came the parties, by their attorneys & a jury came, who being duly elected tried & sworn and submitted their cause to a jury, the Court to speak upon the issue joined, rendered the following verdict We the jury find for the Plaintiff the sum of thirty four hundred & fifty Dollars Signed William A Force foreman - And it is hereby considered by the Court, that the Plaintiff recover of the defendant the amount found by the jury aforesaid & all costs in this suit in his behalf had & expended It is further ordered by the court that the motion in arrest of the above judgment be continued over to the next term

67 Conrad Hentze & A Wennlander vs Henry Barkeman } This day came the parties by their attorneys, and on Motion of the Plaintiff - It was ordered by the Court, that judgement be rendered final by default for one thousand dollars and the plaintiffs costs in this behalf expended

70 Peter McGread vs W A Hunt } This day came the parties by their Attorneys, and on motion of the Plaintiff it was ordered by the Court that an alias Capias writ be issued against defendant & the case be continued to the next term

73 Thomas D Fisher vs Thomas L Jones } This day came the parties by their Attorneys and on motion of defendant by affidavit it was ordered by the Court that this case be continued until next term

14 Thos Goodwin vs R H Wynne } This day came the parties by their attorneys & on motion of Plff it was ordered by the Court that an alias writ issue to defendant

75 Spring Term AD 1841

+ this case be continued to the next term

Jobn R Jones } This day came the parties by their Attorneys
vs } and on motion of the Plaintiff It was ordered
A G Kimball } by the Court that the case be continued and
a judicial attachment issue

76 Alexander Russell } This day came the parties by their attorneys
vs } and on motion of the defendant It was
A Murchison } ordered by the Court that this case be con
tinued, and the defendant enter his appearance be entered

Collinsworth & Brigham } This day came the parties by their
Executors &c } Attorneys and on motion of the Plain
77 vs } tiff It was Ordered by the Court that
R H Wynne } this case be continued and security for cost to be given with
in sixty days, or this suit be dismissed

78 ~~Same order in security suit~~

J Fessenden } This day came the parties by their Attorneys
vs } and ~~on Motion of the parties~~ by agreement of parties but said
79 + A T Gayle } ~~by the Court that this suit be continued~~
one the defendant assuming the costs for about
17th instant may term

Collinsworth & Brigham } This day came the parties by their
Executors &c } Attorneys and on motion of the
78 vs } Plaintiff It was ordered by the Court
R H Wynne } that this case be continuing and security for cost given within
sixty days or this suit to be dismissed

P W Herbert } This day came the parties by their Attorneys
vs } and on motion of defendant It was ordered
(81 Nathl Townsend } by the Court that this suit be continued and
the last entry his appearance ~~entered~~

Daniel Kinchelow } This day came the Plt by ~~their~~ his
vs } Attorneys and on motion of the Plaintiff
80 H H Muse Admr } It was ordered by the Court that an alias
writ ~~capias~~ be issued to defendant Nacogdoches county

Cunningham & Horchower } This day came the Plts by their
vs } Attorneys and on motion of the Plaintiffs
83 P I Allen } It was ordered by the Court that an
alias writ and petition be issued to Bastrop County

In the matter of } In this case the jury came into Court, and Reported
G I Glasscock } that they could not agree and it was therefore
John F Webber } considered by the Court, that they be discharged by consent of parties

Spring Term A D 1841.

James Courtis & Elijah Courtis
vs
Robert Mitchell
be continued

84 — This day came the parties by their Attorneys and on affidavit of Plaintiff It was ordered by the Court that this suit

Kissam & Co
vs
Browning & Potter
be issued for the defendants - & security for costs given within sixty days, or suit to be dismissed.

85 — This day came the parties by their Attorneys and on motion of the Plaintiff - It was ordered by the Court that an alias writ of Capias

James Knight Surviving Partner of Whitehead & Co
vs
A B Eberly

66 — In this case it was ordered by the Court that it be continued by consent

James L Mayes
vs
A McLuckett

87 — This day came the parties by their attorneys, and on motion ~~of the defendant~~ It was ordered by the Court that this suit be continued, and security for costs to be given within sixty days or this suit to be dismissed

Mayes & Mayes
vs
A McLuckett

This day came the parties by their Attorneys and on motion ~~of defendant~~ It was ordered by the Court that this suit be continued, and security for cost to be given within sixty days or this suit to be dismissed.

Goodman & Miller
vs
E L Stickney

84 — This day came the parties by their Attorneys, and on motion of the Plaintiff It was ordered by the Court that this suit be continued, and security for cost to be given within sixty days = Whereupon Alexander Russell came forward and tendered his Name as Security for costs of this suit accepted

James Croft
vs
Joseph Farmer

In this case it was ordered by the Court that this suit be continued, and security for costs given within sixty days or this suit will be dismissed. this case was entered through mistake having previously been entered

Vide Vol C continued

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William Evison vs Samuel Watkins } This day came the parties by their Attorneys and on motion of the Plaintiff it was ordered by the Court that this suit be continued & security for costs to be given within sixty days or be dismissed & that the Clerk be appointed Master

Court Adjourned until tomorrow Morning 9 Oclock am.

Saturday Morning 9 Oclock A.m. Court Met pursuant to adjournment

Nelson Soules vs Nathl Townsend } This day came the parties by their Attorneys & on affidavit of defendant It was ordered by the Court that this suit be continued that Security for costs be given within sixty days, or this suit to be dismissed for want of the same

This day personally appeared in Open Court Parry W Humphreys, who was duly sworn in accordance with Law as deputy Sheriff of Travis County

It is ordered by the Court that a fine of Twenty dollars be entered against George M. Nichols W. C. Bevins Silas Scrupsing F. P. Whiting for their non attendance as Petit Jurors

It is ordered by the Court that John Woodruff Thomas C Collins & M H Nicholson be excused from serving as Grand jurors during the present Term of the Court

Court adjourned until 2 Oclock P.M.

2 Oclock P.M Court met pursuant to adjournment

It is ordered by the Court that a fine of One hundred dollars be entered against Joshua Booth for failing to attend as a witness when Summoned in the case of the Republic against M. Hoff in behalf of the Republic that a writ Issue issue and shown W. C. Bevins appeared in Open Court and tendered his excuse for non attendance as a Petit Juror = Whereupon it was ordered by the Court that his fine be remitted

Timothy McKean vs E A Osborne } In this case it was ordered by the Court that A Adams Anderson be appointed Master in Chancery to take an account between the parties and report to this term of the Court It is further ordered that he have leave to report at the next term

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The Grand Jury there being a full panne returned the following Bills of Indictment

86 Republic vs John Scott & James Cox } Retailing Liquors without License. A true bill found Signed Alexander Russell foreman

87 Republic vs Joseph S Anderson } Assault & Battery. A true bill found Signed Alexander Russell foreman

88 Republic vs Michael Zeller } Retailing Liquors without License. A true bill Signed Alex Russell foreman

89 Republic vs Noah Check & Sylvester Check Bamdish } An. & Affray. A true bill found Alex Russell foreman

90 Republic vs Charles Cushman } Permitting a Faro Bank in House. A true bill Signed Alex Russell foreman

91 Republic vs Thomas Myers } Retailing Liquors without a License. A true bill found Signed A Russell Foreman

92 Republic vs William Haney } Keeping Ordinary without License. A true bill found Signed A Russell Foreman

93 Republic vs Joseph Fernandez & Golden Brennan } Retailing Liquors without License. A true bill found Signed A Russell Foreman

94 Republic vs Richard Bullock } Speaking Slanderous words concerning a Public Minister, not a true bill found signed A Russell Foreman

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95 The Republic vs. L. S. & J. H. Wilkins } Permitting Bar room to be kept in their House. A true bill found. Signed A. Russell, Foreman

96 The Republic vs. L. S. & J. H. Wilkins } Retailing Liquors without License. A true bill found. Signed A. Russell Foreman

97 The Republic vs. Benj. F. Grayson } Retailing Goods without License. A true bill found. Signed A. Russell Foreman

98 The Republic vs. Stockton } Retailing Liquors without License. A true bill found. Signed A. Russell Foreman.

99 The Republic vs. William Cockburn } Assault. A true bill found. Signed A. Russell Foreman

100 The Republic vs. Thomas Prentiss } Keeping Public Boarding House without License. A true bill found. Signed A. Russell Foreman

101 The Republic vs. Asa J. Wooldridge } Keeping a boarding House without License. A true bill found. Signed A. Russell Foreman

102 The Republic vs. Joseph Pessoneaux & Golden Newman } Keeping Billiard Table without License. A true bill found. Signed A. Russell Foreman

103 The Republic vs. Thomas L. Jones } Retailing Goods without License. A true bill found. Signed A. Russell Foreman

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104 The Republic vs. Wm. Harrison } Retailing Liquors without License A true bill found Signed A Russell Foreman

105 The Republic vs. Wm. Harrison } Keeping Tavern without License A true bill found Signed A Russell Foreman

106 The Republic vs. Wm. Edrington } Retailing Liquors without License A true bill found Signed A Russell Foreman

107 The Republic vs. Edward Leider } Retailing Liquors without License A true bill found Signed A Russell Foreman

108 The Republic vs. James O. Clark } Keeping Restaurat without License A true bill found Signed A Russell Foreman

109 The Republic vs. [redacted] Thompson } Keeping Boarding House without License A true bill found Signed A Russell Foreman

58 The Republic vs. Mathew Moss } This day came the Republic by Henry J. Jewett District Attorney, and the prisoner in his own proper person; and having been duly arraigned and heard the bill of Indictment read for plea Sayeth, that he is not guilty; and that he will be tried by his Country- Whereupon came a jury of twelve good & Lawfull men towit George M Nichols Reuben Hornby William Hornby A W Leech Isaac Browning Levi Haas James Huckabee William Bell Nathaniel Townsend Charles Daniels William S Orr & Samuel Cranwell - who having been duly Elected tried & Sworn Well and truly to try and true deliverance make between the Republic of Texas and the prisoner at the bar and a true Verdict give according to the Law and evidence; do say that he is not guilty of the felony whereof he stands indicted - Whereupon it is ordered by the Court, that said Mathew Moss be discharged from further Custody and go hence without day.

Court adjourned Until Monday Morning 9 Oclock A.M.

Spring Term A.D. 1841.

The Republic of Texas,
vs
Kelly H. & Colliday } Murder.

This day came the Republic by the District Attorney Henry J. Gantt and the prisoner in his own proper person, and having been duly arraigned for his plea saith that he is not guilty of the Charge contained in the Indictment, and thereof puts himself to the Court for a change of the Venue for his trial, and upon the affidavit of three disinterested persons according to the Law in such case provided, it was considered by the Court that said Kelly H. & Colliday do have the venue as laid in the Indictment changed, and thereupon it is ordered that the venue in this case be changed to the County of Fayette, that being the nearest county free from legal objections, and that a transcript of all the proceedings had in the case be made and certified by the Clerk of this County, to the District Clerk for said County of Fayette

95 John McKee vs George McKeehan } This day came the parties by their Attorney and by consent of parties the appeal was dismissed, and that the plaintiff assume the payment of all costs in this suit had and expended. It is therefore considered by the court that the defendant recover of the said John McKee the cost in this suit about the which he has execution may issue

96 ~~Harvey Whitehead~~ vs John Chenoworth vs Thos. Whitehead } This day came the parties by their Attorneys and on the affidavit of ~~Plaintiff~~ Defendant or ordered by the Court that the cause be continued until the next term & security for costs be given in sixty days or suit to be dismissed

98 Solomon D. Johnson vs Lewis B. Cooke } This day came the parties by their Attorneys and on motion of the plaintiff the suit was dismissed he paying all cost of said suit. for which execution may issue

97 Evans & Brown vs Herman Ward } This day came the parties by their Attorneys and on motion of the plaintiff it was ordered that this suit be non-abated & issue to Bexar.

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100 N. T. Byers vs James Manor — This day came the parties by their Attorneys and on motion of the plaintiff T. T. Byers leave of Court takes a non suit. It is therefore considered by Court that the defendant recover of the Plaintiff all cost in this suit had & expended & for which execution may issue

James M Clain vs Boarding Eaington & Johnson — This day came the Pltf by his attorneys and on motion of the Plaintiff it was ordered by the Court that Judgment final by default be rendered for debt of dollars with interest thereon from date. It is therefore ordered by the Court that the Plaintiff recover of the defendant the amt of the Judgment together with all cost in this suit had & incurred for which execution may issue

J. M. Donnelly vs A. T. Dale — This day came the parties by their Attorneys and on motion of defendant it was ordered by the Court that this Appeal be dismissed for want of prosecution

106 It is therefore considered by the Court that the Appellee recover of the Appellant the Cost in this suit & for which Execution may issue

A. T. Margrave vs T. Wm Ward — This day came the parties by their Attorneys and on motion of the plaintiff it was ordered by the Court that this suit be continued and an alias writ be issued.

108

Richard J Lloyd vs Mitchell & Harris — This day came the parties by their Attorneys and on affidavit of the plaintiff it was ordered by the Court that this suit be Continued until the next term

109

Wayne Barlow vs Mitchell & Harris — This day came the parties by their attorneys and on affidavit of the plaintiff it was ordered by the Court that this suit be continued until the next terms

110

Robt. M. Wynne vs Neri Chamberlain — This day came the parties by their attorneys and upon their consent it was ordered by the Court that this suit be Continued.

111

It is further ordered by the Court that the suit be dismissed & that Pltff pay all costs thereof.

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112 Brent & Browning vs H.W. Hamer } This day came the parties by their attorneys and on motion of the Defendant it was ordered by the Court that security be given in sixty days or this suit be dismissed. or the case stand Continued

113 James Martin vs T. J. Wilkins } This day came the parties by their Attorneys whereupon it was ordered by the Court that this suit be Continued and that a Certiorari be issued to the Justice Court

117 Henry Chrochan & Co vs S. J. Whatley } This day came the parties by their attorneys and Judgment being confessed by the Defendant for the sum of Sixty one hundred dollars Forty seven dollars & forty two cents with interest thereon from the date whereupon it was ordered by the Court that Execution be stayed for the term of twelve months as per agreement of the parties

118 Sheldon Bissell vs A Russell & Co } This day came the parties by their Attorneys and upon the Defendants confessing Judgment for the amount as stated in the Answer Sixty two dollars & Seventy five cents with interest thereon from date

It was thereupon ordered by the Court that execution issue for all cost of suit for his behalf had & expended together with the amount of Judgment.

52 David Mordy vs Henry Ragnet } This day came the parties by their Attorneys and on motion of the plaintiff it was ordered by the Court that this suit be Continued.

21 Nathaniel Sikes vs Henry Ragnet } This day came the parties by their Attorneys and on motion of the plaintiff it was ordered by the Court that this suit be Continued

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Henry Millard vs Thos. N Ward Com Gn Sessions — This day came the parties by their Attorneys and upon their consent (of the parties) it was ordered by the Court that this suit be continued.

Henry County vs H. P. Savery — This day came the parties by their Attorneys and having submitted their cause to a jury who rendered the following verdict. I J Legget W Y Wood B B Castleberry A W Leech Lewis Hoxt W A Force Asa Chamberlin Samuel Cranwell John Brothers Richard Bullock Abner Mathews H Upchurch ——————— find a verdict in favor of the plaintiff for the sum of four hundred & twenty nine dollars thirty three and one third cents damages and it is hereby ordered that the verdict of the jury become the judgment of the Court & that the plaintiff recover of the defendant all the cost in this suit in his behalf laid and expended & that execution issue thereon

Moses Wells vs Beck & Brandt — This day came the parties by their Attorneys and submitted their cause to a jury of good and lawful men duly elected & sworn who rendered the following verdict I J Legget W Y Wood B B Castleberry A W Leech Lewis Hoxt W A Force Asa Chamberlin Samuel Cranwell John Brothers Richd Bullock Abner Mathews H Upchurch find a verdict in favor of the Plaintiff for the sum of Sixty five dollars damages and it is hereby ordered by the Court that the verdict of the jury become the judgement of the Court and that the plaintiff recover of the defendant all cost in this suit in his behalf laid and expended & that Execution issue thereon

Herman Ward vs A J Gayle — This day came the parties by their Attorneys and on motion of the Plaintiff this suit was dismissed and it was ordered by the Court that execution be issued against the defendant for all costs laid & expended in this suit he having assumed the same

105

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W. J. M. Smithson
vs
136 G. W. & S. G. Willis

This day came the parties by their attorneys and on motion it was ordered by the Court that this suit be Continued.

Billingsley & Nicholson
vs
105 James M. Long trustee

This day came the parties by their attorneys and on motion it was ordered by the Court that this suit be Continued

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Alexander Russell
vs
18 A. B. Eberly

This day came the parties by their attorneys and on affidavit of the defendant it was ordered by the Court that this suit be Continued.

James B. Menard
vs
7[illegible] John Grant Jr

This day came the parties by their attorneys and on motion of the plaintiff it was ordered by the Court that Judgment final by default be rendered against the defendant and that the plaintiff do have & recover of the defendant in error &c / plaintiff do have & recover of the defendant the sum of three hundred dollars with interest thereon together with all Costs of suit in this behalf had & expended & for which execution may issue

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James F. Perry Executor
of Stephen F. Austin &
123 Samuel Williams
vs
Sam Houston Defendant

This day the parties came into Court and on motion it was ordered by the Court that this suit be Continued

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James F. Perry Executor
of Stephen F. Austin Senr
126 vs
Sam Houston Respt

This Cause the parties and on motion it was ordered by the Court that this Case be Continued.

McMullen & McGloin
vs
25 Sam Houston Respt

This day came the parties into Court and on motion it was ordered by the Court that this Case be Continued.

Spring Term A.D. 1841

Hayden Edwards vs M. B. Lamar &c } In this cause the parties appeared and on motion it was ordered by the Court that this cause be Continued

12

Daniel I. Toler Administrator vs M. B. Lamar President &c. } In this cause the parties appeared and on motion it was ordered that this suit be Continued.

12

Thos Millard vs The Commissioner of the Gen Land Office } In the matter of Thos Millard against the Comr of Gen Land Office It appearing to the Court that the law & facts in this case with the Petitioner and which are not now denied by the said Commissioner It is therefore ordered by the Court that the Commissioner be directed peremptorily to issue to said Millard a patent for said League & labor of land according to the Survey contained in said survey by the certificate issued by the board of Land Commissioners for the County of Washington to R. M. Williamson No. and assigned to said Millard

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Nelson Merrill vs Lewis Horst & Henry Burkhart } This day came the parties by their Attorneys and submitted their cause to a jury of good & lawful men duly elected who rendered the following Verdict J.J. Eggbert W.G. Wood B.B. Castleberry A.W. Leech W.F. Force Abr. Chamberlin Saml Cranville John Brothers Abner Mathews Hezekiah Upchurch Wm. Wilks Williams Latta We the jury find a verdict in favor of the defendant It is therefore ordered by the Court that the defendants go hence and recover of the Plaintiff all costs in this suit in his behalf had & expended & that an execution may issue

12

Tuesday Morning 9 o'clock A.M.
Court met pursuant to adjournment

Samuel Gamman vs Richard Bullock } This day came the parties by their attorneys and on motion - It was ordered by the Court that this suit be Continued

13

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David P. Barhydt
vs
William P. Lewis

This day came the parties by their attorneys and on motion - It was ordered by the Court that this suit be dismissed, and that the Appellant pay all cost in this behalf had & expended for which an execution may issue

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Fessenden & Newman
vs
Olson & King

This day came the parties by their Attorneys and by consent of parties it was ordered by the Court that this suit be continued until the next term.

Joseph Moreland
vs
T. M & E. C. Smithson

In this case came the parties by their attorneys and on motion of the Appellant it was ordered by the Court that this Case be stricken from the docket and that execution issue against the appellant for all Cost of suit in this behalf had & expended.

A. F. Sayle
vs
I. W. Garrett

This day came the parties by their Attorneys on upon Consent of parties it was ordered by the Court that this Case be Continued until the next term.

C. K. Reese Admin
Cator.
vs Injunction
James Burke

This day came the parties by their attorneys and on motion of the plaintiff it was ordered by the Court that an alias writ be issued to the County of Hamilton

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Christopher C. Thom
vs Injunction
Daniel F. Richardson

This day came the parties by their Attorneys and on motion of the plaintiff it was ordered by the Court that this Case be continued & that execution issue against the Def for the Cost of Suit in his behalf had & expended

Spring Term A.D. 1841

J. H. Walthall
vs
A. C. McFarlane
& Moses Johnston
Injunction

In this case came the parties by their Attorneys & by mutual Consent and agreement of the parties this Case was settled and that the Defendants pay the Cost in said suit whereupon it was ordered by the Court that Execution issue against the Defendants for all Costs of suit in their behalf had and expended.

Jacob Black
vs
J. J. Caldwell

This day came the parties by their Attorneys and by order of the plaintiff the suit is dismissed this 24th Oct. It was further ordered by the Court that the plaintiff be permitted to withdraw the papers and it is further ordered by the Court that execution issue against the plaintiff for all costs of suit in his behalf had & expended.

13 Lyman McStewart & Thos Darling vs George Jr. Peacock

This day came the parties by their Attorneys and on motion of the defendant It was ordered by the Court that this suit be continued, and that the defendant pay all costs of suit up to this term of Court

25 James H. Hammond vs Seme Whiting

This day came the parties by their Attorneys and on affidavit of defendant It was ordered by the Court that this Suit be Continued

33 A C Hudson vs Masillon Farley

For this rule of Attachment &c This day came the parties by their Attorneys and by consent of Parties It was ordered that the rule be discharged & this suit be continued, and security for cost to be given in sixty days. or this suit to be dismissed

James Cole vs Thomas H. Duggan & Henry Terrill

This day came the parties by their Attorneys and by consent It was ordered by the Court that this suit be Continued

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Jabez W. Capel vs Saml Whitman } This day came the parties by their Attorneys and by consent it was ordered by the Court that this suit be continued until the next term

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Wm. Richardson vs M. M. Luckett } This day Came the parties by their Attorneys and upon Motion of the plaintiff it was ordered by the Court that this Case be Continued until the next term and security be ent to be given in 60 days or suit to be dismissed

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Goodman & Miller vs E. L. Eliceary } In this case upon Motion of the plaintiff by his attorney it was ordered by the Court that Judgment final by default Nihil Dicit, be rendered and that Execution issue for the sum hundred dollars and all costs of this suit against the defendant in his behalf had & Expended.

Kilpman & Co vs Brannin & Potter } This day Came the parties by their attorneys and on Motion of the defendant it was ordered by the Court that Security be given in sixty days or that this suit be dismissed and suit stand Continued

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James Craft vs Joseph James } This day Came the parties by their Attorneys on Motion of Defendant leave was granted by the Court and it was further ordered by the Court that this Case be Continued until the next term,

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E. M. Garrett vs Fowler O'Brien & Bragg } This day Cum the parties by their Attorneys and on Motion of the Plaintiff it was ordered by the Court That this Case be Continued and that Execution issue against the Plaintiff for all costs on his behalf had & expended.

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101 Theobold & Grevis vs M. B. Lamar } This day came the parties by their attorneys and plaintiff takes nonsuit it is therefore ordered by the Court that execution issue against the plaintiffs for all the costs of this suit in their behalf had & expended.

115 R. Bratton vs W. Aldrich } This day came the parties by their Attorneys and on motion of the plaintiff to amend the Court granted leave to amend and it was ordered by the Court that this suit be Continued and that execution issue against the plaintiff for all costs of suit in his behalf had & expended & if costs not paid suit to stand [illegible]

107 A. H. Beatty vs E. G. & J. C. Wilkins } This day came the parties by their attorneys and on motion of the plaintiff it was ordered by the Court this suit be Continued and that an alias writ be issued against the Defendants.

114 A. M. Cuckel vs Moore & Blessing } This day came the parties by their attorneys and on motion it was ordered by the Court that this Case be Continued and that a Certiorari be awarded to the Justices [illegible]

[illegible] Weller vs [illegible]

Sterling C. Robertson vs Sam Houston } This day came the parties by their attorneys and on motion of the plaintiff it was ordered by the Court that a subpoena Duces tecum be issued to J. W. Ward Comm. of the Gen Land Office to bring into Court all such papers as may relate to this Case.

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op 116 B. Miller vs M Gillen — In this case the parties appeared and on motion of Defft it was ord and by the Court that this suit be Continued and that security be given within sixty days or else this case be dismissed with an award of Certiorari. To the J. State for a more perfect record

Pr. D. Summers vs D. R. Miller — This day came the parties by their Attorneys and on motion of the Deft it was ordered by the Court that this suit be Continued and that execution issue against the Pltff for all Costs of this suit in this behalf had and expended

S. M. Donelly vs Grimes & Neighsmith — In this case it is ordered by the Court that this suit be dismissed and ~~that the~~ for want of prosecution and that execution issue against the plaintiff for all costs in this suit in this behalf had & expended

Simon M Stuart & Horatio Harding vs Jno H Hancock — This day came the parties by their Attys and on affidavit of Defendant it was ordered by the Court that this Case be Continued and that execution issue against the defendant for all Cost up to this term in this behalf had & expended

67 Republic vs Lewis St Cark — This day came the parties into Court The Republic by its Attorney Henry J Sewell and the defendant in his own proper person and on hearing the Indictment read pleaded guilty Whereupon it was ordered by the Court that he be fined one dollar in par funds, and that Execution issue against said defendant for the amount of the Judgement together with the Cost in this suit in this behalf had & expended

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71 Republic vs H. H. Parley & D. H. Luckett

This day came the parties into Court the Republic by its Attorney H. J. Scott and the Defendant in his own proper person and on hearing the Indictment read the said pleaded guilty whereupon it was ordered by the Court that he be fined Dollar par funds & that execution issue against said Defendant for the amount of the judgment rendered together with all Costs of this suit in this behalf had and expended.

76 Republic vs Richard Bullock

This day came the parties into Court the Republic by its Attorney Henry J. Scott and the Defendant in his own proper person and on Consent of parties it was ordered by the Court this case be ~~Continued~~ copy ~~until~~ this next term ~~(Contd)~~ by the Court that he be fined the sum of one Dollar par funds & that execution issue against the Defendant for the amount of the judgment ~~together with~~ all Cost of suit in this case in this behalf had & expended

75 Republic vs Richard Bullock

This day came the parties into Court the Republic by its attorney and the Defendant in his own proper person and by Consent of parties it was ordered by the Court that this case be Continued until the next Term.

Republic vs A. D. Barbour

This day came the parties came into Court the Republic by its attorney and the defendant in his own person and hearing the Indictment read pleaded guilty whereupon it was ordered by the Court that he be fined the sum of twenty Dollars and that execution issue against the Defendant for the amount of the judgment together with all Cost of suit in this behalf had and expended.

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Republic vs Shadric Dipstin } In this cause the parties came into court the Republic by its attorney and the Defendant in his own proper person and on hearing the Indictment and the Defendant pleaded guilty whereupon it was ordered by the Court that the defendant be fined the sum of one dollar per pounds and that execution issue against said Defendant for the amount of the Judgment together with all cost of suit in this behalf had & expended.

Republic vs Noah Chuck Silvester Chuck & Gideon Bonditch Defendant } In this cause came the parties into court the Republic by its Attorney H. L. Everett and the defendts in their own proper persons. and on hearing the Indictment read the Gideon Bonditch pleaded guilty whereupon it was ordered by the court that he be fined one dollar per pounds. and on motion of the Defendants Noah & Silvester Chuck it was ordered by the Court that case be continued as to them. and it further ordered by the Court that execution issue against the Defendant ~~Gideon Bonditch~~ Bonditch for the amount of Judgment aforesaid as all cost in this suit had and expended.

Wednesday morning 9 o'clock A.M.

Court met pursuant to adjournment

John Green Jr vs Elegar A Logan } This day came the parties by their Attorneys; the attorney for the defendant moved the the Court that the injunction granted in this case be dissolved, which motion having been considered by the Court was overruled, & this cause continued to the next term. It is therefore considered by the ~~Court~~ That the ~~Plff recover of the defendant all cost in this suit in this behalf had & expended~~

Republic vs William K Smith } This day came the parties into Court. The Republic by its Attorneys Henry A Gilbert and the defendant in his own proper person who pleaded not guilty. Whereupon the case was submitted to a jury who rendered a verdict to wit Samuel Craig Jesse Miller & as follows to wit We the jury find the defendant guilty and assess his fine at one dollar. Wm Bowler Foreman &c. and the jurors aforesaid. We find the defendant guilty & assess his fine at one dollar & costs of suit. It is therefore considered by the Court that the defendant be fined one thousand dollars & remain in the custody of the Sheriff under the Sentence

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of the Court be complied with

The Defendant came into Court & plead guilty

Republic vs Saml Cranwell

The Court hereby orders that the defendant pay a fine of Fifty dollars and all cost of Suit and remain in the custody of the Sheriff, until the sentence of the Court be complied with

Court adjourned until tomorrow morning 9 Oclock

Thursday morning Court met pursuant to adjournment.

Sterling & Robertson vs Sam Houston & Ors

James A Starr vs I Roundtree & F Edrington & A G Johnson defendants

This day came the Plaintiff by his Attorney & on Motion the defendants having been Solemnly called Came not but made default. Whereupon it is Considered by the Court that the Plaintiff recover of the defendants the sum of Sixty dollars with interest thereon at the rate of eight per cent per annum from & ten per cent damages together with all costs of Suit in his behalf expended for which execution may issue

The Republic of Texas vs William R Smith } gambling

This day came the parties by their attorneys the Republic by her attorney Henry J Jewett, and the defendant in his own proper person, who pleaded not guilty to the Indictment whereupon came a jury of good & lawful men (to wit) Samuel Cranwell, Samuel Miller, Jr., James Miller, A W Leach, J. Dunbaugh, R. Sowter & Mathews, Geo. Hope, Jas McTurley, Wm Latta, Wm Wilkes, & Jno Graves who being elected, tried, and duly sworn, the truth to speak on the issue joined, do say that they find the defendant William R Smith guilty as charged in said Indictment. It is therefore considered by the court that the said defendant be fined in the sum of one thousand dollars, and that the said Republic recover of the said defendant said fine so assessed together with the costs of this prosecution, and on failure of the said defendant to paying and satisfying said judgement that he be imprisioned for the term of six months from the date of this judgement -- in the common jail of Travis co

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that the Sheriff of this county keep the said defendant in custody until he comply with the sentence and judgement of this court.

Conrad Heuts & G. A. Werland
vs.
+69 Henry Bartlemann

This day came the plaintiffs by their attorney, and the defendant being solemnly called to come into Court, came not, but made default, It is therefore considered by the Court that the plaintiffs recover of the defendant the debt in the petition in the petitioned mentioned to wit the sum of one thousand dollars together with their costs about their suit in this behalf expended for which he cannot may issue

Sterling C Robertson,
vs
Sam Houston President } 122.

This day came the parties by their Attornies, and the Court thereupon ordered a Jury to try the issue between the parties joined, whereupon came a Jury of twelve good and lawful men to wit Samuel Cranwell, James Miller, J. A. F. Gravis, A H Leach, Ralph Souter, Samuel Miller jr, William Latta, ~~George~~ Hope, William Wilkes, Abner Matthews, J Dunbaugh James Tally who being elected tried and duly sworn the truth to speak upon their oaths do say, We the Jury having fully and materially considered and examined the subject before us, find evidence of one hundred families having been introduced to Robertsons Colony previous to the renewal of his Contract, two hundred and seventy nine families agreeably to the titles issued by Steele one hundred recorded previous to ~~the~~ second ~~of~~ March eighteen hundred thirty six and we believe one hundred and twenty one families to have been introduced previous to second March eighteen hundred and thirty six, but not recorded in consequence of the closing of the Land Office, and the revolution of the Country making in all six hundred families, therefore we find and confirm for the plaintiff thirty Leagues

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and Thirty Labors of Land Samuel Cranwell, Foreman;

It is therefore considered by the Court, decreed and adjudged, that the said Sterling C Robertson is entitled to the quantum of Land so found to be due him by the Jury aforesaid and that he do recover from Sam Houston President of the Republic of Texas aforesaid, the Lands so found to be due him ~~by the Jury aforesaid~~ from which judgment and decree the Republic by her Counsel prayed an Appeal in open Court, which was granted, & the Plaintiffs Counsel duly notified thereof

The Republic of Texas
vs
L J C & J F C Wilkins. } 95.

This day came the Republic by the District Attorney Henry J Jewett and the defendant Lavenders S Wilkins in his own proper person, and having made affidavit that on account of the absence of a material witness whose presence he is unable to procure at this term, it was ordered by the Court that this case stand continued till the next term of Court and that defendant enter into Recognizance to appear thereat, whereupon said Lavender S Wilkins acknowledged himself indebted to the President of the Republic of Texas in the penal sum of two hundred dollars, to be levied of his goods and chattels lands and tenements to be void nevertheless if said Wilkins should be and appear at the next District Court to be holden in and for this County, to answer the Indictment found against him for permitting a Faro Bank to be kept in his house, and not depart therefrom until discharged by due Course of Law

The Republic of Texas
vs
James C Clark. } No 108.
for keeping Restaurant

This day the Republic came by her District Atty Henry J Jewett and the defendant in his own proper person and pleads guilty to the charge contained in the Indictment, whereupon it is ordered by the Court that he be fined in the sum of fifty dollars Texas Treasury notes, and stand committed to the common Jail of the County until said fine with all the costs of this prosecution be paid.

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The Republic vs Greenberry H Harrison } No 105. For keeping Tavern without License

This day Came the parties by their Attornies and by agreement it was ordered by the Court that this Case stand Continued till the next Term.

This Republic vs Thomas J. Smith } No 110 For Keeping Faro Bank.

This day Came the Republic by her Solicitor and on motion it was ordered by the Court that this Case be Continued to the next Term and that a Capias do issue against said Smith, directed to the Sheriff of Travis County.

No 104. The Republic vs Greenberry H Harrison } For Retailing Liquors without License.

This day Came the parties by their Attornies and by agreement it was ordered by the Court that this Case stand Continued until the next Term.

No 104. The Republic vs Ann T Wooldridge } For Keeping Boarding House without License.

The same entry as above.

No 85. The Republic vs Henry Jones } Motion &c

The same entry as above.

No 103. The Republic vs Thomas L Jones } Selling Goods without License

Same entry

No 102. The Republic vs Joseph Fessenden & Colam Denman } for Keeping Billiard Table without License.

Same entry as above.

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No 98 The Republic vs Noah Checks & Sylvester Checks } Retailing Liquors without License

This day Came the parties by their Attorneys and by consent it was ordered by the Court that this Case stand Continued until the next term.

No 97 The Republic vs Benjm F Grayson } Retailing Goods without License

Same entry as above.

No 96 The Republic vs C S & J F C Wilkins } Retailing Liquors without License

Same entry as above.

No 95. The Republic vs Joseph Fessinden & Coldere Denman } Retailing &c

Same entry as above.

No 91 The Republic vs Thomas Meyers } Retailing Liquors without License.

Same entry as above.

No 88. The Republic vs Michael Zillers } Retailing Liquors &c.

Same entry.

No 59. The Republic vs Alexander Naffler } Larceny.

This day Came the Republic by the District Attorney and on motion it was ordered by the Court that this Case stand continued to the next term of Court and that a Capias do issue to the Sheriff of Travis County.

No 61 The Republic vs Ira Munson } Asst & Battery

This day Came the Republic by the Solicitor Henry J Jewett and the defendant

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in his own proper person and saith he is guilty of the Charge contained in the Indictment and submits to the mercy of the Court. whereupon it is ordered by the Court that he do pay a fine of One dollar in par Gemds, and the Costs of this prosecution and remain in the Custody of the Sheriff until the same be paid.

No 62. The Republic vs Thomas H Duggan } Asst with int to Kill.

This day came the Republic by the Solicitor Henry Jewett, and motion it was ordered by the Court that this Case stand Continued and that a Capeas do issue against defendant directed to Sheriff of Travis County.

No 63. The Republic vs Thomas H Duggan } Existing an Office.

Same entry as above.

No 64. The Republic vs Thomas D Fisher } Larceny.

This day Came the Republic by her Solicitor H Jewett, and on his motion ~~it~~ was ordered by the Court that the articles specified in the Indictment be and remain in the Custody of the Sheriff until the further order of Court, and that the Case stand Continued until the next Term of Court, and that a Capeas do issue against defendant directed to the Sheriff of Travis County.

No 66. The Republic vs Samuel Cranwell } Asst with int to kill

This day Came the Republic by her Solicitor Henry Jewett and says he will no further prosecute this Case, whereupon it is ordered by the Court that defendant go hence without day and be discharged from further Custody

No 65. The Republic vs Solomon L Johnson } Asst & Battery.

This day Came the Republic by her Solicitor Henry Jewett and the defendant in his own proper person and saith that

he is guilty of the charge contained in the Indictment and Submits to the mercy of the Court, wherupon it is ordered by the Court that he do pay a fine of one dollar in Specie funds and costs of Prosecution and remain in the custody of the Sheriff untill the same be paid.

No 68. The Republic vs John L Macallister } Dealing Faro.

This day came the parties by their attornies and by agreement it was ordered that this Case Stand Continued until the next Term of Court.

No 73. The Republic vs Greenberry H C Harrison } Permitting Faro to be dealt in Hall.

This day came the Republic by her Solicitor H C Jarrett and the defendant in his proper person and on motion of said defendant it is ordered by the Court that this Case Stand Continued to the next Term of Court.

No 73. The Republic vs Greenberry H C Harrison } Betting at Faro.

This day came the Republic by the Solicitor Henry Jarrett and the Defendant in his own proper person and for plea saith he is not guilty of the Charge Contained in the indictment, whereupon Came a jury of twelve men to wit, Samuel Bronwell and eleven others, who having been elected tried and duly sworne the truth to Speak upon their oath do say they find the defendant guilty as Charged in the indictment wherupon it is ordered by the Court that he do pay a fine of fifty dollars in Texas Treasury notes and the costs of prosecution and Stand Committed to the County jail until the Same be Paid.

No 69. The Republic vs George M Martin } Dealing Faro.

This day came the Republic by her Solicitor Henry Jarrett and the motion of the defendant to his bail bond came on to be heard and it is ordered that his Recognizance be forfeited and

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that Scire Facias do issue against said Martin and his sureties, returnable at the next Term of this Court.

No 76 The Republic } Dealing Faro.
vs
Ross Gorman }

This day came the Republic by her Solicitor and on motion it was ordered that the case be continued till the next Term of Court.

No 77 The Republic } Betting at Faro.
vs
Geo M Martin

Same entry as above.

No 80. The Republic } Betting at Faro.
vs
Alexander Coleman

No 81. Same entry as above

No 81. The Republic } Betting at Faro.
vs
John D Macalister

Same entry as above.

The Republic
vs
No 79 Saml Whiting } Betting at Faro

This day came the Republic by her Attorney A. J. Jewett and on his motion, It was ordered that this case be continued next term, and that a Capias do issue against said defendant directed to the Sheriff of Travis County

No 83 The Republic
vs
Mark B Lewis } Asst & Battery

This day came the Republic by her Attorney A J Jewett, and on his motion it was ordered that this Case be continued to the next term, and that a Capias directed to the Sheriff of Travis County do issue to said defendant

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No 86 The Republic
vs
John Scott &
James Cox. Retailing Liquors &c.

This day came the Republic by her Attorney A J Jewett and on his Motion, it was ordered that this Case be Continued, and that a Capias be directed to the Sheriff of Travis County do issue to said defendants

No 87 The Republic
vs
Joseph I Anderson Asst & Battery

This day came the Republic by her Attorney A J Jewett and on his motion it was ordered by the Court that this Case be Continued, and that a Capias be directing to the Sheriff of Travis County, against said defendant

No 90 The Republic
vs
Charles C Cushman Permitting Faro in House

This day came the Republic by her Attorney A J Jewett & the defendant in his own proper person & thereupon Saith that he is not guilty of the charge Contained in the Indictment Whereupon Came a jury of twelve good & lawful men to wit James Mitchell and eleven others, who having been elected tried & duly Sworn the truth to Speak upon their Oath do Say that the said defendant is not guilty Whereupon it is ordered by the Court that he be discharged from further Custody, & go hence without day

No 92 The Republic
vs
William Raney Keeping Restaurat Without License

This day came the Republic by her Attorney A J Jewett and on his motion it was ordered that this Case be Continued, and that a Capias be

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directed to the Sheriff of Travis County, against the defendant

No 99 The Republic
vs Asst & Battery
William Cockburn

This day came the Republic by her Attorney H I Jewett and on ~~his motion~~ the defendant in his own proper person and pleads guilty and submits to the mercy of the Court whereupon it was ordered by the Court that he be fined one dollar in par funds and pay the be committed to the common jail of the County until he pays the same together with all costs of prosecution

No 106 The Republic
vs Retailing Liquors without License
J F Edrington

This day came the Republic by her Attorney H I Jewett and on his motion It was ordered that this Case be continued and that a Capias be directed to the Sheriff of Travis County against the defendant

No 107 The Republic
vs Retailing Liquors without
Edward Seiders License

This day came the Republic by her Attorney H I Jewett who says he will no further prosecute this indictment whereupon it was ordered by the Court that the defendant be discharged without further custody & go hence without day

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No 109 — The Republic vs W W Thompson — Keeping boarding House without Licence

This day came the Republic by her Attorney A J Jewett who says he will no further prosecute this indictment whereupon it was ordered by the Court that the defendant be discharged from further custody & go hence without day

No 43 — The Republic vs Felix Huston — Accepting a challenge to fight a duel

This day came the Republic by her Attorney A J Jewett who says that he will no further prosecute this and the defendant by his Attorney And for plea says that he is not guilty, and puts himself upon his trial whereupon came a jury of twelve good & lawful men to wit James Miller and Eleven others who having been elected tried and duly sworn the truth to speak do say upon their oath that the defendant is not guilty Whereupon it was ordered by the Court that he be discharged from further Custody & go hence without day

No 42 — The Republic vs Edward Burleson — For being a second in a duel

This day came the Republic by her Attorney A J Jewett who says that he will no further prosecute this indictment whereupon it was ordered by the Court that the defendant be discharged from further Custody & go home without day

No 111 — The Republic vs Mc B Sherritt — For being a second in a duel

Same entry as above

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The Republic
vs
W. G. Cooke — Sending a challenge to fight a duel

No 40

Same entry as before
This day came the Republic by her Attorney A.J. Jewett who says he will no further prosecute this Indictment. Whereupon it was ordered that the defendant be discharged from further custody & go hence without day

The Republic
vs
John Rowlan — duelling

No 1

Same entry as above

The Republic
vs
Isaac Allen — Assault & Battery

No 2

Same entry as above

The Republic
vs
John A Yerby — Gambling

No 3

Same entry as above

The Republic
vs
Francis A White — Gambling

No 4

Same entry as above

The Republic
vs
James Gray — Gambling

No 5

Same entry as above

The Republic
vs
Samuel Gibbs — Gambling

No 6

Same entry as above

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No 7 The Republic vs Francis A White } Affray

Same as the preceding entries

No 8 The Republic vs R D Word } Gambling

Same entry as above

No 9 The Republic vs John McNeil } Gambling

Same entry as above

No 19 The Republic vs Kindra } Selling goods without license

Same entry as above

No 20 The Republic vs Kindra } Retailing liquor without license

Same entry as above

No 21 The Republic vs James Moreland } Selling goods without License

Same entry as above

No 24 The Republic vs William Lane } retailing goods without license

Same entry as above

No 25 The Republic vs A. McTompkins } Assault & Battery

Same entry as above

No 29 The Republic vs F. Gunster } Selling goods without License

Same entry as above

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No 35 The Republic
vs
Alfred Donnegan
Perjury

This day came the Republic by her Attorney A J Jewett who says he will no further prosecute this Indictment whereupon it is ordered, that the defendant be discharged from further Custody & go hence without day

No 55 The Republic
vs
Lockhart
Gambling

Same entry as above

No 11 The Republic
vs
John Edmonson
Gambling

This day came the Republic by her Attorney A J Jewett and on her Motion It is ordered by the Court that this Case be Continued and that an alias Capias do issue against defendant directed to the Sheriff of Harris County

No 13 The Republic
vs
Milton Shropshire
Gambling

Continued & Capias ordered to the Sheriff of Bexar County

No 14 The Republic
vs
James Patterson
Gambling

Continued & an alias Capias ordered to Harris County

No 15 The Republic
vs
James Hamilton
Keeping Faro Bank

Continued and an alias writ ordered to the Sheriff of Harris County

No 17 The Republic
vs
H G Davis
Gambling

Continued & alias ~~writ~~ capias ordered to the Sheriff of Bexar County

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No 18 — The Republic vs William Herchberg — Selling goods without license

Continuing & Capias to Sheriff of Travis County

No 26 — The Republic vs Thomas Lockhart — Keeping Faro Bank

Continuing & capias to Sheriff of Washington County

No 27 — The Republic vs Ephraim Tally — Gambling

Continued and pluries Capias to San Augustine Co.

No 28. — The Republic vs Abner Frost. — Larceny.

Continued & Capias ordered to Sheriff Travis Co

No 31 — Republic vs W H Dale — Gambling

Continued & Capias ordered to Sheriff Harris County.

No 32. — Republic vs Wm F Co Penn — Gambling

Continued & Capias to Sheriff Travis County ordered

No 35. — The Republic vs H Co Withers. — Larceny.

Continued and Capias to Travis County ordered.

No 34 — The Republic vs Alexander McBride

Continued & Capias ordered.

No 36 — The Republic vs Underhill — Gambling

The Parties being severally solemnly called to come into Court and prosecute their Recognizance in the premises but failed so to do Capias to issue

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The Republic of Texas
vs. } Against a
No 75 Richard Bullock } Public Minister

Be it remembered that on this day came the defendant Richard Bullock and in open Court acknowledged himself to be indebted to the President of the Republic of Texas in the penal sum of One thousand dollars to be levied of his goods and Chattels Lands and tenements to be void nevertheless on Condition that he be and appear at the next Term of the District Court to be holden and for the County of Travis. there to answer to the Indictment found against him for an assault upon a Public Minister and not depart thereon until discharged by due Course of Law. Also came Henry Jones and Alexander Russell and severally acknowledged themselves indebted to the President of the Republic of Texas in the penal sum each of five hundred dollars, to be levied of their goods and Chattels Lands and tenements to be void nevertheless on Condition that Richard Bullock charged with committing an assault upon a Public Minister do be and appear at the next Term of the District Court to be holden in and for this County, there to answer said Indictment and not depart from Court, until discharged by due Course of Law.

Also Came Jorge M Connell and acknowledged himself indebted to the President of the Republic of Texas in the penal sum of five hundred dollars to be levied of his goods and Chattels Lands and tenements to be void nevertheless on Condition that he appear at the next Term of the District Court to give evidence of what he may know touching an Indictment vs Richard Bullock for an assault upon a Public Minister and not depart thereon until discharged by due Course of Law.

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John A Wilkins & L S Wilkins
als
107. M H Beaty
Same
als
I G Beaty

Writ of Habeas Corpus

And now on this day the Sheriff having brought into Court the said defendants, and made his return to the writ of Habeas Corpus granted by the Court in the cases above named, informing the Court of the cause of their Capture and detention in his Custody, it appeared that said defendants were arrested and detained at the suits of three Several plaintiffs, to wit, M. H. Beaty, Josiah G Beaty, and Daniel Browning and wife Nancy on the affidavit of said Plaintiffs made by virtue of the act of Congress entitled an act to amend an act to regulate attachments, approved February 4th 1841. Whereupon the Counsel for the defendants offered to the Consideration of the Court: a Supplemental petition by way of amendment to the Petition in the aforesaid Suits praying that the benefits of the said Writ of Habeas Corpus might also be extended to the Case of Daniel Browning and wife Nancy against them which was allowed by the Court - Whereupon the Causes & matters of the arrest and detention of said defendants being fully argued by Counsel it was considered, ordered adjudged and decreed that the said defendants were illegally arrested at the suits of said Beatys, and that they therefore be released and discharged therefrom, go hence without day, and recover from the said Plaintiffs their Costs about the said Suits in this behalf expended and for which execution may issue, and it was further Considered, ordered adjudged & decreed that in the Case of Daniel Browning & wife Nancy, the reasons and grounds assigned by the Counsel for the defendants for quashing the process & proceedings under which said defendants were arrested, and detained in Custody & the discharge them therefrom were insufficient, and therefore must be overruled - and the said defendants were again remanded into Custody - to which latter decision of the Court, the Counsel for the defendants excepted, and appealed therefrom to the Supreme Court, and thereupon in open Court, gave notice of the same to the said plaintiffs

William Evison
vs
Wm Watkins
& Plaintiff

In this case W W Thompson appeared in open Court & acknowledged himself bound as Security, for all costs in the Suit on behalf

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No 37 The Republic vs Rawley Autrey } Gambling.

Continued and Capias to Shff Travis Co ordered.

No 38. The Republic vs John C. Carrido } Gambling

Continued and Capias to Travis Co. ordered.

No 39 The Republic vs A Gaughlin } Extortion.

Continued.

No 45 The Republic vs Nesmith } Gambling

No 46 The Republic vs Allen } Gambling

Continued & Capias to Rogers County ordered

No 47 The Republic vs Barkley } Gambling

Continued and Capias ordered to Travis County.

No 49. The Republic vs James Underhill

Continued and Capias to Travis Co ordered.

No 52 The Republic vs Rawley Autrey } Gambling,

Continued and Capias to Travis County.

No 53 The Republic vs William W Porter } Gambling

Continued and Capias to Bowie County.

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No 54 The Republic
vs
Jack Hart & Gamblin
Bolle prosequi entered by the Solicitor J G J Jewett

No 114 The Republic
vs
Robert Wood Assault.
Continued by the Solicitor J G J Jewett.

No 26. The Republic
vs
Samuel Odem Assault &c.
This day came the Republic by her Solicitor Henry J Jewett who says he will no further prosecute this Indictment, whereupon it is ordered by the Court that he go hence without day and be discharged from further custody.

General Order,
It is ordered by the Court, that in all prosecutions on behalf of the Republic at this Term, where pleas of guilty have been received or Convictions had, and in Consequence thereof defendants adjudged to pay a fine together with all costs of prosecution, for want of a suitable Jail in the County of Travis. the Sheriff is directed to commit the aforesaid defendants to the Common Jail of Fayette County, and our Sheriff of Fayette County is hereby commanded to receive all persons Committed as aforesaid, and them safely keep until discharged by due Course of Law, And the Clerk is directed to certify this order to our Sheriff of Travis County, for his authority to act in the premises, and on Committing any persons to Sheriff of Fayette County our Sheriff of Travis County is directed to leave with him a copy of this order.

The Republic of Texas
vs
Wesley W Colleday } Murder

In this Case it having been Considered by the Court that the venue laid in the Indictment be changed to the County of Fayette, our Sheriff of Travis County is hereby Commanded to take the body of said Wesley W Colleday and him Commit to the Common Jail of Fayette County to await his trial, or be discharged by due

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Courts of Law; and our Sheriff of said County of Fayette is hereby Commanded to take said Holly H Holliday and him safely keep in the Common jail, until he be discharged by order of the Court. Your Sheriff of Travis County is directed to this

Your Sheriff of Fayette County will take the body of the within named as appears by this Order.

Also this day Came

David Laughlin J B Owen and Horace Johnson, who severally acknowledged themselves indebted to the President of the Republic of Texas, each, in the penal sum of five hundred dollars to be levied of their goods and Chattels lands and tenements, to be void nevertheless on Condition, that they shall be and appear at the next Term of the District Court to be holden at the Town of La Grange within and for the County of Fayette, there to give Evidence of what they know touching the matters contained in the Indictment of said Holly H Holliday, and not depart thence soon until discharged by the Court.)

It is ordered by the Court that the Clerk shall, together with the Sheriff in presence of some Justice of the Peace for the County of Travis, proceed to draw according to Law thirty different names of persons duly qualified to serve as Jurors at the next Fall Term of Court.

X J B Cocke
vs
B F Grayson } Reported and set aside by the master in this case & set Aside & ordered to be continued until the next Term of this Court

Plummer & Smith
vs
Thos H Ward Com Land office } application for a Mandamus

It is ordered by the Court that publication be made in the Austin City Gazette for the Term of three months previous to the next Term of this Court, notifying all persons within the to come & intervene and contest said application if they may so desire.

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As a Brigham appearing in open Court & tendered his excuse for non attendance as a grand juror - Whereupon it is ordered by the Court that his fine be remitted

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No 8 L G Wheeler
vs } Injunction
A Sa Savery } In this case it is ordered by the Court that this case be continued - with leave On the part of Plaintiff to amend the bill by adding new parties to the bill

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No 9 L G Wheeler
vs } Injunction
A Sa Savery } In this case it is ordered by the Court that this case be continued - with leave on the part of the plaintiff to amend the Bill, by adding new parties thereto

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62 L G Wheeler
vs } Injunction
A Sa Savery } This day came the Plaintiff by his Attorney & on motion it was ordered by the Court that this case be continued & an alias writ ordered

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63 Hester E Wheeler
use of Lloyd L G Wheeler
vs
A Savery } This day came the plaintiff by his attorney, and on Motion it is ordered by the Court that this case be continued & an alias writ ordered

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64 Charles Bigelow
use of L G Wheeler
vs
A Savery & Sen } This day came the plaintiffs by their Attorney & on Motion, the Plaintiff it is ordered by the Court that this cause be cont'd & alias writ ordered

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65 L S Wheeler
vs
A Savery

This day came the Plaintiff by his Attorney, and on his motion, It is ordered by the Court that this case be continued & an alias writ be issued

Sterling C Robertson
Petition for Injunction
District Court

No 122

It is ordered by the Court that the injunction in this case be amended, so as to embrace thirty Leagues & thirty Labors of Land, to be designated by the petitioner within sixty days from the date hereof, and if not designated in that time the Injunction to be dissolved, And said Robertson is further ordered to make a report to the Commissioner General Land Office of Lands so designated, within the time above Specified

This day appeared in open Court Abner S Kidd Esq and took the oath to support the Constitution of the Republic of Texas, and also an oath to well & truly demean himself as a practicing Attorney of this Court,

The Republic
vs
Holly H Holladay

Murder,

The day came Owen O Brian and acknowledged himself indebted to the President of the Republic of Texas in the penal sum of five hundred dollars, to be levied of his goods and Chattels lands and tenements to be void nevertheless on condition that Benjamin F Roberts shall be and appear at the next term of the District Court, to be holden at Lexington for said County, then & there to give evidence touching what he may know of the Indictment against said H H Holladay and not depart thence from without order of the Court.

And now on Monday the fourteenth day of June A D 1841 being the last day of the term as no evidence in the preceding minutes were read each successive morning & approved They are

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herewith Signed by the presiding Judge - It is further ordered that this Court adjourn until the next term thereof

R. E. B. Baylor Judge
of the 3rd Judicial
District.

District Court for Travis County

Be it remembered that the District Court December term 1841
Commenced its Session On Monday the 6th day of December 1841
present M T Beaty, District Clerk and C J King Sheriff, his Hon the
Judge being absent, the Sheriff adjourned Court until next day 10 Oclk
pursuant to law

Tuesday Morning December 7th 1841 Court met pursuant to adjournment present his Hon Judge R C B Baylor, M T Beaty District Clerk and C J King Sheriff, When the following proceedings were had,

The venira facias having been called, the following persons answered to their names, Thos A Moore, Lewis Hancock, David Thomas Thos L Jones, D M Underhill, Jesse C Tannehill Owen O'Brian J Pinckney Lewis Hadd, Thos A Moore was excused from serving as a Juror. Court adjourned until Thursday morning 10 Oclk

Thursday morning December 9th 1841

Court met pursuant to adjournment. The venira being called the following persons answered to their names, Lewis Hancock, Martin Moore, David Thomas, John Lee, C C Cushman, John Chalk, G W Gay Harvy Smith, Jesse C Tannehill, Owen O'Brian, Lewis Hadd, D M Underhill and Thomas L Jones, When the following proceedings were had

25	James Hammond vs Isaac Whiting	Continued by consent of parties.
29	Nelson Soule vs Nathl Townsend	Continued by consent and leave given to take the Deposition of John Wood, De bene esse
39	Josiah S Crosby vs John W Jones	Continued by Consent
41	Allen S Holdeman vs Jas A Harvey	Continued by Consent

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commenced its Session

42 — W. A. Patten &c vs John F. Webber — Continued by consent

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43 — James Cole vs Thos A. Duggent & Henry Tirrell — Continued by Consent

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53 — Geo I. Glascock vs John F. Webber — Continued by Consent

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55 — Sabry & Capic vs Saml Whiting — Continued by consent

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57 — Edward Snider vs John Nolan, Wm O'Brian and John B. Craig — Continued by Consent

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62 — Daniel G. Wheler vs A. Sowell — Continued by Consent

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63	Stetson & Wheeler for the use of &c vs A Savery	Continued by Consent
64	Chs Bigelow for the use of G White vs A Savery & Son	Continued by Consent
65	L S Wheeler vs Asa Savery	Continued by Consent
67	Jakob Black vs James A Colderell	Continued by Consent
68	Mrs Russell vs A B Ebely	Continued by Consent
70	Peleg McGrath vs W H Hunt	Continued by Consent
71	Wm Richardson vs A M Luckett	Continued by Consent

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73	Thos L Fisher vs Thos L Vance	Continued by Consent
74	Lewis Goodwin vs Abel H Wynne	Continued by Consent
75	John W Jones vs A G Rumble	Continued by Consent
76	Ab Russell vs J. Murchison	Continued by consent the Court Judicial attachment dd a debt alias process awarded
77	Geo. W. Collinsworth & L B Brigham Exs of R Smith dec. vs W H Wynne	Continued by consent
78	Geo W Collinsworth & L B Brigham Exs of R Smith Dec vs W H Wynne	Continued by Consent
80	Daniel Murchison vs W. H. Mac Adam &	Continued by consent

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81	P. W. Herbert vs Nath[l] Townsend		Continued by consent
82	Rains, Moody vs Henry Nugent		Continued by consent
83	Cunningham, Horsburgh vs Philip J. Allen		Continued by consent
84	Sam. Curtis et Eliza Curtis vs Rob[t] Mitchell		Continued by consent
85	Pittman & Co vs Browning & Potter		Continued by consent an alias writ ordered, the service being set aside.
86	Ad[m] Knight surviving Partner of W. & Mitchell vs J. W. Eberly		Continued by consent and alias writ ordered
87	Seaman & Magee vs J. H. Lockett		Continued by consent and Alias writ ordered

88	Harris & Mayes Vs A W Luckett	Continued by consent and Alias Writs ordered
90	James Craft Vs Joseph Sanner	Continued by Consent and Alias writs ordered
91	Nathaniel Dyke Vs H. Raguet	Continued by Consent and Alias writ ordered
92	Wm Everson Vs Jane Watkins	
93	Jno W Darby Vs Solon O'Brian Heirs	Continued by consent
94	Brailt & Beck Vs John Beal	Continue by Consent
96	John Chenneth Vs Thos Whitehead	Continue by Consent

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99	Herman Ward vs Grain & Brown		Continued by Consent
102	J H & L S Wilkins vs W J McIlhenny		Continued by consent
101	Robt Ballou vs J Craddock		Continued by Consent
105	Sam'l M Long Trustee &c Billingsley & Nicholson		Continued by consent
107	M A Healy vs J H & L S Wilkins		Continued by consent
108	L J Marquard vs The N Nora		Continued by consent
109	Nich's L Loyce vs Mitchell & Harnett		Continued by consent

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110	Wayne Barton vs Metcher & Harmes	Continued by consent
113	L. S. Wilkins vs Isaac Martin	Continued by consent
114	Mem & Blessing vs A. M. Luckett	Continued by consent
115	W. Bratton for use of &c vs H. Diddle	Continued by consent
116	M. Yeller vs B. Miller	Continued by consent
119	B. Miller vs M. Yeller	Continued by consent
120	B. Miller vs C. L. Stansbe	Continued by consent
123	Jno. F. Perry, Esq of J. F. Conlin vs Sam. Hoarler Pltf	Continued by consent

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124	Hayden Edwards vs M B Lamar Pres[t]	Continued by consent
126	Sam[l] T Perry Ex of S F Austin vs Sam[l] M Williams vs Sam Houston Pres[t]	Continued by consent
125	M[c] Mullen & M[c] Glom vs Sam Houston Pres[t]	Continued by consent
127	Sam[l] I Tobin Adm[r] vs M B Lamar Pres[t]	Continued by consent
128	W[m] Spence vs Sam[l] R Miller	Continued by consent and death of pltff suggested and leave to name of Wm A J Garis Administrator &c
130	Sam[l] Cammack vs Nich[s] Bullock	Continued by consent

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√ 132	Jerusha Chapman vs Colton & King	Continued by consent
135	A. T. Gayle vs A. W. Gayle	Continued by consent
136	Josiah G. Beatty vs J. S. & L. H. Watkins	
137	Chas. Browning Executor vs J. S. & L. H. Watkins	
138	Shaw & Co vs Nolan & O'Brian	Continued by consent
140	Thos. Goode vs A. W. Lockett	Continued by consent

District Court

141	Wm D Slocum Vs W Wood, Complt	Continued Generally
142	Jas A Caldwell Vs Jas Tessendon & Coleman Cannon	Continued And alias Writ Ordered
143	J D Laughlin Vs Thos McShannon	Continued by consent
144	J Russell Vs M Woods	Continued by consent
146	Philip Stewart Vs Reuben Hornsby	Continued by consent
147	Wm H Grimes Admr Vs A D Gayle	Continued by consent
148	Wm Bell Vs Chs Demorse & Wm L Cazneau	Continued by consent

149. Fall Term AD 1841

156	Jamuchia & Smith vs John Wood		Continued by consent
157	Kath[e] Townsend vs J & Jamuchia		Continued by consent
158	Do[s] Starr, vs Do[s] Tanner		Continued by consent
159	Do[s] Starr, vs Do[s] Tanner		Continued by consent
161	Wh[m] H Testike vs Jos Ehlinger & Comm[rs] Gen[l] of Land Office		Continued by consent
161	Th[o] Freeman vs J M Conaco		Continued by consent
162	Moses S Bledsoe vs G H Harris		Continued by consent

163	Rosa A Echelberger Vs Mitchell Farley	Continued by Consent
164	H. F. Whiting) Vs Silas Ward	Continued by Consent Judgt as per agreement filed
165	Silas Ward Vs H. F. Whiting)	Continued by Consent Judgt as per agreement filed

Chancery Docket Fall Term 1861

1	P B Cook vs John P Blackwell Benj S Grayson	
2	C K Reese Adm vs James Burk	In this case it is given to file an amended bill — by making W A Murrah a party deft to the bill —
3	Thos A Moore vs Thos Puckett	
4	Christopher A Stern vs Harvey L Richardson	In this case it is ordered that an alias Subpoena issue to the County of Salem —
5	D G Wheler vs A Savery	
6	D G Wheler vs A Savery & others	
7	Wm Mellard vs Thos H Ward Commr Genl Land Office	

Fall Term AD 1841

13	Linnæus McStuart et Secretary Harding Executors vs Geo Fl Cancroft	
14	Seaman Price vs Darby & Swift	Leave given the Defts to file an amended plea —
15	Darby & Hunt vs Wm H Wilkinson	This and the foregoing cases were Continued by Consent of parties
16	Richd B Jarman Etal vs Caleb B Alexander Etal	Continued and order of publication issued for one month —
17	Richd B Jarman vs Caleb Brock	Continued and order of publication issued for one month —
18	Saunders & Brannan vs Elkanah Bendelock	Injunction filed and motion made to dissolve the injunction —
19	Amos Sims vs H Caldwell & others	Alias Summons to issue for Defts & Continued —

Fall Term AD 1841

20	Wm S Ott vs McClintal	Continue by consent and order of publication against McClintal to be made for 4 weeks

The following Cases were ordered to be entered on this docket in obedience to the following Order.

21	Corporation of Bastrop vs Gilman & Redding	Continued by consent
22	Sarah E McNeal vs Hector McNeal	Continued by consent

Bastrop District Court Nov 25th 1841

Thursday Morning November 25th 1841, Court met pursuant to adjournment On motion and consent of parties it was ordered by the Court, That the Case of the Corporation of Bastrop against Gilman & Redding and the Case of Sarah E McNeal against Hector McNeal be transferred from this Court, to the District Court, for the County of Travis, and that the Clerk of this Court be ordered to transmit the files in said Cases to the Clerk of the Travis District Court

The Republic of Texas
Bastrop County

I Certify the above to be a true Copy of the Order of the Court made in said Cases, Given under my hand and seal of office, this the 27th day of November AD 1841

Signed James P Wallace
Clerk of the District Court
Bastrop County

23	B Adams vs Com' Gen'l of the Land office	Continued by consent

Fall Term A.D. 1841

W C Sansbell offered an excuse to the Court and was excused from serving as a Juror for this term of the Court

The Court then adjourned until Friday morning 10 O'Clk A.M.

—"—

Friday Morning December 10th 1841

Court met pursuant to adjournment, Minutes read and approved. When the following proceedings was had—

166	G W Bonnelich vs Sam Sheriff— vs Fennelon & Cannan	This case continued and motion made to dissolve the injunction on the bill and answer— which motion was continued over to next term
1611	F P Whiting vs John Wood	It is ordered in these two cases that the following agreement, made between the parties be made the Judgement of the Court— To wit— City of Austin Nov 6th 1841 This is to certify that we agree with to Faith Cattle by F P Whiting praying all the cost in the Case, We now that have yet ocound, and John Wood have the Cow if they Can be found, One a white Cow with black spots, the other is a sort of a sandy colored one, with no white spots Give to hold the same till Ff Faith return, as witness our hands Signed F P Whiting John Wood W Laughlin J B Fallon
165	John Wood vs F P Whiting	

all Can sub to regard

153

State Term AD 1841

22 Sarah E McNeal vs Shelor McNeal — In this Case, On motion of Pltiff counsel it was ordered by the Court, that the said Pltiff retain possession of all the personal property now in his possession, and the Negro woman Ann until this Suit shall be determined, and the court further Ordered that the Deft pay to the Sheriff of Travis County, for the use of said Pltiff, On the 12th of every Month hereafter the sum of $7 for his support, during the pendency of this Suit, and upon the failure of said defendant, to pay the sum aforesaid, at any of the times, the same shall be due, the Sheriff of Travis County, shall take into his possession, any one of the Slaves mentioned in Pltiff petition, and hire the same out to the highest bidder per month and to pay over to the Pltiff out of the proceeds arising from the hire of said slave the sum aforesaid & the overplus if any to said deft

Sejnd — R. E. B. Baylor Dist Judge

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21 Corporation of Bastrop vs Gilman & Redding — In this Case, Change of Venue by Consent from the County of Bastrop — And this day the Special Verdict, found by the Jury in this Case, Came up to be heard before the Hon Judge of the third Judicial District Sitting for the County of Travis. It was consented and agreed by the Council on the part of the Pltiffs and Defts that this Court enter a Judgment Pro forma for said Defts, And in pursuance thereof the Court orders and adjudges, the Law upon the finding of the Jury aforesaid in favor of said Defts, and that they go hence without day and recover of the Pltiff their costs in this behalf expended. From which Judgement, the said Corporation of Bastrop appeal to the next term of the Supreme Court, which is allowed And enlarge into bond and security for cost according to Law

Jas E Plummer vs Comr Genl of Land office — Continued by Consent —

Fall Term AD 1844

Sol. F. Smith
vs
Comr Genl of
Land Office

Continued by Consent

John Green
vs
Eliza Logan

Continued by Consent

Herman Ford
vs
Darby & Swift

In this case Motion, that security for cost be
given within sixty days or suit to be dismissed
The above motion Continued

Powell & Beck
vs
John Beal

Motion that security for cost be given in
sixty days or suit dismissed, and said
Motion Continued

Amon Jones
vs
Enger & Bonnell

In this case it is ordered by the Court, that the
motion for a new trial be continued to the next
term, and that all proceedings herein in the
mean time be suspended to await the determination of said motion

---

Republic of Texas
vs
Wm H Smith

Indict & convicted for a breach of the gaming act

It appearing to the satisfaction of the Court in this case
that the fine of One Thousand Dollars ~~[illegible]~~ which said Wm H Smith was adjudged
on ordered to pay the Republic, has been remitted by proclamation of the
President of the Republic, It is therefore ordered that the said Smith remain
in the Custody of the Sheriff, until all the Costs of this prosecution be
paid

Fall Term AD 1841

Republic of Texas vs Rich. Bullock	/////	Assault on a public Minister
Republic of Texas vs Rich. Bullock	/////	Assault on Servant of Public Minister

Thursday came the Republic by the Solicitor H. Smith and came Wm Ogden Esqr who was appointed by the Court to assist in conducting the prosecution. Also came the Defts Rich. Bullock, and on his affidavit, that he could not go safely to trial in the foregoing Cases, for the want of Material witness, whose attendance he could not procure at this term of the Court, and whom he expects to have in attendance at the ensuing term, and that this application for Continuance was not for Vexation, delay It was therefore ordered by the Court, that these Cases stand Continued to the next term.—

And thereupon came said Rich. Bullock James H Caldwell and G L Stacy, who acknowledged themselves severally and severally Indebted to the President of the Republic of Texas, the said Rich. Bullock as principal in the penal sum of One thousand Dollars, and the said James H Caldwell and G L Stacy as securities each in the penal sum of One thousand Dollars, to be levied of their goods and Chattels, lands and tenaments, to be void nevertheless on the Condition, That said Rich. Bullock, should be and appear at the next term of the District Court to be holden in and for the County of Bexar and there remain from day to day and from term to term to answer the Republic on the Charges contained in the Indictments aforesaid and not depart thence from unlike discharged by due Course of Law,

Also came the witness, Nathan Nichols Francis Parker and Mary Johnson, Who severally acknowledged themselves Indebted to the President of the Republic of Texas in the penal Sum of three hundred Dollars each, to be levied of their Goods Chattels, lands and Tenaments, to be void nevertheless on Condition, that they appear at the next term of the District Court for the County of Travis to give evidence, touching the Charges, Contained in the aforesaid Indictments, and thence from from day to day and from Term to Term, unlike discharged by due Course of Law.—

Fall Term A.D. 1841

Republic of Texas
vs
John Garner

Republic of Texas
vs
John Edmondson

Republic of Texas
vs
Milton Shropshire

Republic of Texas
vs
James Patterson

Republic of Texas
vs
Penny Hambleton

Republic of Texas
vs
Samuel Cook

Republic of Texas
vs
James Crabtree

Republic of Texas
vs
Thos Lockhart

Republic of Texas
vs
Ephrim Talley

Republic of Texas
vs
Abner Frost

Republic of Texas
vs
J B Crabtree

Republic of Texas
vs
W W Bell

Republic of Texas
vs
W Ie Price

Republic of Texas
vs
A M Withers

Republic of Texas
vs
Alx M Kennel

Republic of Texas
vs
John C Harrison

Republic of Texas
vs
Ross Gorman

Republic of Texas
vs
John L. Wallace

Republic of Texas
vs
Wm Barney

Republic of Texas
vs
Jas Fenuden &
Golden Lemman

Republic of Texas
vs
J S & J H Williams

Republic of Texas
vs
C H & J H Wilkins

Fall Term AD 1841

Republic of Texas
vs
B S Grayson

Republic of Texas
vs
Chubb

Republic of Texas
vs
F Prentiss

Republic of Texas
vs
Saunders & Newman

Thus and the foregoing Cases were Continued and Alias Capias ordered

Republic of Texas
vs
H C Hart

Republic of Texas
vs
Richd Ross

Continued & Recognizance forfeited & Sci fa issue to issue, and defendant cause why said Sci fa should not be final
Continued and Recognizance forfeited and Sci fa to issue

36 Republic of Texas
vs
L C M Underhill

39 Republic of Texas
vs
D Laughlin

44 Republic of Texas
vs
Thos Mercer

45 Republic of Texas
vs
Lemat

46 Republic of Texas
vs
Allen

47 Republic of Texas
vs
Barkley

48 Republic of Texas
vs
Wm H Secrest

49 Republic of Texas
vs
D M Underhill

Fall Term A.D. 1846

	Republic of Texas vs		✓	68	Republic of Texas vs
✓	53	Wm A Porter			John D McAlister
		Republic of Texas vs			Republic of Texas vs
✓	54	H A Muse	✓	73	G A Harrison
		Republic of Texas vs			Republic of Texas vs
	62	Thos A Duggan	✓	79	Jame Whiting
		Republic of Texas vs			Republic of Texas vs
	63	Thos A Duggan	✓	80	Alx Coleman
		Republic of Texas vs			Republic of Texas vs
✓	83	Wm T Lewis	✓	86	John Scott & Danl Coy
		Republic of Texas vs			Republic of Texas vs
	87	Jas D Anderson	✓	88	Michl Miller
		Republic of Texas vs			Republic of Texas vs
✓	89	Jack Chalk & Silvain Chalk	✓	91	Thos Myers
		Republic of Texas vs			Republic of Texas vs
	113	Thos L Jones	✓	104	G A Harrison
		Republic of Texas vs			Republic of Texas vs
	115	G A Harrison	✓	106	I F Edrington
		Republic of Texas vs			Republic of Texas vs
	110	Thos J Smith	✓	111	E S Radcliff
		Republic of Texas vs			Republic of Texas vs
	117	Richd Auman	✓	113	W A Bath

Fall Term Annodomini 1841.

114	Republic of Texas vs Richd Watts (Summons)	115	Republic of Texas vs & Sides —

The foregoing Case from No 36 inclusive to 115 inclusive, were Continued generally ——

Republic of Texas vs Maria Harmon — In this Case Recognizance forfeited and Scire facias, Ordered — and this Deft to show cause why said Judgt should not be final

Republic of Texas vs Als Steffler — In these Cases Plures Capias is ordered to issue

Republic of Texas vs Thos L Fisher

The Court adjourned until 10 Oclk Saturday Morning

Saturday Morning December 11th 1841

Court met pursuant to adjournment. The minutes were read and approved. — And ordered by the Court that all Motions now pending & undisposed of on the motion Docket be continued over to the next term of the Court —

It is ordered by the Court that the Clerk together with the Sheriff in the presence of som Justice of the Peace for the County of Travis, proceed to draw according to Law, thirty six names of persons duly qualified to serve as Jurors at the next term of Court

It is further ordered that the Court adjourn until the next term —

R. E. B. Baylor
District Judge —

760

District Court for Travis County

Be it remembered that the District Court September Term 1842 commenced its Session on the day of September

Be it remembers that the Distrct Court
in and for the C

Be it Remembered that the District Court fall term Commenced its Sessions on the 18th of

Fall Term 1842 } City of Austin

Spring Term 1842 } County

District Court for Travis County

Be it remembered that the District Court for Travis County commenced its Session on Monday the fifth day of September Eighteen hundred and forty Two.
Present A B McGill Deputy Clerk pro tem of said Court and Charles F King Sheriff.
His Honor the Judge of the Third Judicial District being absent the Sheriff adjourned the Court until Tuesday morning 10 oclock according to Law.

Tuesday Morning. September 6th 1842

The Court met pursuant to adjournment.
Present. His Honor Judge R E B Baylor, A B McGill Deputy Clerk pro tem. of the District Court. And Charles F King Sheriff of the County of Travis.
The Court proceeded to its organization as follows.
The venire facias being called the following persons answered to their names. Viz:
Joseph Cox, William T Cagneau, Orrin Wilcox, John A Graves, Thomas Ward, Samuel Wheling, F Deitrick, Daniel Browning, Henry Koontz, I. S Taft, A H Walrows, William Bell, John Tibbs, Geo W Barrett, Jos Hornsby, Isaac Pearson, Abner Chamberlain, Abner Mathews, Peter Kerr.
The Court then proceeded to order
Messrs Kerr & Taft were excused from serving as Grand Jurors they having shown to the Court that their families needed their presence at their respective homes.
The Court then proceeded to draw from the jurors then present 15 members the following as Grand Jurors for the present term.

1 A H Walrows
2 John Tibbs
3 Jos Cox
4 Dan'l Browning
5 Jos Hornsby
6 Tho' Ward
7 Orrin Wilcox
8 Isaac Pearson
9 Wm T Cagneau
10 Abner Mathews
11 Geo W Barrett
12 John A F Graves
13 Sam'l Wheling
14 Francis Deitrick
15 William Bell

Joseph Hornsby informing the Court that he had not yet arrived at the age of Twenty One was allowed to withdraw and Henry Chamberlain was drawn in his stead.
Samuel Wheling was appointed by the Court foreman of the Grand Jury. The jury then received the Charge of his Honor the Judge. and retired.

Ashford B McGill took the oath required by law as Deputy Interim Clerk of the District Court. which was administered by his Honor R.E.B Baylor

The Court then adjourned until 3 Oclock P.M.

3 Oclock P.M.

The Court met pursuant to adjournment.

The Court proceeded to dispose of the Cases on the Common Law Docket as follows

David Moody
76 vs
Henry Raquet

This day came the plaintiff by his Attorney and on motion of plaintiffs Attorney it is ordered that the Case be dismissed from the Docket, and that the defendant go hence with his reasonable cost in his behalf expended for which execution may issue

Same order

Stable Dyke
84 vs
Henry Raquet

Same order

Robt Bratton
41 vs
Francis Deatrick

The day came the plaintiff by his attorney

Same order

Wm H Walls
vs
75 Nick Bullock and
Mary Bullock

This day came the plaintiff by his attorney and suggests the death of the Defendant whereupon it is ordered that Sire facias be issued to the Representatives when known & Cause Continued.

John H Horndon &
James I Sullivan
vs
77 Joseph W Garnilly

Same order as the preceding suit

Wm H Walls
78 vs
Nick Bullock
Mary Bullock

Same order as the preceding suit

Circuit Court fall Term 1842.

190	John Caldwell vs Mathew Moore	Continued by Consent of parties
104	Noah P Byers vs Joseph Tanner	This day came the plaintiff by his attorney, and on motion of plaintiffs Attorney, it is ordered that this cause be dismissed from the docket, and that the defendant go hence with his reasonable Cost in his behalf expended for which execution may issue
193	Thomas A Moore vs Heirs of Gl. Speirs	Same Order as in preceding suit.

In Chancery

14	Sarah O McNeill vs Hector McNeill	In this cause it is ordered by the Sheriff upon some time during the present Term of the District Court, on his complying with an order issued at present or hereafter requiring him to perform certain duties
25	Joseph P Smith vs Com. of Gen. Land Office	In this cause a rule Nisi was granted by the Court to be served on the Com: of the Gen: Land Office
36	Joseph E Plummer vs Com: of Gen: L. Office	Same order as in preceding suit
407	Thomas Dillard vs Com: of Gen. L. Office	Same order as in preceding suit
518	Chas B Howard vs Com: of Gen. L. Office	Same order.
520	Lewis Hodges vs Com: of Gen L Office	Same Order.

	Wilson Hamilton vs Com: of Gen. Hoffm	Same order as in preceding suit
	Barton Senn vs Com of Gen Hoffm	Same Order.

The Court then adjourned until tomorrow morning 10 Oclock.

Wednesday Morning Sept 17th. 10 Oclock

The Court met pursuant to adjournment.
The Court took up the Common Law Docket;

	Allen S Holdermans vs James A Hoyns	This day came the parties by their Attorneys and on motion plaintiff Attorney it was ordered this Cau be continued until the next Term of this Court— plaintiff paying Costs of Continuance. the present Term.
7	Geo. P Hancock vs John F Wilbur	This day came the parties, and on the Affidavit of Defendant it was ordered that this Cau be continued,— Defendant paying Cost of Continuance ~~the Term~~ Term.
8	Isaac N Caples vs Saml Whiting	Continued by Consent of parties
9	Edwd Sanders vs John Nolan, Owen O'Brien & John Casey	Continued together the parties or their Attorneys being in Court.
10	Daniel H Wheeler vs A Searcy	Continued neither the parties or their attorneys being in Court.

Fall Term 1842

15 Hester E Wheeler
for the use of D G Wheeler
vs
Asa Savery
} Continued, neither the Parties or their Attorneys being in Court.

Charles Bigelow
for the use of
D G Wheeler
vs
Asa Savery
} Continued, neither the Parties or their Attorneys being in Court

15 D S Wheeler
vs
Asa Savery
} Continued neither the Parties or their Attorneys being in Court.

16 Hes Russell
vs
A B Eberly
} Continued by Consent of Parties

16 Peter McGeal
vs
W H Hunt
} Continued by Consent of parties

20 Wm A Jones
vs
A G Kimble
} Continued by Consent of Parties

28 James Curtis &
Elijah Curtis
vs
Robt Mitchell
} Continued by Consent of parties

29 Kissam & Company
by
Browning & Potter
} In this Cause the parties by their Attorneys, Plaintiffs Attorney moved that the plaintiff obtain Judgement against the defendants, Whereupon Dennis Browning came in to open Court and made oath that the note of eight hundred and thirty dollars 00/100 and dated New York August 6th A.D. 1836 sued upon in this Case was never executed by him neither did he ever authorize any person to sign the same ~~for him upon the Promissary Note sued upon in this Case~~ and ~~ordered by the Court that the Plaintiff recover of~~ Potter the sum above mentioned with interest from 6th of February 1837 at 8 per cent per Annum. in Writing

for him, after filing the said plea, it was ordered by the Court that ~~[illegible]~~ Browning be dismissed from the suit and that the defendant recover from Potter the sum above mentioned with interest from 6th February 1837 for which execution may issue

31 Francis S Mays vs Nolan M Lucket — In this case it was ordered by the Court that the Plaintiff recover of the Defendant the sum of Two hundred and Three dollars and interest thereon from February 29th 1841 to Sale until paid for which execution may issue.

32 Davis P Mays vs Nolan M Lucket — This day came the parties by their Attorneys and submitted this case to a jury of good and lawfull men duly chosen tried and sworn ~~[illegible]~~ to try the issue, who rendered the following verdict

We the Jury find for the plaintiff in the sum of Three Thousand, two hundred and Sixty four 24/100 dollars whereupon it is ordered by the Court the ~~defendant~~ plaintiff recover of ~~plaintiff~~ Defendt & Judgment for the Signed A. C. Hyde Foreman and above mentioned with cost of suit for which execution may issue The Court then adjourned until 3 Oclock P. M.

3 Oclock P. M.

Court met pursuant to adjournment

38 John Chenoworth vs Thomas Whitehead — In this ~~Cause~~ case came the parties and submitted the Cause to a jury of good and Lawful men duly chosen tried and sworn to try the issue who rendered the following verdict.

We the jury award Thirty three dollars and Sixteen cents to the plaintiff with interest from the 22d February 1840. It is therefore ~~[illegible]~~ ordered by the Court that the plff recover Signed Nathl Townsend. of Defd the sum so assessed by the Jury with cost of suit for which execution

The Court then adjourned until ~~[illegible]~~ Tomorrow morning half past nine Oclock may issue

George Tennille vs James Tennille — In this case it was ~~[illegible]~~ by the Court

The Court then adjourned until half past nine Oclock tomorrow morning

169

Gall Term 1842

A.H. Inchaufeng 1842

George Tennille } Be it remembered that seventh day
114 vs } of September A.D. 1842, at the Court
James Tennille } House in the City of Austin, came on this
cause to be heard, and also came the parties by their attorneys
and the Complainants Bill being heard the Respondent an-
-sews not but makes default. upon which the Cause
is heard by the Court. Whereupon S B Conley is sworn
for Complainant, and testifies that he knows all the facts
and Circumstances of the Case. That he deem the deed
of July 24th 1837 from Compt. as atty for Morton M.
McCarver to respondent that the same was in for
Compt. and without any consideration, and Respondent
was to recover to Compt. whenever requested, and respond-
-ent had no interest in the same and has been at no
trouble or expense in the matter and the said deed of
July 24th 1837 (here presented) has never been in the possession
of Respondent but deponent has always had ~~at~~ the
same for the benefit of Complainant. duly authorizing
him to sell and Convey said Land and also the receipt
of the said McCarver to Complainant ~~duly authorizing~~
~~him~~ and the Power of Attorney from said McCarver to
Complainant duly authorizing him to sell and Convey said land
and also the receipt of said McCarver to Complainant for one
thousand dollars in payment for said league of land being
also here presented to the Court and duly proven and ad-
-mitted. Whereupon it is ~~adm~~ adjudged and decreed by the
Court that the said James Tennille be divested of the title
Conveyed by Complainant to him by said deed of July
24th 1837 and of record in the County of Bastrop. on
Book of deeds B. on pages ~~One~~ 102 & 3. and that said deed
be cancelled and forever hereafter inoperative and of none
effect and the said Land (being League number Four on
Union Creek and being the head right of said Morton
McCarver the deed to whom is of february 21 1835) —
adjudged and decreed to Complainant and the title so
far as the said respondent is Concerned forever granted in
Complainant. And it is further adjudged and decreed
that the Clerk of this Court of the City of Austin in said
Republic be constituted Commissioner for the said James
Tennille to Convey the said Land to Complainants in
accordance with the foregoing decree and also that Com-
plainant have his costs in this behalf

And the Respondent in Mercy &c

Signed R. E. B. Baylor
Judge &c

Fall Term 1842. Thursday morning 9½ O'clock

✓	35	William Evison vs Saml Watkins
✓	36	Joseph W Garrity vs Nelan & O'Brien
✓	40	J H & L S Wilkins vs W. J. M Smithson
✓	47	L S. Wilkins vs James Martin
✓	49	R Bratton for the use of &c. vs F Dietrich
✓	53	James F Perry Ex. of S F Austin vs Sam Houston
✓	54	Hudon Edwards vs M B Lamar Prest
✓	55	Mc Mallen & McGleon vs Sam Houston Prest
✓	56	James F Perry Exr. S F Austin vs Sam Houston Prest
✓	57	Wm J Toler vs M B Lamar Prest
✓	59	Saml Gammon vs Rich Bullock

this and the foregoing cases were all continued by order of the Court,

Fall Term AD 1842

61 A. T. Gayle vs J. W. Garretty

63 Danl Browning & Wife vs L. H. & J. H. Wilkins

64 Shaw & Company vs Nolan & O'Brien — This and the foregoing cases were all continued by order of the Court until the next term of this Court.

132 John Chenoworth vs Thomas Whitehead — In this case came parties by their attorney and on motion of plaintiffs attorney it was considered and adjudged by the Court the ~~[illegible]~~ Judgment of the Court below be Confirmed.

~~James M Long Trustee vs Billingsly & Nicholson — This day came the parties by their attorneys and on motion of plaintiffs attorney it was ordered that this case be dismissed~~

45 Richard Loyd vs Mitchell & Harness — This day came the parties by their attorneys who submitted this case to a Jury of good and Lawfull men duly chosen tried and sworn to try the issue, Who rendered the following verdict. We the jury find for the Defendants.

Whereupon

Signed A C Hyde foreman

It was ordered by the Court Judgment issue against plaintiffs for Cost of suit. for which execution requires.

46 Wayne & Barton vs Mitchell & Harness — This day came the parties by their attorneys who submitted this Case, to a Jury of good and Lawfull men duly chosen and sworn to try the issue, who rendered the following verdict. We the Jury find for the plaintiff in the sum of One hundred dollars damages against the Defendant Mitchell, and find the other defendant not guilty.

Signed A C Hyde Foreman

Whereupon it was ordered by Court that Judgement ~~issue~~ be rendered against the Defendant Mitchell for the sum of One hundred dollars.

Fessenden & Denman
60 vs
Dolson & King

This day came the parties, and mutually agreed that this suit be withdrawn from the Court, and that they mutually pay the cost of suit.

Whereupon it is ordered by the Court that this suit be dismissed accordingly

Jonah G Beaty
62 vs
Leander S Wilkins &
Jno H Wilkins

This day came the parties by their Attorneys and submitted this case to a Jury of good and Lawfull men duly chosen and sworn to try the issue, who rendered the following verdict.

We the Jury find for the Plaintiff, and assess the damages at five hundred Dollars.

Whereupon it is ordered by the Court, that Judgement render against the Defendants for the above mentioned sum of money, with cost of suit for which execution may issue

Moses Wood
65 vs
A. W. Lackett

This day came the parties, and submitted the case, to a Jury of Good & lawfull men duly chosen and sworn to try the issue who rendered the following Ver[illegible]

We the Jury find for the plaintiff in the sum of four dollars and sixty cents.

A. C. Hyde Foreman

Whereupon it is ordered by the Court that Judgement render against the defendant for which execution may issue.

James A Caldwell
67 vs
Joseph Fessenden &
Colden Denman

~~In this case came the parties by their Attorneys and on motion of parties~~ continued ~~by consent~~ and on ~~motion~~ on affidavit of Defendant leave was given by the Court to file additional pleas, Leave was also given to the plaintiff to take the Depositions of James P Edrington & Jno P Blake de bene esse,

D Laughlin
68 vs
Thos McKernan

In this case came the parties, who submitted the cause to a Jury of good and lawfull men duly chosen and and sworn to try the issue, who rendered the following verdict. We the Jury find the issue in favour of D Laughlin, Whereupon it was ordered by the Court that the Injunction be dissolved and Judgement be ~~given for the Defendant~~ ~~plaintiff~~, rendered against Complainants & securities, in the sum [illegible] assessed by the Jury aforesaid

Fall Term Ane 1842

173. Shaw & Kearney
64 vs
Nolan & O'Brian
R H Grimes Asse.
71 vs
A T Gayle
William Bell
72 vs
Chas Demorse &
W. L Cagnean
Wm Dlacy
73 vs
K H Man & nd.
Joseph Harris
64 & 85 vs
Joseph Tanner
Chas A Gisick
86 vs
Jos Ellinger &
Chas of Gen L Offin
Thos Guys Exa.
90 vs
John Gray
Sarah J Sharp admt
95 of Jno Sharp dec.
vs
D. B. Barhydt
Robt H Wynn
99 vs
Mr A J Woodridge
Jno W Dancy trustee
105 vs
Lavery & McArthur
Jno R Lewis
106 vs
Jno Nolan

This and the foregoing cases were all continued by order of the Court until the next term.

Ward & Ingram
107 vs
Jno Nolan.

McKinny & Williams
108 vs
A. B. Eberly

Jno Adriance
116 ~~117~~ vs
Martin Rumpff

James Cranwell
115 ~~112~~ vs
Martin Rumpff

Saml Ricker
117 vs
Saml Whiting

A. B. Eberly
118 vs
Nolan & O'Brien

W. W. Wilkinson
119 vs
W Hunt.

David Holderman
121 vs
Saml Hysmith

Pel Knap & Company } This and the foregoing cases were
125 vs } all continued by order of the Ct
Asa Savory. } until the next term

~~W Ward~~
~~vs~~
~~Nathl Townsend~~ ~~Continued until the next term of this~~ Court.

69 A Russell vs Moses Wood } continued, and death of plaintiff suggested, whereupon the Court orders in this case that Sire facias issue to said plaintiff's representatives when known.

73 Thomas Pucket vs T A Moore } In this case came the plaintiff ~~and by his attorney~~ and made affidavit that he could not safely go into trial owing to the ~~try~~ absence of a principal witness, whereupon it is ordered by the Court that this case be continued.

81 William Stubblefield vs Fessenden & Denman } This day came the plaintiff in this case and confessed Judgement for the amount of the note sued on. Whereupon it is ordered by the Court that Judgement render ~~accordingly~~ for the sum of.

82 Tannehill & Smith vs John Wood } This came the defendant in this case and made oath that he could not safely go to ~~try~~ trial owing to the absence of a principal witness. Whereupon it is ordered by the Court that this case be continued until the next term of this Court

87 Thomas Freeman vs Alex McDonald } This day came the parties by their attorney, and submitted this case to a Jury of good lawful men duly ~~sw~~ chosen and sworn to try the issue, who after sitting in Judgement thereon rendered the following Verdict.

We the Jury find for the plaintiff in the sum of Eleven 66/100 dollars.

Signed

A.C. Hyde foreman.

Whereupon it is ordered by the Court that Judgement render against said defendant. upon which executive may issue

94 Julius Dalong vs G H Harrison } In this case came the Defendant by his attorney and on motion of plaintiff's attorney it was ordered by the Court that the plaintiff take a nonsuit, that the defendant go hence without day with his reasonable cost in his behalf expended for whereon executive may issue

Julius Dulong vs G H Harrison — In this case came the Defenant by his attorney, and on motion of plaintiffs attorney it was ordered by the court that the plaintiff take a Non Suit, and that the defenant go hence without day with his reasonable cost in his behalf expended, for which execution may issue may issue.

101

John Neill vs Louis Goodwin — In this case came the defenant by his attorney, and on motion of ~~plaintiffs~~ defenants atty. it was ordered by the Court the plaintiff take a Non Suit, and that the defenant go hence, with his reasonable cost in his behalf expended, for which execution may issue.

102

Reden S V Blount vs Joseph W. Robertson — In this case came the parties by their attorneys and on motion of plaintiffs attorney it was ordered by the Court the plaintiffs take a non Suit, and that the defenant go hence, with his reasonable cost expended in his behalf upon which execution may issue.

109

In Chancery

L. M Stewart & Socrates Darling vs Geo I Glascock — This day came the parties, and by consent it was ordered by the Court that the venue in this suit be changed to Bastrop County.

7

The Court then adjourned ~~until to~~ morrow morning 9 O'clock.

Sept 1842

177

Friday morning 9 O'clock September 9th 1842

Court met pursuant to adjournment.

P Walter Herbert
123 vs
James Edmundson

In this case came the parties by their attorneys who submitted their cause to a Jury of good and lawfull men duly chosen and sworn to try the issue — The jury not being able to agree it was ordered by consent of parties that a Juror be withdrawn and that this case stand continued until the next term of this court.

~~In Chancery~~

Nathaniel Townsend
2 vs
Jesse C. Townshill

This day came the parties in this case and on the affidavit of the Defendants this case was continued until the next term.

In Chancery

C H Reese
2 vs
James Burke

Christopher H Sterne
3 vs
Daniel L Richardson

Daniel I Wheeler
4 vs
A Savery & others

D G Wheeler
5 vs
Asa Savery

This and the foregoing cases were all continued by order of the Court.

Fall Term AD 1842.

12	Amos Tims vs R Caldwell et al	
13	William S Orr vs Wm R McClure et al	
16	Joseph E Plummer vs Com: of Gen: L Office	
17	Thomas Dillard vs Com: of Gen: L. Office	
19	John Green vs Eliza S Logan	
20	James Hodges vs Com: of Gen: L. Office	
21	William Hamilton vs Com: of Gen: Land Office	This and the foregoing cases were all continued by ~~Cons~~ until the next term of this Court.
25	Nancy Ann Miller and Saml. R Miller vs ~~Com of~~ James A Caldwell	Continued by Consent of parties

 Fall Civil Docket Term AD 1842,

Succession of
James Norton dec.
26 vs.
Com: of Gen: L Offin

James F Edrington
28 vs
~~Com: of Gen: L. Offin~~
Chas Mason Pt. Auditor

John W. Harrison
29 vs
John Nolan

Wesley Hunt
31 vs.
W. W. Wilkinson

This and the foregoing cases were continued until the next term of this Court

Sarah E. McNeill
14 vs
Hector McNeill

The Court then adjourned until tomorrow morning 9 Oclock

Court met pursuant to adjournment.

83 Nathaniel Townsend vs J. C. Tannehill — In this case came the parties and on Affidavit of Defendant ~~that~~ this case was continued until the next term of this Court.

92 Edward Morehouse et al vs James Lane — In this case came the parties by their attorneys, and by consent of parties this case was continued and leave given by the Defendant to amend his pleadings

93 William C Dalrymple et uxor vs Mathias Wilberger — This day came the parties by their attorneys, and on Affidavit of plaintiff this case was continued.

110 John J Haswell & Company vs Saml Whiting — Continued by the Defendant until the next term of this Ct.

~~John J Haswell~~

Heirs at law of Mathew Duty vs Noah Smethwick & wife — This day came the parties in this case and on Affidavit of ~~plaintiff~~ Defendant this case was continued said Defendant paying cost of the term.

L Sulivan vs S K Webb — Continued, and death of S K Webb suggested and Sire facias to issue to William S Beatty his representative.

ojo

126 William T Wood vs Nathl Townsend } In this case came the parties by their Attorneys, and on motion of plaintiffs Attorney it was considered and adjudged by the Court that the Judgement of the Court below be Confirmed. ~~At that a procedendo be awarded the Court below.~~

127 John Wood vs Nathl Townsend } In this case came the parties and on motion of plaintiff it was considered and adjudged by the Court the Judgement of the Court below be Confirmed. ~~and that a procedendo be awarded the Court below.~~

128 R T Higginbotham vs E C Kelly } In this case came the plaintiff by his Attorney and moved that he the plaintiff take a Nonsuit. Whereupon it is ordered by the Court that the Defendant go hence with his reasonable cost in his behalf expended, for which execution may issue.

Criminal Docket.

10 Republic of Texas vs John Gainer } On the suggestion of the Dist Atty it was ordered by the Court that a Noli Prosequi be entered in this Case.

11 Republic of Texas vs John Edmundson } In this case it was ordered by the Court that a noli Prosequi be entered.

13 ~~Milton Shropshire~~ Republic of Texas vs Milton Shropshire } At the suggestion of the District Attorney Henry I Jewett it was ordered by the Court in this Case that a Noli Prosequi be entered.

14 Republic of Texas vs James Patterson } ~~Continued and plurius Capius~~ ordered ~~to Colorado County~~ At the suggestion of the Dist Atty Henry I Jewett it was ordered that this Case be continued and plurius capius ordered to Colorado County.

Fall Term Anno Domini 1842. 182

16 Republic of Texas vs James R Cooke } Continued by order of the Court

15 Republic of Texas vs James Hamilton

23 Republic of Texas vs James Crutcher

24 Republic of Texas vs Thomas Tackett

27 Republic of Texas vs Ephraim Tally

28 Republic of Texas vs Abner Pratt

32 Republic of Texas vs L. D. C. Pierce

33 Republic of Texas vs A. M. Withers

38 Republic of Texas vs John C Harrison

At the suggestion of Henry J Jewett District Attorney it was ordered by the Court that a Nole Prosequi in the foregoing Cases be entered

Fall Term AD 1842

✓	39	Republic of Texas vs O Laughlin	✓	74	Republic of Texas vs Richard V Bullock
✓	44	Republic of Texas vs Moses Wood	✓	75	Republic of Texas vs Richard V Bullock
✓	45	Republic of Texas vs Demot	✓	79	Republic of Texas vs Saml Whiting
✓	46	Republic of Texas vs Allen	✓	81	Republic of Texas vs John D McAlister
✓	47	Republic of Texas vs Barclay	✓	83	Republic of Texas vs Mark B Lewis
✓	48	Republic of Texas vs W H Secrest	✓	89	Republic of Texas vs Noah Cheek and Sylvester Cheek
✓	59	Republic of Texas vs Alex Neffler	✓	95	Republic of Texas vs L.S. & J.H. Wilkins
✓	68	Republic of Texas vs John D McAlister	✓	96	Republic of Texas vs L.S. & J.H. Wilkins

At the suggestion of Henry J. Jewell District Attorney it was, ordered by the Court that, a Noli Prosequi be entered in the foregoing cases.

17	Republic of Texas vs Henry C Davis	In this case came the Republic by her atty. Henry I. Jewett at whose suggestion, it was ordered by the Court that this case be continued and Alias Sire facias be issued. to Bexar County
20	Republic of Texas vs James Crabtree	This day came the Republic by her Atty H. I Jewett, at whose suggestion this case was continued ~~by~~ under a former order of the Court.
21	Republic of Texas vs W. W. Bell	Same order as in foregoing case.
	Republic of Texas vs Alex. McKemble	This day came the Republic by her attorney Henry I Jewett, at whose suggestion it was ordered ~~that~~ by the Court that an Alias Capias be issued.
62	Republic of Texas vs Thomas H Duggan	This day came the Republic by her Attorney Henry I Jewett, at whose suggestion it is ordered by the Court, this case be continued and that an Alias Capias be directed to the Sheriff of Colorado County
63	Republic of Texas vs Thomas H Duggan	In this case came the Republic by her Attorney Henry J Jewett at whose suggestion it was ordered by the Court that this case be continued, and that an Alias Capias be directed to the Sheriff of Colorado County
73	Republic of Texas vs Greenburg H Harrison	In this Case came the Republic by her Attorney H. I. Jewett, at whose suggestion it was ordered by the Court that this case be continued and that an Alias Capias be directed to the Sheriff of Washington County.

Fall Term AD 1848.

Republic of Texas vs Thomas J Smith } In this Case Came Henry J Jewett Dist Atty. at whose suggestion it was ordered by the Court that this be contd.

Republic of Texas vs Richard Newman } In this Case Came Henry J Jewett at whose suggestion it was ordered by the Court that this be contd.

The Grand Jury there being a full Pannel came into open Court and ~~made the f~~ through their foreman ~~made~~ returned the following Bills of Indictments viz.

121 Republic of Texas vs David Laughlin } Assault and Batter True Bill

122 Republic of Texas vs Martin Moore } Unlawfully playing at Cards True Bill

123 Republic of Texas vs Henry Blessing } Unlawfully playing at Cards True Bill

124 Republic of Texas vs Benj^a H Batts & Wm F Thomas } An Affray True Bill

125 Republic of Texas vs Thomas W Ward } An Assault True Bill

126 Republic of Texas vs Thomas W Ward } An Assault & C True Bill

Fall Term AD 1842

127 Republic of Texas vs Michael Zeller — Assault and Battery — True Bill

~~Geo W Barrett~~

125 Republic of Texas vs Geo W. Barrett — Assault with intent to kill — True Bill

179 Republic of Texas vs Horace Houghton — Exposing his naked body — True Bill

Republic of Texas vs James S Mayfield — Assault with an intent to kill — No Bill

Republic of Texas vs Benj H Botts — No Bill

Republic of Texas vs James Cromwell — No Bill

The Court Then adjourned until Monday Morning 9 Oclock

1867

Fall Term Monday morning. September 12th 1862

Court met pursuant to adjournment
Journal of Saturday read and adopted.

1 James Hammond vs Samuel Whiting — In this can came the Defendant by his Attorney, and on motion of defendants attorney it was ordered by the Court the plaintiff take a non suit and that the Defendant go hence with his reasonable cost in his behalf expended for which execution may issue.

2 Nelan Soules vs Nathan Townsend — In this cause came the parties by their Attorneys, and on motion of Defendants Attorney it was ordered by the Court, that the plaintiff take a Non Suit, and that the Defendant go hence with his reasonable cost in his behalf expended for which execution may issue.

3 Josiah J Crosby vs Schuyler Sones — Continued by the Defendant until the next term of this Court.

Chancery 6 James Cole vs Thomas O Duggan, Henry Terrill — Continued until the next term of this Court.

14 Isaac Black vs James A Caldwell — This day came the parties by their Attorneys, and motion of Plaintiffs Atty this Cause was Continued, and Plaintiff not ordered.

20 John R Jones vs A G Kimball — In this cause came the Plaintiff by this his Attorney, and the Defendant having been solemnly Called. Came not. Whereupon it is ordered by the Court that the Plaintiff obtain Judgement by default and that a jury be summoned to enquire into the amt of damages. Whereupon came a jury of 12 Lawfull men duly by AC Hyde and sworn others, duly chosen and sworn to try the issue, who rendered the following verdict. We the Jury find for the Plaintiff in the sum

~~of $416.~~ 17/100 and assess the damages at four hundred and sixteen dollars and sixty seven cents with interest at five per cent. from the fourteenth day of January 1841. Signed A C Hyde foreman
Whereupon it is ordered by the Court that Judgement render for the amount so assessed by the jury for which execution may issue.

Joseph W Garrity vs Nolan & O'Brien } Continued and death of plaintiff suggested it is ordered by the Court that Sire facias be issued to Asa Bregham his Representation.

James M Long (trustee) vs Billingsly & Nicholson } This day came the parties by their Attorneys and on motion of ~~Plaintiffs~~ Defendants atty Attorney it is ordered by the Court that this Case be dismissed from the docket and that the Defendant go hence with his reasonable cost in his behalf expended, for which execution may issue.

L. F. Margaraut vs Thomas ~~W~~ Ward } This day ~~day~~ came the Plaintiff by his Attorney and on motion of said attorney it is ordered by the Court that ~~the plaintiff~~ this Case be dismissed from the Docket and that the Defendant go hence with his reasonable cost expended, for which execution may issue.

25 Peter W Herbert vs Nathl Townsend } This day came the parties by their attorneys who submitted the cause to a Jury of Good and Lawfull men duly Chosen and sworn to try the issue who rendered the following Verdict. "We the Jury find for the Plaintiff in the sum of One hundred and fifty seven 50/100 dollars." A C Hyde foreman
Whereupon it is ordered by the Court that a Judgement be rendered for the Amount so assessed by the Jury for which execution may issue.

21 Alex Russell vs A Marchison } In this case came the parties by their attorneys ~~and~~ the death of Plaintiff suggested, ~~it is ordered~~ by the Court that Sire facias issued to Asa Bregham his Representative.

Louis Goodwin
vs
Robert H Wynn

James Knight
surviving Partner
of W C White & Co.
vs
A B Eberly

M H Beaty
vs
L H & I S Wilkins

Herman Ward
vs
Gravis & Brown
} This and the foregoing cases were all continued by consent of Parties.

John A F Gravis
Adm of
Wm Spencer dec
vs
Saml R Miller
} In this case came the Parties and submitted their Cause to a jury of good and lawfull men duly chosen and sworn to try the issue, and rendered a verdict for the Plaintiff for One hundred dollars
~~[illegible]~~ with interest from first December 1860. at 8 pr cent annum
Whereupon it is ordered by the court that the Plaintiff obtain a Judgment against said Defendant according to the amount so assessed by the Jury for which execution may issue

58

Cunningham &
Crocheron
vs
Phillip I Allen
} Transferred to Bastrop District Court by consent of Parties

27

Criminal Docket P. M.

Court met pursuant to adjournment.

The Grand jury there being a full panel came into open court, and through their foreman returned the following Bills of Indictment. viz

130 Republic of Texas vs Geo Barrett — Assault with in intent to kill. True Bill

131 Republic of Texas vs Daniel M Underhill — Keeping faro Bank. True Bill

132 Republic of Texas vs Alex Coleman — Keeping a Faro Bank. True Bill

133 Republic of Texas vs Sam Parkerson & John Hazlett — An Affray. True Bill

Criminal Docket

Republic of Texas vs Thomas W Ward } Assault — In this case came the plaintiff by her attorney Henry J Jewett and the Defendant in person and pleads not Guilty of the Charge contained in the Indictment whereupon came a jury of Twelve good and Lawful men. viz Ocstyde and eleven others duly chosen and sworn to try the issue do say that the said Defendant is not Guilty, whereupon it is ordered by the Court that he be discharged from further custody and that he go hence without day.

Fall Term AD 1862

Republic of Texas } Assault with intent to kill
vs } In this Cause came the Republic by
Geo Barrell } her attorney Henry J Swift and the
Defendant in his own proper persons who
pleads not guilty of the Charge Contained in the
Indictment. thereupon came a jury of twelve good
and lawfull men to wit Ac Hyde and eleven others duly
Chosen and Sworn to try the issue. (Adjourned until
tomorrow morning.)

In Court then adjourned until Tomorrow Morning
9 Oclock

Tuesday Morning Sept 13th 1862

Court met pursuant to adjournment
Journal of preceding day read and adopted.

Republic of Texas } This day came the Republic by her
vs } Attorney H J Swift, at whose instance
Geo Barrell } it is ordered by the Court that a
Nole prosequi be entered in this Cause

P. Walker Herbert } This day came the ~~Plaintiff~~ Defendant by his Attorney
vs } Jno J Anderson and the ~~Defendant~~ Plaintiff by his
~~Jno Edmundson~~ } Attorny Henry J Swift. by Consent it is
Thomas A Moore } agreed that a judgement proforma be
entered for the Defendant subject to be affirmed or re-
versed by the Supreme Court upon the Law of the
Case and that the parties be permitted to take said
Case to the Supreme Court upon appeal or writ of error
without Security and
that no further proceedings be had in the Cause
in this Court until the decision of the said
Supreme Court be had and Certified,
Whereupon it is Considered by the Court that the Defend-
ant recover of the Plaintiff the Mule in Con-
troversy together with all Cost in his behalf had
and expended,

P. Waller Herbert } This day came the plaintiff by
vs } his attorney Henry J Jewett. and
James Edmondson } the defendant by his attorney Leo S.
Anderson, and it is ordered by the Court
with the consent of the parties. that this cause be continued
and remain continued until the final disposition be had
in the case of P. Waller Herbert against Thomas
A Moore. in the Supreme court. and that a judge-
ment be then rendered ~~on~~ in this case conformable
to said decision when certified to this Court, and
that no further proceedings be had herein as aforesaid.

Thomas D Fisher } In this case came the parties by their
18 vs } attorneys. and by consent this case was
Thomas L. Jones } continued and leave given the plaintiff
to amend his petition.

William Richardson } In this case came the parties by their
17 vs } attorneys and on motion of Plaintiffs Attorney
71 Nolan M Puckett. } it is ordered by the Court that this case
be dismissed from the Docket. and that
the Defendant go hence with his reasonable cost in his
behalf expended. for which execution may issue.

Moore & Fleming } In this case came the parties by their
48 vs } attorneys. and submitted their cause to a
Nolan M Puckett } Jury of good and lawful men duly
chosen and sworn to try the issues
who after hearing in Judgement thereon rendered the foll-
-owing verdict.

We the jury find for the plaintiffs in the
sum of ninety dollars and fifty three cents with
interest from June fourth 1840

Signed AC Hyde Foreman

Whereupon it is ordered by the Court that a Judgement
be rendered against the Defendant for the amount so assessed by
the Jury. together with his Costs ** for which
execution may issue against principal and Securityes
in the appeal bond.
The plaintiffs enter a remittitur in favour of the Defendant
on the above judgment for sixteen Dollars, and fifty
three cents.

Fall Term A.D. 1842.

Julius Dulong
vs
Greenbury H Harrison

This day came the parties by their attorneys and on motion of plaintiffs attorney Non Suit set aside and by ~~Contract~~, agreement of parties said suit was transfered to Washington District Court,

Julius Dulong
vs
G H Harrison

In this case came the parties by their attorneys and on motion of plaintiffs attorney Non Suit was set aside and by agreement of parties said suit was transfered to Washington District Court.

The grand Jury there being fifteen Jurors present came into open Court and through their foreman returned the following Bills of Indictment. viz

The Republic of Texas
vs
Ross Gorman and
Wm Thorpe.

Larceny
Ind Bill

The court then adjourned until 2 Oclock P.M.

2 Oclock P.M.
Court met pursuant to adjournment.

The Republic of Texas
vs
Thomas W. Ward

In this case came the Republic by her Attorney Henry J Swett and the defendant in his own proper person, and pleads not Guilty of the Charge contained in the Indictment, When upon came a jury of ~~good~~ twelve good and lawful men viz Nath[l] Townsend and eleven others, duly chosen and sworn to try the issue, do say that the defendant is Guilty of the Charge in said Indictment, Whereupon it is Commanded by the Court that he be fined in the sum of five dollars, for which a Capias pro fine may issue, for the Recovery of the same, to g. thus with Costs &c

John Aule
vs
Lewis Goodwin

In this case came the parties by their attorneys and on motion of Plaintiffs attorney Non Suit set aside, and leave given the defendant to amend his pleadings and this case continued until the next term of this Court.

Henry Slusey & others
vs
Michael Fuller

In this case came the parties by their attorneys and on motion of Plaintiffs attorney it is ordered by the Court that said Plaintiffs obtain a judgment by default wherefore came a jury of good and lawfull men, duly chosen and sworn to try the issue, who find for the plaintiff in the sum of two hundred and twenty two dollars with interest from Dec. 20. 1841 and twenty seven cents. Whereupon it is ordered by the Court that the plaintiff obtain judgment against said defendant for the amount so assessed for which execution may issue.

Klopfenberg & Thompson Adm. of Wm. Kuntzberger
vs
Peter Miller

Ward & Ingram
vs
John Nolan

In this case the parties by their attorneys and on motion of plaintiffs attorney Continuance is set aside, and the case is submitted to a jury of good and lawful men duly chosen and sworn try the issue. who upon their oaths say that the plaintiffs is the sum of four hundred and forty four dollars and 66 cents with interest from first October 1842 Whereupon it is ordered by the Court that judgement be rendered against said defendant for the amount so assessed. for which execution may issue

John Green Jun.
vs
Eliza L Logan

In chancery - This cause came on to be heard on the Bill answer and exhibit and upon consideration whereof the Court do order and decree that the said Bill be dismissed with cost and that the said John Green and the said Eliza L Logan pay each their own separate cost in this cause accruing, within ninety days or in default thereof execution may issue as at law.

Signed R. W. Taylor
Judge

Fall Term Ad 1842

Republic of Texas
121 vs
David Laughlin

Republic of Texas
122 vs
Martin Moore

Republic of Texas
123 vs
Henry Blessing

Republic of Texas
127 vs
Michael Ziller

Republic of Texas
vs
Horace Houghton

This day came the Republic by her attorney Henry J Scott at whose suggestion it is ordered by the Court that a Note prosequi be entered in this and the foregoing cases.

Thompson & Kloppenburg
Adm. of W Kirchberg dec'd
98 vs
Burchard Miller

In this came the printers by their attorneys who submitted their cause to a jury of good and lawfull men duly chosen and sworn try the issue who renders a verdict in favour of the plaintiffs in the sum of Six hundred and seven two dollars and twenty cents with interest from first day of November 1841. Whereupon it is ordered by the Court. Judgement be render in favour of said plaintiffs according to said verdict. This Judgement is subject to a credit of fifteen dollars.

The Court then adjourned until tomorrow morning 9 O'clock.

Fall Term Wednesday morning September 14th 1842

Court met pursuant to adjournment
Minutes read and adopted.

Executors of R Smith decd — Geo M Collinsworth and S B Brigham vs Robt H Wynn — In this case came the ~~partiet~~ plantiff by his attorney, and on motion of said atty it is ordered by the court that plantiff obtain a judgment by default, and that a writ of inquiry be awarded the present term, wherefore came a jury of good and lawfull men, so duly sworn, who found for the plantiff in the sum of twelve hundred & ninety seven dollars & fifty cents in damages. ~~Whereupon~~ it is therefore considered by the Court that judgment be rendered against said defendant for the amount so assessed by the jury aforesaid for which execution may issue together with the cost &c.

Geo M Collinsworth and S B Brigham Executors of R Smith decd vs Robt H Wynn — In this came the plantiff by his attorney and on motion of said attorney it is ordered by the court that the plantiff obtain a judgment by default and that a writ of inquiry be awarded the present term. Whereupon came a jury of good and lawfull men duly sworn who found for the plantiff in the sum of Six hundred & forty eight dollars 50/100 in damages. Therefore it is considered by the Court that judgment be rendered against said defendant for the amount so assessed by the jury for the amt aforesaid for which execution may issue together with cost.

37 Prewitt Beck vs John Beal — In this case came the parties by their attorneys, and submitted their cause to a jury of good and lawfull men duly chosen and sworn to try the issue, on motion of plantiffs attorney it is considered and adjudged by the Court that the judgment of the court below be confirmed and that a procedendo be awarded to said the Court below.

M Zeller vs B Miller — In this case came the parties by their attorneys and on motion of Defendant atty this case was continued until the next term of this Court.

B Miller by M Zeller — Continued by the ~~plantiff~~ Defendant

B Miller vs G S Haas & Co — Continued by the Defendant.

Fall Term Ad 1842

John R Slocomb vs Moses Wood (Constable) } In this case came the parties by their attorneys, and on motion of the Defendant, it is considered by the Court that Complainant have nothing by his bill, and the said Bill dismissed and that the Defendant recover his cost.- for which execution may issue.

Phillip Howard vs Reuben Hornsby } this day came the plaintiff by his attorney and on motion of said attorney it is considered by the Court that the plaintiff obtain a Judgment by default and and writ and of enquiry awarded, returnable at the next term of this Ct

James H Starr. vs Roundtree Edmington & Johnson. } this day came the parties by their attorneys.

The Grand Jury there being a full pannell came into open Court and through their foreman returned the following Bill of Indictment viz

Republic of Texas vs Geo Barrett } Assault with intent to kill True Bill

In Chancery

Sarah C McNeill vs Hector McNeill } Petition for Divorce

It appearing to the Court that an interlocutory ~~order~~ decree rendered in this Cause at the fall Term 1841 of this Court the Defendant was required to pay to the Sheriff of Travis County for the use of the plaintiff on the 12th day of every month after ~~rendering~~ the rendering of said decree, the sum of Seventeen dollars and fifty cents for her support during the pendency of this suit, and upon his failure to pay said sum at any of the said times the said Sheriff was directed to take into his possession any one of the slaves

mentioned in complainants petition, and hire the same out to the highest bidder per month and pay over to the Complainant out of the proceeds arising from said hire the sum aforesaid and the overplus, if any, to said Defendant and it further appearing that the said defendant has not paid said sum aforesaid ($7.50) or any part thereof at any of the times specified, in said decree, and that the Sheriff under said decree did attempt to take and hire a negro boy belonging to said defendant and mentioned in said petition named Isaac, then in possession of Thomas Wm Ward in the County of Travis under a previous Contract of hire made by said Ward with the Defendant at the rate of fifteen dollars per month in exchequer Bills and that said Ward refused to deliver the possession of said boy to the said Sheriff but agreed with said Sheriff that he would pay the aforesaid sum of fifteen dollars in Exchequer bills per month for the hire of said boy to the said Sheriff instead of paying the same to said Defendant which payments to said Sheriff the said Ward has not yet made, and also that said Sheriff under said decree did attempt to take and hire a negro Girl of said Defendants named Martha mentioned in said petition then in the possession of John Nolan under a previous contract of hire made by said Nolan with said Defendant at the rate of twelve dollars and fifty cents per month, and that said Nolan refused to deliver the possession of said Girl to said Sheriff but agreed with said Sheriff that he would pay all of the hire of said Girl which was then due or which might afterwards fall due to the said Sheriff instead of said Defendant, and that said Nolan has since paid over to said plaintiff, and it also appearing that said plaintiff has received from said Sheriff in part for said hire the sum of Thirty One Dollars which has since been paid over to said plaintiff, and it also appearing that said plaintiff has received no benefit under said decree, except the aforesaid sum of thirty One Dollars paid as aforesaid, and that all the residue of the money which should have been paid under said decree yet remains unpaid, It is therefore ordered and decreed that the said Ward and the said Nolan are hereby required to pay said hire now due or which may hereafter fall due to said Sheriff who is hereby required to apply the same in satisfaction of said decree, first paying to said plaintiff or her Attorneys the amount which has heretofore fallen due and under said decree, taking the aforesaid exchequer Bills at their market Value in making said payments and afterwards of carrying into full and complete the said decree according to the terms thereof so long as said property shall remain under him as aforesaid. And it is further ordered that when the terms of hire of said negroes under said

contract made by said Ward and said Nolan with said defendant shall upon the said Negroes shall be taken in the possession of said Sheriff and shall be by him safely transfered and delivered to the Sheriff of Bastrop County retaining out of said hire a sum sufficient to endemnify him for the expense of transporting the same to said Sheriff of Bastrop, and the said Sheriff of Bastrop is ordered to take and receive said negroes when delivered to him as aforesaid, and hire them out at public outcry by the month for cash to be paid at the end of each month, and the proceeds arising from said hire by the said Sheriff is to apply to the carrying into effect the interlocutory decree heretofore rendered in this cause, until the cause shall be finally decided.

It is further ordered that the Chief Justice of Bastrop County shall be and is appointed Curator pendente lite to provide means of safety for the Slaves left with the Complainant as well as the slaves hired out, and to be hired out as aforesaid in case the same should be exposed to imminent danger from Invasion of the Country by an enemy and also to prevent said Slaves from being removed from the Republic and generally to see that the rights of the defendant in said Slaves shall not be jeopardized until the final decision in this cause, and while the same are out of his custody under the aforesaid decree.

It is further ordered that a copy of this decree be served upon the said Thomas N Ward and another copy of the same upon the said John Nolan and that a copy of the interlocutory decree heretofore together with a copy of this decree be served upon the Chief Justice of Bastrop County and also that a copy of said interlocutory decree together with a copy of this decree be served upon the Sheriff of Bastrop County and that each of said persons govern themselves in the premises by said decree.

It is further ordered that said John Nolan give security to the Sheriff of Travis County aforesaid for the payment of the hire of said Girl Martha and the Good Keeping of said Martha and her child and for her delivery to said Sheriff at the expiration of her aforesaid term of hire or at any time previous to expiration of said term provided he the said Nolan shall so elect.

Signed Robt E B Baylor
Judge &c

Fall Term A.D. 1842.

Peter W. Herbert
123 vs
~~John Edmundson~~
Thomas A Moore

Be it remembered, that the proof in this cause, was, that the property belonged to P. W. Herbert and was stolen from his possession on the night of the twenty seventh day of May A.D. 1842. that on the 30th day of May 1842. about two Oclock of that day. Thomas A Moore with his party recaptured the property from the Hostile Indians. Herbert had made no pursuit to regain his property, nor had Moore and his ~~property~~ party gone out expressly to recapture, it. but being on the waters of the San Gabriel. he discovered the Indians the evening before he recaptured the property, upon the discovery, he sent back to Brushy reenforced his party making in all nine men and the next day came to where he had discovered the Indians the evening before, took their trail and came on them, in their camp, attacked them had his own horse killed under him, in the fight worth two hundred Dollars. the Indians fled. and that he Moore and his party then recaptured, the property from them in dispute together with sixteen other horses. the Indians were proved to have been Wacoes or Cumanches. supposed to have been Camanches. on bringing the property into the settlements. Herbert demanded the property from Moore who had it in his possession, who refused to give it up on the ground of having recaptured it. as above stated,

As presiding Judge I certify the foregoing to be the proof in the cause.

Signed R C B Baylor
Judge &c

The Court then adjourned until tomorrow nearly nine Oclock.

Pltfs Term 1862 Thursday September 18th 1862.

Court met pursuant to adjournment.
Minutes read and adopted.

In Chancery

P. B Cocke
vs
John B Black &
Benj S Grayson

In this cause the Defendant by his attorney and on motion of said attorney it is ordered by the Court that this cause be dismissed from the docket for want of prosecution.

Seaman Ward
vs
Farley & Isett

Continued on affidavit of Thomas Ward agent of Plaintiff.

129

Saml L Hayne
vs
Geo M Nichols

This day came the parties by their Attorneys who submitted their cause to a jury of good and lawfull men, duly chosen and sworn to try the same and after hearing the Judgement thereon rendered the following verdict.

We the jury find for the Plaintiff in the sum of Twenty dollars.

Signed N Townsend
Foreman

Whereupon it is ordered by the court that a Judgement be entered for the Plaintiff for the amount so assessed by the jury for which execution may issued against the principal debtor & his security in the bond & C

Geo L Harrison
vs
Wm Farley

In this cause came the Plaintiff by their Attorney and the Defendant by his Attorney and on motion of Defendants Atty it is ordered that the Plaintiff be non suited and that the Defendant go hence without day with his reasonable cost in his behalf expended for which execution may issue

89

Grace & Echelberger
vs
M Farley

This day came the Defendant by his Attorney and on motion of Defendants Atty it is ordered that the Plaintiff be non suited and that the Defendant go hence without day with his reasonable cost in his behalf expended for which execution may issue

Moore & Fleming vs G H Harrison — ~~In this cause the parties by their attorneys~~ On motion of defendant & they the cause is continued and Certiorari be awarded the Court below returnable at the next term of this Court.

James Turley vs Jno R Slocomb — Continued by Consent of parties

Sam Houston president for the use of Isaac Coldwell vs S F Bonford Ed Hamell & S I Whalley — Continued by Consent motion of plaintiff.

Lydia Gibberson vs Asa Brigham — ~~Continued by the plaintiff.~~ This day came the parties by their attorneys and on motion of plaintiffs attorney it is ordered by the Court this case be continued until the next term of this Court and the plaintiff give security for cost within Sixty ~~days~~ days. or said suit be dismissed from the docket and by Consent of parties, leave given to take the Deposition of A.C. Clyde at home esqr.

~~Court dock for want of adjournment.~~

~~Forman & Dorman vs Fidon Burdick~~ ~~In this cause the parties~~

Fall Term AD 1842

Dissenden & Penman
vs
Gideon Pendleton

Chancery—

In this cause the parties by their Attorneys, and upon the hearing of the matters alleged in and contained in the Bill answer and exhibit it is ordered that the Injunction be dissolved, upon the Defendant Pendleton entering into bond and good security in double the amount of the Judgment at Law, against Penniman to respond to Complainant Plaintiff any amount he may collect by his officers and pay all damages they may sustain by the institution of proceedings against them, upon said judgment, provided the Court there rendered shall be affirmed. Ordered

further, a final decree after hearing of the cause. Ordered that the bill filed in this cause may be taken as confessed against Penniman and that the bill stand over for such further proceedings as may be equitable between said parties.

Nolan McTuckett &
Alfred M Tuckett
vs
Nathaniel Townsend

Chancery

Continued by ~~Consent of parties~~ the Complainants

Joseph Dissenden
vs
Moses Wood

Continued on motion of Complainants ~~by Consent of parties~~ and leave given the ~~Defendant~~ Plaintiff to amend his Bill

Henry Millard
vs
Com'r Gen'l Land Office

In Chancery

In this cause came the plaintiff by his attorney and on motion it is ordered that the County Surveyor of Travis County, cause to be surveyed, the boundary line in question agreeably to an interlocutory order heretofore made by the Court and on file among the papers, and that he return a plat and certificate in conformance with said order to the next term of this Court: and the Sheriff of Travis County, is ordered to serve a Copy of said interlocutory order of Survey on the Surveyor in and for Travis County.

Fall Term AD 1842

9 Richard B Jamman vs C B Alexander et al } In Chancery.

In this cau came the parties by their attorneys. and by consent this cau stands continued until the next term of this Court and leave given to take the depositions of Jno N. Haden nonresident defendant before the deputy Clerk of this Court.

10 Richard B Jamman vs Caleb B Brock. } In Chancery.

In this cause came the parties by their Attorneys, and by consent, this cau is continued until the next term of this Court and leave given to take the depositions of John N. Haden defendant before the deputy clerk of this Court.

C B Stewart vs Thomas W Ward Com of the P Office } In Chancery

Continued by the Court. until the next term.

+ Republic of Texas vs Ross Gorman & Wm P Thorpe } This day came the Republic by H J Lucie and the defendant W. P. Thorpe in his own proper person & acknowledges himself to be indebted to the President of the Republic of Texas in the penal sum of Two hundred Dollars to be levied of his goods and Chattels, Lands and tenements to be void nevertheless, on condition the said Wm P Thorpe shall be and appear at the next term of the District Court to be holden in and for this County then and there to answer an indictment found against him this term of this Court, & not depart thence remain from day to day and term to term until discharged by order of the Court. And came Henry Mundle & volunteered in behalf of the Absent Defendant Joseph Lee and A S Combs & for the said defendant acknowledges themselves to be indebted to the President of the Republic of Texas in the same manner on the same condition, & the said Absent Defendant Henry Mundle witness for the defendant who acknowledged himself indebted to the President of the Republic of Texas in penal sum of two hundred Dollars void nevertheless

that he appear at the next time of this court, and in behalf of the defendant in the prosecution aforesaid.

214 Fall Term Anno Domini 1842.

James H Starr } In Chancery
vs
Rountree, Edmington & Johnson } And now at this day came the parties aforesaid by their respective Solicitors, and upon the hearing of the Matters alledged and contained, in the Bill and on, and petit, it is ordered ~~by the Court~~ that the Injunction be dissolved upon the Defendants Rountree Edmington & Johnson, entering into bond of good security, in double the amount of the judgements at Law, against Starr to refund & complainants any amount they may collect out of his effects and pay all damages they may sustain, by his subsequent proceedings against them, upon said judgement, provided a final decree upon the original Bill filed in this cause shall be had against him, and that said Bill stand over for such further proceedings as may be proper between said parties. It is further ordered that the depositions of Lemon Moore be taken de bene esse by consent of parties.

It is ordered by the Court that all causes on the docket not disposed of, and all Motions not acted upon be continued until the next term of this Court.

It is ordered that the Grand Jury empannelled for this term be discharged from the further consideration of their duties during the present term

It is ordered by the Court that the Clerk together with the Sheriff in the presence of some Justice of the peace for the County of Travis, proceed to draw according to law, thirty six names of persons duly qualified to serve as jurors ~~to serve~~ at the next term of this Court.
It is further ordered that the Court stand adjourned until the next term.

R. E. B. Baylor Judge &c

Spring Term AD 1843.

Be it remembered that the District Court and Spring Term commencing its Sessions on Monday the Sixth day of March Eighteenhundred and forty third. Present A. St. Beaty Supty. Clk. of said Court and Charles F. King Sheriff. His Honour the Judge of the third Judicial District being absent the Sheriff adjourned the Court until Tuesday morning Ten oclock A.M.

Tuesday morning 10 Oclock A.M. Court met pursuant to adjournment. Present. his Honour the Judge R. E. B. Baylor

The Court then proceeded to its further organization Owing to the office of District Attorney being vacant John D. Anderson Esqr. was appointed by the Court to fill said vacancy

The Union Panel being called the following persons answered to their names. viz.

Joseph. Hornsby. Francis Kelly Henry Burkhart. John Grumbly Martin Moore. John A. F. Graves. Joseph W. Robertson William D. Thomas. James Edmundson. Conrad Price. John Edwards Henry Koontz. George K. Fenton John. Telair. John F. Wotten Anderson. Upchurch Williams Hamillon Milland Parkison.

The Court then proceeded to draw fourteen names from the Panel then present. to Constitute the Grand Jury. for the present term

1 Joseph Hornsby
2 Francis Kelly
3 Henry Burkhart
4 John Grumbles
5 Martin Moore
6 John A. F. Graves
7 Joseph W. Robertson
5 Wm D. Thomas
9 James Edmundson
10 Conrad Price
11 John Edwards
12 Henry Koontz
13 George K. Fenton
14 John Telair

Joseph W. Robertson was appointed by the Court Foreman of the Grand Jury being duly sworn, the other Jurors were then sworn according by the Jury then retired the Charge of his Honour the Judge and retired

Messrs Barrett. Nugent & Hornsby were excused by order of the Court. Messrs Wm Allen Jacob Reams. Thomas W. S Stroles Isaac Pierson. Philip Golden & David Thomas. were fined Twenty dollars for Nonattendance as Jurors by order of the Court.

The Civil Docket was then taken up and read by the Court and adjourned until Wednesday morning at Ten oclock. A.M.

Tuesday Morning 10 oclock A.M. the Court met pursuant to adjournment. Fine remitted as to Wm Allen John G. Pierson & Philip Golden

Spring Term AD 1846.

James A. Caldwell
vs
67 Pettenden & Denmark

Josiah Gerodine
vs
No 3 John R Jones

In this case by the consent of parties it is agreed that the same be removed to the County of Washington for trial, & upon motion the plaintiff was ruled to give security for costs & thereupon Nathan Mitchell came into open court & acknowledged himself security therefor

Allen S. Holderman
vs
No 4 James A Haynie

In this case by Consent of parties it is agreed that the same be removed to the County of Bastrop for trial ~~and~~ and be continued until the Fall Term of ~~that Court~~

Edward Seiders
vs
Hanlan Craig & Obrian

The plaintiff by his attorney came into court & dismissed his suit It is therefor ordered that the Defendants go hence without day & recover of the plaintiff their costs in this behalf expended & that execution issue therefor &c It was further agreed by the parties that the costs should be paid by both in conjunction

Jacob Black
vs
No 5 Dixon & Caldwell

The plaintiff by his atty came into court & dismissed their said suit It is therefor ordered that the plaintiff pay the costs in this behalf & execution issue therefor

James & Elijah Curtis
vs
No 6 Robert Mitchell

This case was continued on the affidavit of plaintiff upon the payment of all the costs accruing during the term of this court & that execution as in other cases may issue therefor

No 53 James F. Perry Executor of S. F. Austin
vs
Samuel Houston President &c. In this case the venue was changed to the County of Washington

for trial, upon the following agreement entered into between the attorney Genl of the Republic and Lipscomb & Gillespie for the petitioners.

" Republic of Texas
Washington County } January 29th 1843.

Whereas it is believed by the undersigned G W Terrell attorney Genl of the Republic aforesaid and Lipscomb & Gillespie attorneys employed in certain Empresario cases now on the docket of the District Court of Travis county, should be heard & tried in the district Court for the County of Washington the present temporary seat of Government of this Republic. Therefore it is hereby agreed that the Empresario suits of James F Perry Executor of Stephen F Austin deceased against said Republic and also the case of said Perry Executor &c & Samuel M Williams against the Republic be transfered to the said District Court of the County of Washington for trial given under our hands & dated as above

(signed) G. W. Terrell Atty Genl
Lipscomb & Gillespie attorneys
for complaints.

No 55. McMullin & McGlown
Sam Houston Pres't } Venue changed
to Washington county by the consent of parties, as filed in the papers of said cause

No 58 James F. Perry Exr. } This cause by the
vs
Sam Houston Pres. } agreement of the
parties as stated in No 58. venue changed
to the county of Washington

No 63 Daniel Browning & wife } In this case came
vs
L. L. & J. H. Wilkins } the plaintiffs by atty
& moved the court for a judgment final by
default for want of a plea or answer in the
cause. It is therefore considered by the court that

the said plaintiffs recover of said Defendants the sum of one hundred & nineteen dollars the amount of their note set forth in the plaintiffs petition together with the further sum of twenty four dollars the interest thereon due since the 19th January 1841 and the costs in this behalf expended & that execution issue therefor as in other cases.

Daniel J Toler Exr
vs
Wm B Lamar Proct. } This case by the agreement of the parties filed among the papers of the cause, is transferred to the county of Washington for hearing & trial.

Philip Howard
vs
Reuben Hornsby } In this case the plaintiff though solemnly called not to prosecute his said suit, but made default. It is therefor considered by the court that he take nothing by his plaint in this behalf, but that the defendant go hence without day & recover of the plaintiffs the costs in this behalf expended, for which an execution may issue.

Robert H Haines } In this case the Deft demurs to the plaintiffs petition coming on to be heard before the Court, the same was overruled and on motion of the plaintiffs by ~~plaintiffs~~ atty, the said defendant having failed to make further answer to said petition but made default. It is therefor considered by the Court that the plaintiffs recover of said defendant the sum of three hundred seventy four dollars debt the amt of defendants note as set forth in plaintiffs petition, together with the further sum of sixty five dollars the interest thereon since due, and the costs herein expended & that execution issue therefor.

211. Spring Term AD 1843

1084 Joseph Hanis vs Joseph Tanner } In this cau came the plaintiff by attorney & the defendant tho solemnly called came not but on default. It is therefore considered by the court for such his default the plaintiff recover of him the sum of eleven hundred dollars together with three hundred & eighty five dollars the Interest thereon & the costs in this behalf expended &c.

1085 Joseph Hanis vs Joseph Tanner } In this cau the plaintiff by attorney & the Defendant tho solemnly called came not but on default. It is therefore considered by the court for such his default the said plaintiff recover of the Defendant the sum of nine hundred dollars the debt in his petition mentioned & the further sum of two hundred & twenty five dollars as interest & the ~~condition~~ said debt became due and the costs in this behalf expended & that he be in mercy &c.

1086 Charles A Gerecke vs Joseph Ehlinger & Com of Gen Land office } In this cau came the defendants by their attorney B. Gillespie and the plaintiff though solemnly called came not but on default. It is therefore considered by the court that the plaintiff &c his default be amerced & the costs herein expended, and that the defendants go hence without day and it is further ordered on motion of defendant Ehlinger he authorized to withdraw his plat of from this government for a league & labor of land filed as part of his answer in said cau & that execution issue against the said plaintiff for the costs aforesaid.

Spring Sess. A.D. 1816.

Edward Moorhouse et al
vs
James Land

In this case it was suggested & made known to the court, that since the last Term of this court Nathaniel Watrous & John R. Cunningham have departed this life and thereupon came the counsel for the plaintiff in said cause & moved the court that said suit be revived in the name and favour of D. Daniel C. Watrous, Frederick A. Watrous, John C. Watrous, Nancy B. Watrous and Solomon L. Gillett & Mary his wife formerly Mary Watrous, heirs at Law of said Nathaniel, and Hugh M. Cunningham, Columbus G. Cunningham, Joseph C. Cunningham, Andrew J. Cunningham, Amanda M. Cunningham, Adaline Cunningham, Philip Heathcock & wife Elizabeth formerly Elizabeth Cunningham, John M. Cunningham & wife Jane formerly Jane Cunningham, Alanson S. Story & wife Cynthia formerly Cynthia Cunningham, and Andrew J. Liddel & wife Margaret formerly Margaret Cunningham, heirs at Law of the said John R. Cleveland, which is now so ordered.

On motion of D. A. Tidmon District Attorney for the 2nd Circuit. It is ordered by the Court that Friday next be set apart for the trial of causes on the Criminal Docket. On motion the Court adjourned until tomorrow morning at 10 o'clock A.M.

Thursday morning 10 o'clock A.M. the Court met pursuant to adjournment.

No 90 Thomas Gay &c. vs John Gray } ~~Term changed to next succeeding County by the consent of parties~~

No 14 Jacob Black vs James A. Caldwell } The plaintiff by his atty came into Court and dismissed his suit. It is therefore ordered that the defendant go hence without day and recover of the plaintiff his costs in this behalf expended and that Execution issue therefor &c

Spring Term AD 1818.

No 15 — Alx Russell vs A.B. Ebely — This day came the plaintiff by his atty and suggested the death of the plaintiff whereupon it is ordered that a Sira. Facias be issued to his representatives when Known & Case Continued

No 19 — Alx Russell vs Moses Ward — This day came the plaintiff by his atty and suggested the death of the plaintiff whereupon it is ordered by the Court that a Sira Facias be issued to his representatives when Known & Case Cont

No. 11 — Foster & Wheeler for the use of David Wheeler vs Asa Savery — In this case the Defendant though solemnly called came not but made default thereupon the plaintiff by his attorney moved the court for a judgment by default & prayed a writ of enquiry instanter and thereupon came a jury of good & lawful men Mark Lewis & eleven others who after being duly sworn say that the plaintiff hath sustained damage to the amount of six hundred & thirty eight dollars for the ballance of his debt and also one hundred & thirty dollars and eighteen cents interest thereon It is therefore considered by the court that the plaintiff recover of the defendant the amount of the debt so found by the jury and the interest as aforesaid & his costs in this behalf expended & that the defendant be in mercy &c

No 12 — Chas Bigelow for the use of &c vs Asa Savery & Son — In this case the defendant though solemnly called came not but made default. thereupon the plaintiff by his attorney moved the Court for a Judgment by default & prayed a writ of enquiry instanter and thereupon came a jury of good and lawful men Mark Lewis and eleven others. who after being duly sworn say that the plaintiff hath sustained damage to the amt of Seven hundred and ten dolls sixty Eight Cents for the balance of his debt. And also One hundred and fourteen dolls fifty five cents interest thereon it is therefore Considered by the court that the plaintiff recover of the defendant the amt of the debt so found by the jury and the interest as aforesaid and his costs in this behalf expended and that the defendant be in mercy &c

Spring Term AD 1845.

No 13 L. S. Wheeler vs A. Sa. Savory } In this case the defendant though solemnly called came not but made default, thereupon the plaintiff by his atty moved the Court for a Judgment by default & prayed a writ of enquiry instanta and thereupon came a Jury of good and lawful men. Mark B. Lewis and Eleven Others who after being duly sworn say that the plaintiff hath sustained damage to the amt of five hundred and fourteen dolls & seventy two cents for the balance of his debt and also One hundred and twenty three dolls interest thereon

It is therefore considered by the Court that the plaintiff recover of the defendant the amt of his debt so found by the jury and the interest as aforesaid and his costs in this behalf expended and that the defendant be in mercy &c —

No 21 Alex Russell vs A Murchison } This day came the plaintiff by his atty. and suggested the death of the Pltff whereupon it is ordered by the Court that a Sira Facias be issued to his representative when known and case Cont

No 311 James Knight surviving partner of W. C. White & Co vs A B Eberly } This day came the plaintiffs by their atty and on motion of the plaintiffs it is ordered by the Court that this suit be dismissed and the defendant go hence without day and recover of the plaintiffs their costs in this behalf expended and that execution issue ~~for the same~~ therefor &c

No 19 Louis Goodwin vs Robert H. Wynne } This day came the plaintiff by his atty, and on motion of the plaintiff it is ordered by the Court, that this case be Continued and a alias writ and petition be served on the defendant directed the Sheriff of Galveston County

F. W. Hubbard vs James Edmundson } This day came the parties by their atty.s and submitted their cause to a jury of good and lawful men duly chosen and sworn to try the issue the jury not being able to agree it was ordered by consent of parties that a juror be withdrawn and that this case be continued until the next term of this Court

Spring Term AD 1843

No. 134 Louis F. Cook vs John Tibble } This day came the defendant in person and made oath that he was not ready for trial in consequence of the absence of a material witness. It was therefore ordered by the Court that this case be continued until the next term.

No. 3 Christopher H. Sterne vs Daniel L. Richardson et al } This day came the complainant plaintiff by his solicitor and on motion of the complt ~~plaintiff~~ solicitor it is ordered by the Court that an Alias Supera issue to defendant. and case continued

St. Bartholomew Fine be remitted as to Messrs Alexander Peyton & Jacob Kleans for their non attendance as Grand Jurors &c.

No. 90 Thomas Gay Executors vs John Gray } This day came the parties by their attorneys and on motion of the plaintiffs it is ordered by the Court that this cause be transferred to Washington County for trial to which the defendant by his counsel objected and filed his bill of exceptions among the papers of the case &c

Friday morning 10 o'clock am the Court met pursuant to adjournment

No. 15 Thomas D. Fisher vs Thos. L. Jones } In this case the defendant though solemnly called came not but made default. thereupon the plaintiff by his atty moved the Court for a Judgement by default and prayed a writ of enquiry instanta and thereupon came a Jury of good and lawful men Mark W. Lewis and Eleven others who after being duly sworn say that the plaintiff hath sustained damage to the amt of Three hundred & ninety seven dolls & thirty seven cents for the balance of his debt

It is therefore considered by the Court that the plaintiff recover of the defendant the amt of the debt so found by the Jury and his costs in this behalf expended and that the defendant be in mercy &c

14 Sarah E McNeal vs Hector McNeal } This case by the agreement of parties is transferred to Bastrop County for trial

Spring Term AD 1843.

No 33. James Craft vs Joseph Tanner — In this case the defendant though solemnly called came not but made default thereupon the plaintiff by his atty moved the Court for a judgement by default and prayed a writ of enquiry instanter and thereupon came a jury of good and lawful men John D. Anderson & Eleven Others who after being duly sworn say that the plaintiff hath sustained damage to the amt of Six hundred and ten Dollars & thirteen & one third cents for the balance of his debt It is therefore considered by the Court that the plaintiff recover of the defendant the amt of the debt so found by the jury and his costs in this behalf expended and that the defendant be in mercy &c

No 43. Wm H. Peaty vs S. S. & J. H. Wilkins — In this case the defendants though solemnly called came not but made default Thereupon the plaintiff by his atty moved the Court for a judgement by default and prayed a writ of enquiry instanter And thereupon came a jury of good and lawful men L. Pl[illegible]k and Eleven Others who after being duly sworn say that the plaintiff hath sustained damage to the amt of Five hundred and Fifty three dollars for the balance of his debt and Eighty Six dollars & Eighty Eight cents interest thereon

It is therefore considered by the court that the plaintiff recover of the defendants the amt of the debt and interest so found by the jury and his costs in this behalf expended and that the defendant be in mercy &c

No 1110. John Caldwell vs Matthew Moss — In this case the defendant though solemnly called came not but made default thereupon the plaintiff by his atty moved the Court for a judgement by default and prayed a writ of enquiry instanter and thereupon came a jury of good and lawful men George D. Glasscock and Eleven Others who after being duly sworn say that the plaintiff hath sustained damage to the amt of Five hundred and fifty dollars for the balance of his debt and Sixty one dollars and Eighty Seven cents interest thereon

It is therefore considered by the Court that the plaintiff recover of the defendant the amt of the debt and interest so found by the jury and his costs in this behalf expended and that the defendant be in Mercy &c

Spring Term AD 1843.

No. 131. Mary P. Bullock vs Daniel Browning & Nancy Browning } This day came the parties by their attorneys and submitted their case to a jury of good and lawful men duly chosen & sworn to try the issue. who after sitting in judgement thereon rendered the following verdict

We the jury find the issue in favor of the plaintiff & assess the at ~~for the plaintiff in~~ damages two hundred dollars, to wit Jacob Hamell ~~signed George D. Glasscock~~ foreman and eleven others

It is therefore considered by the Court that the plaintiff recover of the defendants & the sum of two hundred dollars in damages so found by the jury and his costs in this behalf expended and that the defendants be in mercy &c. and for which execution may issue,

No. 118. Samuel Ricker vs Samuel Whiting & J. W. F. Niles } This day came the plaintiff by his attorney and on motion of the plaintiff it is considered by the Court that an alias Writ & Petition be directed to the Sheriff of Matagorda County and leave given to amend the petition, and case continued

No. 117. James A. Caldwell vs Fessenden & Denman } This day came the the plaintiff by his attorney and suggested the death of James A. Caldwell and Suit & it is therefore ordered that the revived in the name of Silas Colville his executor and case continued by Defendant

No. 136. J. G. Knapp vs William Naugle } This day came the parties by their attorneys and on motion of defendants attorney it is considered by by the Court that this case be dismissed for want of Jurisdiction in the Court below and that he go hence with his costs of suit in this behalf had & expended for which execution may issue

No. 117. Thomas Dillard vs Thomas Wm Ward Assn &c } This day came the Complainant by his solicitor and on motion of said solicitor it is considered by the Court that this case be dismissed from the Docket and that the defendant go hence with his reasonable cost expended for which execution may issue

Saturday morning March 11th 1843
Court met pursuant to adjournment

6 James Cole
vs
Henry Ferrell &
Thomas Duggan

24 Daniel Kinchelow
vs
Kindred H. Muse

35 William Evison
vs
Saml Watkins

40 J. H. & L. S. Wilkins
vs
W. T. M. Smithson

47 L. S. Wilkins
vs
James Martin

54 Haden Edwards
vs
M. B. Lamar Prest.

61 A. T. Gayle
vs
J. W. Garrelly

Shaw &c
vs
Newlan & O'Brien

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95	S. J. Sharp Adm &c vs D. P. Barhydt	
108	McKinney & Williams vs A. B. Eberley	
111	Heirs at Law of Matthew Duly &c vs Noah Smithwick & wife	
115	James Cranwell vs Martin Rumpff	
116	John Adriance vs Martin Rumpff	
118	A. B. Eberley vs Knowlan & O'Brien	
120	William W Wilkerson vs William Hunt	
16	Peter McGreal vs Wm H Hunt	This, and all the foregoing cases commencing at Number Six were continued by order of the Court
	William S Orr vs Wm R McClure	Continued by order of the Court

5 William H Patton & Co
vs
John F. Webber
This day came the plaintiffs by their attorneys and on motion of the plaintiffs it is ordered by the Court that this case be continued until the next term by consent

122 Henry Stuffey & Co
vs
Thos Wm Ward Garnishee
Mr Villee
See page forward
In this case the said Thomas W Ward, summoned as a garnishee, though solemnly called came not whereupon the plaintiff by his counsel moved the court for a judgment against said garnishee for such his default whereupon it was considered & ordered by the court that a judgment be and is hereby entered against said garnishee in favour of said Henry Stuffey & Co for the sum of Two hundred & twenty two Dollars twenty Seven cents with interest from December twentieth 1841 until paid and all legal costs and that he be in mercy &c

This entry set aside
See Supra

87 Thomas Freeman this case set aside
vs
Joseph W Robertson Garnishee
Alexander McDonald
See page forward
In this case the said Joseph W. Robertson, summoned as a garnishee, though solemnly called came not, whereupon the plaintiff by his counsel moved the Court for a judgment against said Garnishee, for such his default, whereupon it was considered and ordered by the Court that a judgment be and is hereby entered against said garnishee in favor of Thomas Freeman for the sum of Eleven Dollars & Sixty Six cents and all legal costs, and that he be in mercy &c

121 Larkin S Sullivan
vs
Wm S. Beaty Admr
This day came the plaintiff by his attorney and on motion of the plaintiff, it is ordered by the Court, that this case be continued, and that an alias Si fa be served upon defendant Williams S Beaty, the administrator of D.K. Webb deceased

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107 Ward & Ingram vs John Nowlan } This day came the defendant by his attorney and on motion of defendant it is considered by the Court that this suit be dissmissed for want of prosecution, and that the defendant go hence with his reasonable expense cost expended for which execution may issue

Nancy Ann Miller & Samuel R Miller vs James A Caldwell } In this case it was suggested and made known to the Court that James A Caldwell had departed this life; and thereupon came the counsel for the ~~defendant~~ plaintiff in said cause, and moved the Court that said suit be ~~revived~~ in the name and favor of Silas C Colville his Executor representative & that sifa do issue to the aforesaid Silas C Colville = Therefore it is hereby agreed that this cause be transferred to the said District Court of the County of Washington & Security for costs to be given in sixty days or suit to be dismissed = And it is furthermore agreed upon by & between the parties that said suit shall not be tried at the first following term of said Court unless by consent

73 Thomas Puckett vs Thomas A Moore } This day came the plaintiff by his attorney and made oath that he was not ready for trial in consequence of the absence of material witnesses. It is therefore considered by the Court that this case be continued ~~until the next term~~ upon the payment of the cost of this present term of the Court

7 George I Glasscock vs John F Webber } In this case came the parties by their attorneys, and on motion of defendants attorneys it was ordered by the Court, that the plaintiff take a non suit, and that the defendant go hence with his reasonable cost in his behalf expended for which execution may issue

Spring Term AD 1843

96 James Turley vs John R Slocomb } This day came the parties by their attorneys and on motion of plaintiffs attorneys it was ordered by the Court that this case be continued upon the payment of the costs of this present Term

88 Moore & Blessing vs Greenbury H Harrison } This day came the parties by their attorneys who submitted their cause to a Jury of good and lawful men duly chosen & sworn to try the issue to wit George L. Glasscock & Eleven others, who after sitting in judgment thereon rendered the following verdict We the jury find the issue in favor of the plaintiffs and assess the damages at Sixty four Dollars and Seventy nine cents

It is therefore considered by the Court that the plaintiffs recover of the defendant the sum of Sixty four Dollars & Seventy nine cents in damages so found by the Jury and his costs in this behalf expended, and that the defendants be in mercy for which execution may issue =

107 Ward & Ingram vs. John Newland } This day came the defendant and by his Attorney moved the Court that this case be dismissed, whereupon, the Plaintiff being solemnly called answered not, it is therefore considered by the Court that this case be dismissed for the want of prosecution, and that the defendant go hence with his reasonable cost in this behalf expended for which execution may issue

7 George I Glasscock vs John F Webber } This day came the parties by their attorneys, and submitted their cause to a jury of good & lawful men who being duly chosen and sworn to try the issue joined whereupon the Plaintiff before the jury retired ~~considering his case~~ took a non suit, it is therefore considered by the Court the defendant go hence with his reasonable cost had & expended in this behalf, for which execution may issue

March Term 1843

Monday morning Court met pursuant to adjournment

Sleman Ward Compt
vs
Farley & Jewett Defts

In this case came the compt by his counsel and moved the court that so much of the answer of said Defendant Farley as is contained in the first paragraph of the second page charging one of the counsel with of the complainant for sinister motives, ~~[illegible]~~ the making a distinction in the allegations against said defendants be stricken out for impertinence which motion was sustained by the court and ordered to be so done

Richard J Loyd Executor &c
vs
Mitchell & Harness

In these cases came a jury of good & lawful men who after having been empannelled & charged

No 45 & 46

Wayne Barton
vs
Mitchell & Harness

failed to return a verdict whereupon came the parties by their attorneys and consented to the withdrawal of a juror and a mistrial in both cases which was so ordered by the court. & cases continued

No 136

J F Edrington
vs
Cox & Scott

In this case came the Deft & moved the court for the continuance of this cause which was allowed them upon the payment of the costs of this Term. Thereupon the pltff moved for leave to take the deposition of J Locklin De Bene esse to be read as evidence in this cause which is also so ordered

No 102

John Neill
vs
Lewis Goodwin

In this case the defendant moved the Court to dismiss this suit, whereupon the Plaintiff Waiff duly & solemnly called & answered not it is therefore Considered by the Court that this Cause be dismissed for want of prosecution and that the defendant go hence with his reasonable Cost in this behalf expended for which execution may issue

Sam Houston Presdt for the use & benefit &c

97 vs B. W. Bassford J. M. Harrill J. J. Whatley } In this case the atty for Plaintiff suggested the death of the Plff Jas A Caldwell and moved the Court that the Case revived in the name of the ~~administrator~~ executor, whereupon it was considered by the Court that the Case be revived in the name of the ~~administrator~~ executor Silas C Caldwell and Sci fa to issue to said executor Silas C. Caldwell,

80 50 Michael Zillen } In this case came the parties by their attorney & thereupon came
vs Burchard Miller } a jury of good & lawful men to wit Mark B Lewis & eleven others, who after having been duly elected tried & sworn to try the issue of traverse upon their oath do say that they find the issue in favour of the plaintiff and assess his damage to the sum of fifty dollars debt & the further sum of eight dollars as interest accruing thereon It is therefore considered by the court that the plff recover of the deft the said sum aforesaid and all costs in this behalf expended & that he be in mercy &c

39 Heman Ward vs Gravis & Brown } Continued by order of the Court

36 Asa Brigham Adams &c vs Nowlan & O'Brien } Continued by order of the Court

13. Wm J Orr vs Wm R. McClure Et. Al } Continued by order of the Court

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14	The Republic of Texas vs James Patterson	91	Republic of Texas vs Thomas Myers
16	Republic of Texas vs James R Cooke	92	Republic of Texas vs William Raynie
17	Republic of Texas vs A. C. Davis	98	Republic of Texas vs Cheeks
31	Republic of Texas vs W. W. Bell	103	Republic of Texas vs Thomas L Jones
	Republic of Texas vs Alexander McKimble	100	Republic of Texas vs Francis Prentiss
51	Republic of Texas vs David Harmon	110	Republic of Texas vs Thomas J Smith
76	Republic of Texas vs Ross Gormon	114	Republic of Texas vs Richd Watts (Freeboy)
86	Republic of Texas vs Scott & Cox	93	Republic of Texas vs Fessenden & Denman
87	Republic of Texas vs Joseph L Anderson		This day came the Republic by her attorney John D Anderson at whose suggestion, it was ordered by the Court that a noli Prosequi be entered in the foregoing Cases

Spring Term AD 1843

36 √ Republic of Texas vs Ll M Underhill

50 √ Republic of Texas vs Richard Ross

53 √ Republic of Texas vs William N Porter

54 √ Republic of Texas vs Kendred H Muse

115 √ Republic of Texas vs E. Seiders In ll

124. Republic of Texas vs B. H Butts & Wm D Thomas In this and the foregoing cases, recognizance forfeited, and scira facias ordered, and show cause why judgment should not be final,

30 √ Republic of Texas vs James Crabtree

130 √ Republic of Texas vs George Barrett

102. Republic of Texas vs Fessenden H Denman

132 √ Republic of Texas vs Alexander Coleman

These and the foregoing cases commencing at Number thirty & ending at one hundred & thirty two were continued and alias capias ordered

March Term 1843

104 Republic of Texas vs G H Harrison

131 Republic of Texas vs D M Underhill

106 Republic of Texas vs J. F. Edrington

The foregoing cases were continued and Alias Capias ordered directed to the Sheriff of Washington County

62 Republic of Texas vs Thomas H Duggan

97 Republic of Texas vs Benj S Grayson

73 Republic of Texas vs G H Harrison

The foregoing cases were continued and Pleuries Capias Ordered to Colorado Washington & Austin Counties

The grand jury there being fourteen Jurors present came into open Court and through there foreman returned the following bill of Indictment. ~~[illegible]~~

Republic of Texas vs Chief Justice & Associates

For neglecting to appoint overseers of the road, a True Bill.

115 Republic of Texas vs E Seiders (Nole Prosequi in this case)

132 Republic of Texas vs Alexander Coleman

It is considered by the Court that this cas be continued and alias ca, sa issue,

Republic of Texas vs Chief Justice & Associates, David Laughlin & James Setter

This day came the parties by their Attorneys That is the Republic by his Attorney John H Anderson & ~~[illegible]~~ and a jury of twelve good & lawful men duly chosen & sworn to try the issue joined, upon the plea of not guilty, upon their oaths do say that the defendants are guilty whereupon it is considered by the Court that they pay a fine of one cent and the cost in this behalf expended, for which execution may issue

Republic of Texas vs D M Underhill } Republic of Texas vs Parkerson & Hazlet

It is considered by the Court, that the above cases be continued and alias ca sa to issue in each case.

Republic of Texas vs Chief Justice & associates A. D. Coombs H Laughlin & Jas Baker } This day came the parties the Republic by her attorney John D Anderson and the defendants in their own proper persons and a jury of twelve good & lawful men duly chosen & sworn to wit M. B. Lewis and Eleven others to try the issue joined upon a plea of not guilty, upon their oaths do say that the defendants are guilty — whereupon it is considered by the Court that they pay a fine of one cent, and the cost in this behalf expended, for which executeth may issue

Republic of Texas vs A D Coombs Chief Justice } It is ordered by the Court that a Noli Prosequi be entered in this case

Tuesday morning 9 O'clock A M

James H Hammond vs Saml Whiting } Court met pursuant to adjournment on the second day of the present term In this case came the plaintiff by his attorney and filed his petition for setting aside the non suit entered in this case at the last term of the Court, and to grant a new trial, and moved the Court for a rule against said defendant to show cause why the same should not be granted, And thereupon this day came the parties by their attorneys and upon solemn argument agreement had in the premises — It is considered by the Court that the plaintiff prayer be granted, that the former judgment of this Court rendered at the last term thereof, in said case, be set aside and vacated, and that the said cause be now reinstated on the docket of the Court for trial — It is further ordered by the Court that the plaintiff pay the costs accruing in said cause, at the last term of this Court & that execution issue therefor, and it is further ordered that the

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cause be continued Until the next term of this Court.

P. B. Cocke vs Benjamin S Grayson { On the Second day of the present Term In this Case came the plaintiff by his Attorneys and filed his petition for Setting aside the non Suit entered in this Case at the last Term of the Court, and to grant a new trial, and moved the Court for a rule against Said defendant to Show Cause why the Same Should not be granted = And thereupon this day came the parties by their attorneys and upon Solemn ~~argument~~ argument had in the premises = It is considered by the Court that the plaintiffs prayer be granted, that the former Judgment of this Court rendered at the last Term thereof, in Said Case be Set aside, and vacated, and that the Said Cause be now reinstated on the docket of this Court for trial = It is further ordered by the Court that the plaintiff pay the Costs accruing in Said Cause, at the last Term of this Court and that execution issue therefore, and it is further ordered that this Cause be Continued Until the next Term of this Court

G. M. Colinsworth & Jane Brigham vs R H Wynne { On the Second day of the present Term In this case came the plaintiff by his attorneys and filed his petition for the Setting aside, the non Suit entered in this Case, at the last Term of the Court, and to grant a new trial, and moved the Court for a rule against Said defendant to Show Cause why the Same Should not be granted = And thereupon this day came the parties by their attorneys and upon Solemn ~~argument~~ argument had in the premises = It is considered by the Court that the plaintiffs prayer be granted, that the former judgment of this Court rendered at the last Term thereof in Said Case, be Set aside and vacated, and that the Said Cause be now reinstated on the docket of this Court for trial = It is further ordered by the Court that the Defendant pay the Costs accruing in Said Cause, at the last Term of this Court and that execution issue therefor, and it is further ordered that this Cause be Continued Until the next Term of this Court

37 Joseph Fessenden vs Mary Wood & J. J. Harrill { This day came the parties by their attorneys who Submitted their Cause to a jury of good & lawful men duly chosen & sworn to try the issue joined to wit James M Long & Elwin others, upon their oath do Say, after setting my Judgment thereon ~~[illegible]~~ Jury find for the Complainant, and that the facts alledged in his petition are true Signed Jas M Long foreman, It is therefore ordered adjudged & decred by the Court

that said sale of land to A. J. Harrell one of the defendants be revoked annulled, and of no effect, and it is further ordered by the Court that the complainant recover of the defendants all costs in this behalf had & expended and for which execution may issue

G. M. Colinsworth & G. B. Brigham vs R. H. Wynne } On the second day of the present Term In this came the Defendants by his attorney and filed his petition for setting a side the non suit entered in this case, at the last Term of the Court, and to grant a new trial, and moved the Court for a rule against said ~~plaintiffs~~ to show cause why the same should not be granted, and thereupon this day came the parties by their attorneys and upon solemn argument ~~agreement~~ had in the premises — It is considered by the Court that the ~~Defen~~ Defendants prayer be granted, that the former Judgment of this Court rendered at the last Term thereof, in said case, be set a side and vacated, and that the said cause be now reinstated on the dockett of this Court for trial — It is further ordered by the Court that the Defendants pay the costs accruing in said cause, at the last Term of this Court — and that execution issue therefor, and it is further ordered that this cause be continued until the next Term of this Court

James H Hammond vs Samuel Whiting } Motion to amend Record On this day came the parties by their attorneys, and it appearing to the satisfaction of the Court, that at the last Term of this Court the said plaintiff, James H Hammond, appeared by attorney James Mogden Esq. an attorney of this Court and submitted to the non suit entered in said cause, and it also appearing that the entry of the judgment of non suit, in said cause upon the records at said Term is erroneous, in as much as it is not stated in said record, that said plaintiff did appear by Counsel, and submitted to said Non Suit, therefore it is ordered, that the record in said case be now amended nunc pro tunc, so as to make it appear, that at the time said Judgment of non suit was entered, the said plaintiff did appear in open Court by Counsel & submitted to the same

~~Nath~~ Townsend vs Jesse C. Tanneyhill } This day came the parties by their attorneys, and submitted their cause to a jury of good and lawful men, who being duly chosen & sworn to try the issue joined, whereupon the Attorneys for plaintiff before the Jury retired took a Non Suit — It is therefore considered by the Court that the defendant go hence, and recover of the plaintiff all costs about his suit in this behalf expended and for which execution may issue

83

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P. B. Cocke vs B. S. Grayson } Motion to amend Record

On this day came the parties aforesaid by their Attornies, and it appearing to the satisfaction of the Court, that at the last Term when this cause came up for trial, the Plaintiff P. B. Cocke was three times severally called and failed to appear to prosecute said suit, whereupon a judgment Noli prosequi was entered in said cause, and the plaintiffs action dismissed — and it further appearing, that in the entry of said Judgment of Noli prosequi upon the records, there is error, in as much as it does not appear upon said record that said plaintiff was three times severally called to prosecute said suit, and came not before said judgment was entered — It is therefore ordered that the record in said cause be now amended nunc pro tunc, so as to make it appear thereon, that at the time said judgment of Noli prosequi was rendered, the said plaintiff was three times severally called, and failed to appear and prosecute his said suit

52 B. Miller vs G. L. Haas & Co. } In this case came a jury of good and lawful men, who after having been empannelled & charged failed to return a verdict — Whereupon came the parties by their attorneys and consented to the withdrawal of a jury and a mistrial in the above case which was so ordered by the Court — It is furthermore ordered by the Court that the deposition of D. Laughlin be taken de bene esse & case continued

John F. Haswell & Co. vs Tam^l Whiting } This day came the parties by their attornies and submitted their cause to a jury of good and lawful men duly chosen and sworn to try the issue joined — to wit Mark B. Lewis & Eleven others, who after setting in judgment thereon rendered the following verdict

110

We the jury find the issue in favor of the plaintiff and assess the damage at Eight hundred & twenty five Dollars & 17/100 cents balance of his debt and ninety nine dollars sixty Eight cents interest thereon.

It is therefore considered by the Court that the plaintiff recover of the defendant the sum of Eight hundred & twenty five dollars & 17/100 damages together with the

further sum of Ninty nine dollars & Sixty eight cents interest in damages to be found by the jury, and his costs in this behalf expended, and that the defendant be in mercy &c for which execution may issue

112 Lawrence & Hill vs Sam'l Whiting } This day came the parties by their Attorneys and submitted their cause to a jury of good and lawful men duly chosen and sworn to try the issue joined: to wit Mark B Lewis & Eleven others — who after hearing the judgment thereon rendered the following Verdict — We the jury find for the plaintiffs and assess their damages at Five hundred & Sixty five Dollars & Seventy one cent ~~Damages~~ together with the further sum of One hundred & fifty Seven Dollars 75/100 interest in damages to be found by the jury, and his costs in this behalf expended, and that the defendant be in mercy &c for which execution may issue

51 Burchard Miller vs McZiller } This cause was continued on the affidavit of defendant on the payment of the costs of this term

122 Henry Stussy et al vs Michael Ziller & Thomas Willard Garnishee

This day came said Thomas W Ward, and on oath declared that he believes himself justly indebted to said Michael Ziller in the sum of Seventy dollars, whereupon it is considered by the Court that the plaintiffs do recover judgment against said Thomas Willard for the sum of Seventy dollars for which execution may issue, and that the former judgment against the Garnishee at this term be set aside & it is further ordered that the Original defendant pay the cost of this garnishee.

87 Thomas Spurman vs Alc Donald & Joseph W Robertson Garnishee.

This day came said Joseph W Robertson and on oath declared that he was justly indebted to said Alexander McDonald in the sum of Forty One Dollars and Fifty Cents and thereupon it is considered by the Court that said Thomas Spurman do recover judgment against said J W Robertson for the amount of his said Spurman's debt against D A McDonald to wit the sum of Eleven dollars and ____ cents for which execution may issue

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75 Wm H Watts
vs
Richard & Mary P Bullock

In this Case came the plaintiff by his attorney and on motion it was ordered that Scire facias do issue to the legal representative of Richard Bullock when known, and on motion of defendants attorney it was ordered that security for Costs be given in sixty day or suit to be dismissed

78 Wm H Watts
vs
Richard Bullock and Mary P Bullock

In this Case Came the plaintiff by his attorney and on motion it was ordered that Scire facias do issue to the legal Representative of Richard Bullock when known and on motion of defendants attorney it was ordered that security for costs be given in sixty day or suit to be dismissed

80 Wm D Lacy vs. K H Meuse. Adm of Benj J Noble deceased
It appeared to the court that said K H Meuse had resigned as after a forte. In this Wm W Thomson appeared and administrator and made himself a party to the suit and the case was ordered to be continued to the next term of Court.

82 Tannahil & Smith
vs
John Wood
} In this Case came the parties by their attornies and on motion of defendant it was ordered that the Case be continued to the next term of Court

99 R H Wynne
vs
Ann T Wooldridge
} In this Case Came the parties by their attornies and on motion of Defendant it was ordered that the Case be continued to the next term of Court, and it was also ordered that defendant pay the costs of the present term.

106 Ira R Lewis
vs
John Nowlan
} In this Case Came the parties by their attornies and by consent it was ordered that the Case be continued to the next term of Court.

104 Noah T Byers
vs
Joseph Sanner
} In this Case Came the parties by their attornies and by consent it was ordered that the case be continued to the next term of Court.

105 John W Dantzy Trustee vs Savary & McArthur } In this case [illegible] ordered that the Same be transferred to the Chancery Docket and on motion of Complainant it was ordered that the Same be continued to the next term of Court.

135. Belknap et Al vs Asa Savary } In this case came the plaintiff by by his attorney and on his motion it was ordered that the Case be continued to the next term.

132 Sam Whiting vs James F Edrington } In this case came the parties by their attornies and it was ordered that the Case be continued as on affidavit of the Defendant.

8 Heman Ward vs Farley & Jewell } Chancery. In this case came the parties by their attornies and by consent, it was ordered that the Case be refered to the Clerk as Master in Chancery and that he report thereon at the next term, & can be continued

No 2. C K Reese Admr vs James Burke } No 6 Henry Millard vs Commissn Genl Land Office

No 12 Amos Tims vs R Caldwell et al } No 18. Chs B Stewart vs Thomas W Ward Comr &c General Land Office.

No 20 James Hodges vs Thos Wm Ward Comr G. Ld Office } No 21. William Hamilton vs Thos. W Ward Comr Genl Land Office

No 22 Jos W Garretty vs Thos W Ward. Comr G Ld Office } No 23. Bartlett Sims vs Thos W Ward. Commt Genl Land Office.

No 28. James F Edrington vs Charles F Mason 1st. Auditor } No 29. John W Harrison vs Nolan & O Brien

In this and the foregoing cases it was ordered that they be continued to the next Term

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26. Sucession of James Norton Deceased vs Thos W Ward. Comr. Gen Land Office.

31. Westley Hunt vs Wm W Wilkinson

38 Johathan Baugs vs Sam Houston Presd

40. Wm C Dalrymple vs Matthias Willbarger

It was ordered that the foregoing Cases be continued to the next Term of Court.

32 D G Wheeler vs Asa Savary } In this Case Came the plaintiff by his attorney and says that he will no further prosecute his suit. wherefore it is ordered that Defendant go hence without day and recover of the plaintiff his reasonable costs about this suit in his behalf expended.

35. Isaac Casner et al vs Stephen M Hille } In this Case came the plaintiff by his attorney and on motion it was ordered that the Case be continued to the next term and a subpaena to issue

34. Joseph Daniels vs Berry & Gravis } In this case Came the plaintiff by his attorney and says he will no further prosecute his suit, wherefore it is ordered that the Defendants go hence without day and recover of the plaintiff their costs in this behalf expended.

Wednesday morning 9 o clock AM. Court met pursuant to adjournment

Joseph F. Smith vs Commissioner Genl Land office } This day came the parties by their Attorneys and [illegible] W Ward Commissioner of the General Land Office having appeared [illegible] oath according to law. the Case was ordered to be continued to the next term.

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William Hamilton
vs
Peter Grumbles
} In Chancery

This coming

This cause coming on to be heard upon bill & answer, and after the argument of Counsel the premises being duly by the Court considered it is ordered & decreed that the injunction heretofore granted be dissolved and that the defendant have benefit of execution in the Court ~~of Law~~ at Law below upon his giving bond with good & sufficient securities as the law directs and upon the prayer of the Complainant it is further ordered that the Cause stand over as an original bill and be set for hearing at the next term of this Court

Joseph E Plummer
vs
Commissioner Gen'l Land Office
} This day came the parties by their attorneys and also came Thomas Pilk Bird Commissioner of the Gen'l Land Office and on his motion and affidavit filed according to law it was ordered that the case be continued until the next term of Court.

R B Sammon
vs
Caleb Alexander
& Com'r Gen Land Office

Be it remembered that on this day the 15th March 1843 this Case came on for trial and hearing. And the acting Dist Attorney of the 3d Judicial District Henry J Jewett for the defendants moved to dismiss the plaintiffs petition in this cause because 1st. The Deputy Clerk of the of the District Court has no right to administer an oath except in open Court, which motion was overruled and plaintiff were permitted to amend their Bill by the attorney for plaintiff making oath to the petition, to which opinion Counsel for Defendants excepts, and further moved to dismiss the Bill. Because there has been no personal service on C P Alexander the party mainly interested in the suit, as requires by law. 2nd Because the suit ought to have been brought in the County of Gonzales where the Land lies. 3d Because the oath should have been taken by R B Sammon himself and not by his attorney. 4th because said petition does not show sufficient grounds to maintain the action instituted in this Case. 5th Because the plaintiff in this case has no right to enquire whether or not the Conditions imposed by Government have been Complied with

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6th Because the said Land having been appropriated to C. P. Alexander, it cannot be appropriated to any other individual which motions were overruled by the Court, to which opinion Defendants Counsel object and prayed that their exceptions be signed & sealed by the Judge and made a part of this Record which was granted. and thereupon came a Jury to try and find the facts alledged in the plaintiffs petition which were denied in the answer, and the said Jurors to wit Mark B Lewis and eleven others having been elected tried and duly sworn to try the facts in traverse in said Case on the issued joined, the general issue being pleaded, the said Jurors after solemn argument had between the aforesaid parties in their oaths present and say that they find for the Complainant that the several allegations in said Complainants petition are true, whereupon his Honor then proceeding to the examination of the facts so found by the Jury aforesaid and the case of the premises and after argument had thereon thought proper to adjudge and decree, and does hereby order adjudge and decree that the title & claim of said Alexander to said Plaque of Land as set forth in the pleading be set aside and annulled & stand for naught and further that there is not sufficient appearing upon said hearing for said Commissioner Genl of the Land office longer to withhold from said Complainant to patent on his said Field Notes as set forth as aforesaid, but he is now hereby peremptorily ordered to procud forthwith and issue the same to said Complainant Richard B Lawson, and further that Defendant Caleb D Alexander pay the costs in this behalf expended should he not be found to prove misdemeanor then the Complainants shall pay the same vexations &c, and the Defendants by their attorney before the rendition of judgment excepted to the verdict of the Jury as against the law and weight of Testimony, and moved for a new trial which motion was overruled by the Court, and judgment rendered as aforesaid from which judgment Defendants prayed an appeal to the Supreme Court which was granted, on the grounds aforesaid, and it was ordered that the documentary evidence being the only evidence used on the trial be made a part of the Record and Copies of the plans duly certified be sent up to the Supreme Court, with the other papers in the suit, And further the Defendants in the said case suggested the first objection because it was alledged that said Alexander was a non resident and due notice was given in the public news papers as directed by law or did by said Court as appears by a copy thereof filed among the papers 2ondly Because a Mandamus will lie where the Defendant is 3 & 4th grounded generally. 5th Not sustained except as far as abandonment is charged in the bill. 6th Because it is vacant, if the patent was obtained by fraud or lost by abandonment

Spring Term AD 1843.

R B Lemmon
vs
Caleb Brock &
Com[r] Gen[l] Land Office

Be it remembered that on this day the 13th March 1843. Came on for trial and hearing the above stated Case, and it being suggested that the facts alledged in Complainants petition - which are denied in the Answer and thereupon his Honor the Presiding Judge ordered a jury to be impannelled to try and find the facts in issue and thereupon came a jury of good and lawful men to wit Mark B Clark & eleven others who being elected tried and duly sworn to try the facts in issue in said Case and after solemn argument had between the aforesaid parties on their oaths present and say that they find for Complainant the several allegations in said Complainants petition are true whereupon his Honor then proceeded to the examination of the facts so found by the Jury as aforesaid and the law of the premises & after argument had thereon thought proper to adjudge & decree and doth hereby adjudge & decree that the title & claim of said Brock to said Land as set forth in the pleading be set aside and annulled and stand for naught and further that there is not sufficient appearing on paper before said Commissioner of the Land Office Virginia to withhold from said Complainant patents on his said field notes as set forth as aforesaid but he is therefore hereby peremptorily ordered & proceed forthwith and issue to said Complainants Richard B Lemmon and further that Caleb Brock pay the costs in this behalf expended and thereof be not be found indebted then the Complainant shall pay the same for which execution may issue

And the Defendants before the pronounciation of Judgment move to set aside the verdict of the Jury as against law & the weight of evidence & for a new trial which was overruled by the Court, and thereupon Defendant prayed an appeal which was granted, and it was ordered that Copies of the documentary evidence being the only kind used on the trial be sent up and form a part of the record in the Case. And further it is ordered in said cause that the last objection because it was alledged that said Brock was a non resident, and due notice was given in the public newspaper, as directed by a former order in the case, a copy of which is now filed among the papers in

2 overruled - Because a mandamus will lie where the Commissioner General refuses
3 & 4th overruled Generally 5th Sustained except so far as abandonment is charged
in the Bill 6th Because it is vacant land, if the former deed was obtained
239 by fraud or last by abandonment

Geo. S. Glascock
vs.
Wm. H. Walker

In this case the Plaintiffs counsel moved the court to set aside the nonsuit in this case & reinstate the same upon the grounds of surprize and for other reasons as disclosed in Plaintiffs affidavit marked (A) and filed among the papers of said cause and after solemn argument, ~~had~~, by Counsel for both parties, heard. It is Considered by the Court that Plaintiffs motion be sustained and the Cause be reinstated and Continued over for term at the next term of the Court, and by consent of parties the order of the last term of the Court setting aside nonsuit with costs be set aside

Joseph Sessenden
vs
Mose Wood Marshall & Anderson F Hamill

In this case the plaintiff appeared by his Counsel, and the defendants being three times severally called came not - whereupon the issue joined were submitted to a jury of good and lawful men, [illegible] James McLong & Eleven others who of the being duly chosen & sworn to try the issue upon their oath do say that we the jury find for the plaintiff, and that the facts alleged in his petition are true - It is therefore ordered adjudged and decreed by the Court, that the said sale & deed from Mose Wood Marshall to Anderson F Hamill be set aside annulled and declared void and of no effect & further that the title to said land shall revest in Joseph Sessenden the aforesaid plaintiff whereupon it is ordered by the Court that the plaintiff recover of the defendant Mose Wood the costs, in this behalf expended for which execution may issue

A. M. Luckett & A. M. Luckett
vs
Nathaniel Townsend

This day came the parties by their Attorneys and it was ordered by the Court setting upon Chancery that a jury be impannelled to try the truth of certain allegations & facts Contained in Complainants bill and denied in the answer of respondent whereupon Came a jury to wit James McLong & Eleven others who having been elected tried & sworn the truth to speak upon the issue joined upon their oath do say We the jury find a part of the allegations in Complainants Bill true - That the instrument between the parties to the suit is a Mortgage to secure the payment of certain monies - That the amount of consolidated fund in controversy is worth two hundred Dollars & that the hire of the negro is worth three cents of this money

James McLong Foreman.

Spring Term AD 1843.

Whereupon Counsel of [redacted] complainant moves to set aside the verdict of the jury, upon the ground that the weight of evidence showed that the services of the boy hired to Townsend was greater than the lawful interest on the $200 advanced by Townsend to Luckett two witnesses having proved that previous to the time of the negroes being put in the possession of Townsend, they had hired him at ten dollars per month and that they were willing to have kept him longer at that price, another witness proved that the use of the money advanced by Townsend to Luckett was worth more to Townsend than the services of the negro. the Court Considering the weight of the testimony goes to establish the fact that the hire of the boy was worth more than the lawful interest on the sums advanced by Townsend to Luckett, grants the motion to set aside so much of the Verdict as relates to said hire Conditionally, that the order is to be rescinded if the said Townsend shows at the next term of the Court that said excess of hire is not usurious and upon said showing being made said Verdict is to stand and the decree in the Cause to be rendered thereon. And it is further ordered that the Complainant have leave to amend his bill by making one Thomas Sellers a party to said bill and that a subpoena do issue thereon & the complainant's the same among the papers of the Cause

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James H Starr

vs

Reuben Edrington & Johnson

This day came the ~~Compl~~ Counsel for Complainant and moved to dismiss this bill. thereupon it is ordered by Court that said Defendant James H Starr do have the benefit of his execution at law heretofore rendered and that execution for the original judgment with the costs thereon may issue against said Reuben Edrington & Johnson

It is ordered that all Causes and motions not disposed of at the present term be continued until the next term of Court.

It is further ordered, there appearing a vacancy in the office of District Court for Davis County, that W H Beatty be appointed Clerk, pro tem to fill said vacancy

241. Spring Term Anno Domini 1813.

It is ordered by the Court that the Clerk together with the Sheriff in the presence of some Justice of the Peace proceed to draw according to Law the names of Thirty discreet persons good & lawful men to serve as Jurors at the next term of Court in and for this County.

It is further ordered that the Court be adjourned to the next Term thereof.

R. E. B. Baylor.
Judge &c —

District Court Fall Term 1843 of Travis County & Republic of Texas.

Be it remembered that the District Court Fall Term Commenced its Sesion on Monday the fourth day of Septr Eighteen hundred & forty three for the County of Travis at the Court house thereof Present M H Beaty Clerk pro tem of said Court & Charles F King Sheriff — His Honor the Judge of the third Judicial District being absent the Sheriff adjourned the Court Until tuesday morning ten Oclock A. M.

Tuesday morning 10 oclock A m Court met pursuant to adjournment = present his Honor the Judge R E B Baylor — The Court then proceeded to its further organization which had been duly issued & returned by the Sheriff of said County The venire Facias being called the following persons answered to their names viz

Joseph Auby, A Walsh, Sam'l Mathews, Thos Ward, A C Cady, Henry Blessing, C C Cushman, Cyrus Scott, Thos A Moore, Jno G Knapp, Enoch Johnson, R W Montgomery, Abner Mathews, Thos Price, Sam'l Haylett, Stephen Cummins, Edward Sanders, A W Puckett, Thos Puckett, Chas Walker, N M Puckett, A B McGill, H W Atwood, Wm Bratton, H W Hornsby, & Wm Custard. duly & lawful men of the County of Travis & Republic The Court then after hearing the Legal excuses upon each, excused Charles Walker, Sam'l Mathews, G A Blasscock, Sam'l Watkins & Henry Blessing.

The Court then proceeded to draw twenty names from the Jurors there present, to Constitute the Grand Jury for the present term

1 A C Cady
2 S Cummins
3 H W Hornsby
4 Thos Ward
5 C C Cushman
6 N M Puckett
7 Wm Bratton
8 A Walsh
9 R W Montgomery
10 Jno G Knapp
11 Sam'l Haylett
12 Thos A Moore
13 A W Puckett
14 Jos Auby
15 Abner Mathews
16 A B McGill
17 Thos Price
18 Wm Custard
19 Edward Sanders
20 Thos Puckett

Thomas Ward was then appointed Foreman of the Grand Jury by his Honor the Judge &c - and was being duly Sworn according to law. The other Jurors were then called and Sworn accordingly. The Jury retired to consider of such presentments as might be laid before them then received the charge of his Honor the Judge, after which the Court adjourned until tomorrow morning 10 oclock a m

Wednesday morning September 6th 1843

Court met pursuant to adjournment

5 Error W H Patton & Co vs John F. Webber } This day came the defendant by his attorney and on motion of defendant It is ordered by the Court that this suit be dismissed for want of prosecution and that the defendant recover of the plaintiff all costs in this behalf expended for which execution may issue

16 Error Peter McGreal vs W H Hunt } This day came the defendant by his attorney and on motion of defendant. It is ordered by the Court that this suit be dismissed for want of prosecution & that the defendant recover of the plaintiff all costs in this behalf had and expended for which execution may issue

35 Error William Evison vs Saml Watkins } Same order as above

40 Error J. H. & L. S. Wilkins vs W. T. M. Smithson } This day came the defendant by his attorney and on motion of defendant It is ordered by the Court that this suit be dismissed for want of prosecution and that the defendant recover of the plaintiff all costs in this behalf expended & for which execution may issue

47 Error S. S. Wilkins vs James Martin Same order as above

64 Error Shaw & Co vs Nolan & O'Brien } This day came the defendant by his attorney and on motion of defendant It is ordered by the Court that this suit be dismissed for want of prosecution and that the defendants recover of the plaintiffs all costs in this suit expended & for which execution may issue

95 Error S & J Sharp Admr vs W. P. Barhydt } Same order as above

104 Error Noah O'Byers vs Joseph Tanner } Same order as above

115 Error James Cranwell vs Martin Rumpff } Same order as above

36 Error Asa Brigham Admr vs Nolan & O'Brien } Continued until next term of the Court

54 Error Haden Edwards vs M B Lamar Presst } Continued until next term of this Court

125 Error Belknap & Co vs A Savery } Continued until next term of this Court

District Court Fall Term 1843

5 Error	Christopher H Sterne vs Saul Richardson Et Al	Continued
6 Error	Henry Millard vs Thos Wm Ward Comr &c	Continued
18 Error	C B Stewart vs Thos W Ward Comr &c	Continued
24 Error	James Hodges vs Thos W Ward Comr	Continued
27 Error	Wm Hamilton vs Thos Wm Ward Comr &c	Continued
28 Error	Succession of James Norton deceased vs Thos W Ward Comr &c	Continued
32 Error	Bartlett Simms vs Thos W Ward Comr	Continued
19 Error	Louis Goodwin vs R H Wynne	In this case came the plaintiff by his attorney and on motion It was ordered that the case be continued to the next term and alias writ to issue to defendant it was further ordered that the plaintiff give security for costs within sixty days or suit be dismissed

James H Cole
vs
6 Duggan & Terrell } In this case came the parties by their attorneys and on motion of Plaintiff It was ordered that the case be continued to the next Term of Court, and it was also ordered that the plaintiff pay the costs of the present Term

Error

Herman Ward
vs
39 Gravis & Brown } In this case came the plaintiff by his attorney and says that he will no further prosecute his suit Wherefore It is ordered that defendants go hence without day and recover of the plaintiff his reasonable costs about this suit in his behalf expended & for which execution may issue

Error

Thursday Septr 7th 1843

Daniel E Watrous Et Al
vs
92 James Lane In this case came the parties by their attorneys and it was ordered that the case be continued as on affidavit of defendant.

Error

Wm Cockburn
Saml Norvell & Anderson J Harrell were brot into open Court and after being duly sworn, were sent before the Grand Jury as witnesses upon two indictments one against Louis P Cooke & George W Barrette for the murder of Mark B Lewis & the other for the murder of A Lay under G Peyton.

The Grand Jury returned into open Court the following bills of Indictment (Viz)

Error

The Republic of Texas
vs
Louis P Cooke & George W Barrette } Horace L Upshur prosecutor for murder (Signed) A true bill Thos Ward foreman Grand Jury. Witnesses Saml Norvel, Wm Cockburn & Anderson J Harrell who were sworn & sent to the Grand Jury

Error

The Republic of Texas
vs
George W Barrette & Louis P Cooke } H L Upshur prosecutor for murder (Signed) Thos Ward foreman a true bill

Error

Thursday evening Court adjourned Until tomorrow morning 9 Oclock

Thursday morning 9 oclock Court met pursuant to adjournment

Error

His Honor the Judge being absent in consequence of ill health the Sheriff adjourned the court until tomorrow morning 9 oclock a.m.

Friday morning 9 o'clock a.m. Court met pursuant to adjournment

Error 7 George I. Glasscock vs John F. Webber } In this case came the parties by their attorneys and on motion of defendant - It was ordered by the Court that the case be continued to the next term

Error 82 Tanneyhill & Smith vs John Wood } In this case came the parties by their attorneys, and it was ordered by the court that the case be continued as on affidavit of the defendant

Error 33 Samuel Whiting vs James F. Edrington } In this case came the parties by their attorneys, and on motion of defendant it was ordered by the Court that the case be continued until the next term

Error 15 Alexander Russell vs A. B. Eberley } 21 Alexander Russell vs Alexander Murchison

Error 36 Asa Brigham admr vs Nolan & O'Brien } 54 Haden Edwards vs M B Lamar Presdt

Error 125 Belknap & Co vs Asa Savery } 6 Henry Millard vs Thos Wm Ward Comrs.

the above cases were all continued under a general order of the Court, The Grand Jury came into open court and [illegible] in the following bill of Indictment

Republic of Texas vs ~~[illegible]~~ Murder } Horace L Upshur Prosecutor signed a true Bill Thomas Ward foreman and

Geo W Barrett & Louis P Cook } A J Harrell Sam Novel Wm Cockburn were sworn [illegible] in the case

23 Error George M Collinsworth Et. Al. vs R H Wynnee

22 George M Collinsworth Et al vs R H Wynne

Error Wayne Barton vs Robert Mitchell

45 Richard I Loyd vs Robert Mitchell & Harness

on motion of the plaintiffs In the above stated cases it was ordered by the Court that they be continued until the next term thereof

28 Error James Curtis & Elijah Curtis vs Robert Mitchell } In this case came the plaintiffs by their attorneys and say they will no further prosecute their suit Wherefore it is ordered by the Court that the defendant go hence without day and recover of the Plaintiffs all costs in this behalf expended for which execution may issue

Error Wm H Watts vs Richd & Mary P Bullock

78 Wm H Watts vs Richard & Mary P Bullock

This day came the parties by their attorneys and on motion of deffendants it was ordered by the Court that the above named suits be dismissed for want of security for costs and that the defendants go hence without day and recover of the plaintiff all costs in his behalf expended for which execution may issue

Error On motion of the John D Anderson the District Attorney, It was ordered by the Court that Copies of the Indictment found at the present term of the Court against Louis P Cooke and George W Barnett for murder be served upon defendants and it is further ordered that said defendants L. P. Cooke & George W. Barnett be brought upon the Court on Saturday morning the 9th instant

The Republic of Texas vs Louis P. Cooke & George W. Barrett ~~for murder of Mark B. Lewis~~

The Republic of Texas Indictment for murder of Mark B Lewis George W Barrett & Louis P Cooke for murder of Alexander G. Peyton

In the above case against Louis P Cooke & George W. Barrett the defendants by order of the Court were arraigned and charged by the proper Officer upon the charge of having murdered Mark B Lewis on open Court and plead to the Indictments found against them at the present term of the District Court and entered their plea of not guilty, whereupon it was ordered by the Court that the clerk issue to the Sheriff a venire facies commanding him to summons thirty seven good and lawful men to serve as special Jurors in the trial of each of the above causes whereupon the Court ordered the Sheriff to take Charge of the prisoners and keep them in safe custody,

Error

On the suggestion of the District Atty John H Anderson it was ordered by the Court that Tuesday morning the 12th instant be set apart for the trial of the Criminal Causes,

Error

A. W. Lucklet Complainant vs bill of injunction Moses Wood

Error

In this Case Came the parties by their Attorneys and on motion of defendant attorney it was considered by the Court that the bill be dismissed for want of equity and that the defendant Wood go hence without day and recover of the Complainant the Cost of suit in this behalf expended for which execution may issue

Error

The Republic of Texas Indictment for murder

vs Louis P Cooke & George W Barrett This day the said Louis P Cooke & George W Barrett who stand indicted by the Grand jurors for the County & Republic aforesaid

by their bill heretofore returned into Court were by the order of the Court brought into open court and it appearing that a copy of the Indictment aforesaid, had been furnished each of the said prisoners and thereupon they the said Louis P Cooke & George W. Barrett were in due form of law arraigned & charged upon said Indictment for the murder of Mark B Lewis and they and each of them then & there pleaded not guilty to the charges and allegations in said Indictment contained and put themselves upon their God & their Country for trial, and thereupon also came John D. Anderson District attorney for the third Judicial District for the Republic aforesaid and doth the like

Whereupon it was then ordered by the court that a venire for thirty seven good & lawful men of said county jurors be issued Instantly to the Sheriff of said County & that immediately on its return the said prisoners be furnished with a copy thereof and it is further ordered that the prisoners be remanded to Safe Custody of the Sheriff

The Republic of Texas
vs
George W Barrett &
Louis P Cooke

Indictment for murder.
This day the said George W. Barrett & Louis P Cooke who stand indicted by the Grand Jurors for the County & Republic aforesaid by their bill heretofore returned into Court were

District Court Fall Term 1843 of Travis County

Be it remembered that there was begun and held in in the City of Austin County of Travis at the Court House thereof a District Court for and for said County = Present M H Beaty Clerk protem of said Court & Charles F King Sheriff = His honor the Judge of the third Judicial Dis[trict] being absent the Sheriff adjourned the Court until tuesday morning ten O'clock am.

Tuesday morning ten o'clock Court met pursuant to adjournment present his honor the Judge R. E. B. Baylor = The Court then proceeded to its further organization = The Venire Facias which had been duly issued and returned by the Sheriff of said County being Called the following persons answered to their names (viz) Jos Luty, Dennis Walsh Jas I Matthews Thomas Ward D. C. Cady Henry Bleping C C Cushman Cyrus Scott Thomas A Moore, John G Knapp Enoch Johnson R W Montgomery, Abner Matthews Thomas Price Saml Hazlett, Stephen Cummins Edward Sanders, A M Luckett Thomas Puckett Charles Walker A W Luckett A B McGill W W Atwood William Bratton W W Hornsby & William Custard who are good & lawful men of the County of Travis & Republic of Texas

The Court then after hearing the several excuses upon oath excused Chas Walker, James I Matthews G. I. Slaycock Saml Watkins & Henry Bleping

The Court then proceeded to draw twenty names from the Jurors then present, to Constitute the Grand Jury for this present of the Court when the following persons were drawn

1 D. C. Cady
2 J Cumming
3 W W Hornby
4 Thos Ward
5 C. C. Cushman
6 A M Luckett
7 Wm Bratton
8 D Walsh
9 R W Montgomery
10 Jno G Knapp
11 Saml Hazlett
12 Thos A Moore
13 A W Luckett
14 Jos Luty
15 Abner Matthews
16 A B McGill
17 Thos Price
18 Wm Custard
19 Edward Sanders
20 Thos Puckett

Thomas Ward was then appointed by the Court foreman of the Grand Jury &c and was duly sworn according to Law, the other jurors were then Called and sworn accordingly, the jury then received the charge of his Honor the Judge & then retired to Consider of Indictments & presentments as Laid before them. After which the Court adjourned until tomorrow morning ten O'clock am.

Wednesday morning 10 Oclock A.M. Court met pursuant to adjournment.

5 Wm. H. Patton & Co
vs
John. F. Webber } In this case the plaintiff though solemnly called came not to prosecute his said suit but made default = It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day and recover of the plaintiffs the costs in this behalf expended & forebeck execution may issue

16 Peter McGreal
vs
Wm. A Hunt } In this case the plaintiff though solemnly called came not to prosecute his said suit but made default = It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day and recover of the plaintiffs the Costs in this behalf expended for which execution may issue

35 William Everson
vs
Saml Watkins } In this case the plaintiff though solemnly called came not to prosecute his said suit but made default It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day & recover of the plaintiff the costs in this behalf expended & for which execution may issue

40 W. L. G. Wilkins
vs
W. T. H. Smithson } In this Case the plaintiff though solemnly called came not to prosecute his said suit but made default = It is therefor Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day & recover of the plaintiff the Costs in this behalf expended for which execution may issue

255. District Court Fall Term of Travis County 1843.

L S Wilkins
47 vs
James Martin } In this case the plaintiff though solemnly Called Came not to prosecute his said Suit but made default. It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day and recover of the plaintiff the Costs in this behalf expended for which execution may issue

Shaw & Co
46 vs
Howlan & O'Brien } In this case the plaintiff though solemnly Called Came not to prosecute his said Suit but made default It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day and recover of the plaintiff the Costs in this behalf expended &C

H J Sharp admr
95 vs
D P Barbydt } In this case the plaintiff though solemnly Calling Came not to prosecute his said Suit but made default. It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day &c recover of the plaintiff the Costs in this behalf for which execution may issue

Noah T Byers
104 vs
Joseph Tanner } In this Case the plaintiff Though solemnly Called Came not to prosecute his said suit but made default It is therefore Considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day & recover of the plaintiff all Costs in this behalf expended &C

James Cranwell
115 vs
Martin Rumpff } In this case the plaintiff though solemnly called came not to prosecute his said suit but made default - It is therefore considered by the Court that he take nothing by his plaint in this behalf, but that the defendant go hence without day and recover of the plaintiff the Costs in this behalf expended &c

Asa Brigham admr
✓ 36 vs
Nolan & O'Brien

Belknap & Co
✓ 125 vs
Asa Savery

✓ 1/6 Henry Millard
vs
Thos. W. Ward Comr.

James Hodges
✓ 20 vs
Thos W Ward Comr

Succsr. of James Norton Decd
26 vs
Thos W Ward Comr

Alexander Russell
15 vs
A B. Eberley
The above Cases were continued generally.

Louis Goodwin
19 vs
R Wynne } In this Case came the plaintiff by his attorney and on motion It was ordered by the Court that the case be continued to the next term, and alias writ to issue to defendant & it is further ordered that the plaintiff give security for Costs within sixty days or suit to dismissed

Haden Edwards
✓ 56 vs
M B Lamar Pres't

Christ H Stearns
✓ 3 vs
Mans Richardson

C B Stewart
✓ 18 vs
Thos. W. Ward Comr.

Wm Hamilton
✓ 21 vs
Thos W Ward Comr.

Bartlett Sims
✓ 32 vs
Thos. W. Ward

Alexander Russel
✓ 21 vs
Alexander Murchison

257 District Court Fall Term 1843 of Travis County

6 James A Cole
vs
Duggan & Terrill } In this cause the parties by their attorneys and on motion of plaintiff it was ordered by the Court that this case be continued until the next term of Court It was further ordered that the plaintiff pay the costs of this present Term

39 Herman Ward
vs
Travis & Brown } In this Case came the plaintiff by his attorney and says that he will no further prosecute his said suit Wherefore it is ordered by the Court that the defendants go hence & recover of the plaintiff all costs in this behalf expended &c

Wm E Wadsworth et al
vs
92 James Lane } In this Case came the parties by their attorneys and on motion it was ordered by the Court that this Case be Continued on on affidavit of defendant & Leave given to amend his answer

George I Glascock
vs
7 John F Webber } In this Case came the parties by their attorneys and on motion of defendant It was ordered by the Court that this Case be continued until the next Term of Court

Richard J Lloyd
vs
45 Mitchell & Harris } In this Case came the parties by their attorneys and on motion of plaintiff it was ordered by the Court that this Case be Continued until the Next Term

Wayne Barton
vs
Robert Mitchell } In this Case came the parties by their Attorneys and on motion of plaintiff it was ordered by the Court that this Case be Continued until the next Term

Samuel Norvell William Cockburn & Anderson S Hamell were brot into open Court, and after being duly sworn were sent before the Grand Jury as witnesses upon two indictments, one against Louis P. Cooke & George W Barrette for the murder of Mark B Lewis and the other for the murder of Alexander G Peyton

The Grand Jury returning into open Court the following bills of Indictment (viz)

The Republic of Texas
vs
Louis P. Cooke &
George W Barrette
for Murder of Mark B Lewis
A true bill (signed) Thomas Ward
foreman of the Grand Jury
Morris & Upshur prosecutors

The Republic of Texas
vs
George W Barrette &
Louis P Cooke.
for murder of Alexander G Peyton
A true bill (signed) Thos Ward foreman
of the Grand Jury
Morris & Upshur prosecutors

Court adjourned until Thursday morning ten oclock am

Thursday morning 7th Sept 1843 Court met pursuant to adjournment — His Honor the Judge being absent on account of ill health, the Sheriff adjourned the Court until two oclock P.m.

Thursday evening 2 oclk p.m. the Court met according to adjournment His Honor the Judge being absent on account of indisposition by the court that the Sheriff adjourned the Court until Friday Morning 9 oclock a.m.

Friday morning Court time oclock am Court met pursuant to adjournment

Tannehill & Smith
vs
82 John Wood
In this case came the parties by their attorneys and it was ordered by the Court that the Case be continued as on affidavit of defendant until the next Term

District Court Fall Term 1843 of Travis County

Samuel Whiting
33 vs
James F Edrington } In this case came the parties by their attorneys and on motion of defendant it was ordered by the Court that this case be continued until the next Term

George M Collinsworth Et Al
23 vs
R H Wynne

George M Collinsworth Et. al
22 vs
R H Wynne

This day came the parties by their attorneys and on motion of plaintiffs It was ordered by the Court, that this case be ~~they~~ be continued until the next term of Court

James & Elijah Curtis
28 vs
Robert Mitchell } In this case came the plaintiffs by their attorneys & say they will no further prosecute their suit = It is therefore ordered by the Court that the defendant go hence & recover of the plaintiffs all costs in their behalf expended &c

W H Watts
75 vs
Richd & M. P. Bullock } This day came the parties by their attorneys and on motion of defendants it was ordered by the Court that this suit be dismissed for want of security for costs & that the defendants recover of the plaintiff all costs in this behalf expended &c

W H Watts
78 vs
Richd & M. P. Bullock } This day came the parties by their attorneys and on motion of defendants = It was ordered by the Court that this suit be dismissed for want of security for costs & that the defendants go hence without day and recover of the plaintiff all costs in this behalf expended &c

District Court Fall Term 1843 of Travis County

On motion of John D Anderson the District attorney - It was ordered by the Court that copies of the Indictment found at the present term of the Court against Louis P. Cooke & George W Barrett for murder be served upon defendants, and it is further ordered that said def=endants L. P. Cooke & George W Barrett be brought before the Court on saturday morning the 9th instant -

Alexander Russell
69 vs
Moses Wood } In this case - It was ordered by the Court that this suit be revived in the name of Robert S. Mills and that it be continued until the next term.

Herndon & Sullivan
77 vs
Asa Brigham Admr } This day came the parties by their attorneys and on motion of plaintiffs - It was ordered by the Court that a pleurier Se fa do issue to the Sheriff of Washington County & case continued

Ira R. Lewis
106 vs
John Nowlan } This day came the plaintiff by his attorney and suggested the death of the defendant - whereupon it is ordered by the Court that a Se fa be issued to his representative when known

Saml Ricker
117 vs
Saml Whiting &
J W J Niles } In this case it was ordered by the Court that a pleurier writ & petition be issued to defendants in Matagorda County & case continued -

P. W. Herbert
123 vs
James Edmonson } This case is continued under a former order of the Court.

District Court Fall Term of Travis County 1843

Louis P Cooke
134 vs
Tibbe } In this case the defendant though solemnly called came not but made default It is therefore considered by the Court that the plaintiff recover of the defendant all costs in this behalf expended &c.

Wm Hamilton
133 vs
John Grumbles } In this case came the plaintiffs by his attorney and says he will no further prosecute his said suit = It is therefore ordered by the Court that the defendant go hence without day & recover of the plaintiff Hamilton all costs in this behalf expended &c

Charles Larabee
24 vs
T R Marston } This day came the plaintiff by his attorney and suggested the death of the defendant whereupon it is ordered by the Court that a sci fa be issued to his representatives when known & case continued

M Ziller
26 vs
M Morris } This day came the parties by their attorneys and on motion of plaintiff = It was ordered by the Court that this suit be dismissed, and that the plaintiff recover of the defendant all costs in this behalf expended &c

Friday evening Court adjourned until tomorrow morning 9 oclock

Saturday morning 9 oclock am Court met pursuant to adjournment. His Honor the Judge being absent on account of bad health, it is ordered that the Sheriff adjourned the Court until Monday morning 9 O'clock am.

District Court Fall Term of Travis County 1843

Monday Morning Sept 11th 1843 Court met pursu=ant to adjournment.

On the suggestion of the District attorney John D Anderson = It was ordered by the Court that Sunday morning the 12th instant be set apart for the trial of the Criminal causes

A W Luckett
vs bill of Injunction
Moses Wood

In this case came the parties by their attorneys and on motion of defendants attorney it was considered by the Court that the bill be dismissed for want of equity and that the defendant Wood go hence without day & recover of the complainant the costs of suit in this behalf expended &c

The Republic of Texas
vs Indictment for murder
Louis P Cooke &
George W Barrett

This day the said Louis P Cooke and George W Barrette, who stand indicted by the Grand Juros for the county & Republic aforesaid by their bill heretofore returned into Court, were by order of the Court brought into open Court, and it appearing that a copy of the Indictment aforesaid, had been furnished each one of the said prisoners and thereupon they the said Louis P Cooke & George W Barrett were in due form of law arraigned & charged upon said Indictment for the murder of Mark B Lewis and they and each of them then & there pleaded not guilty to the charges & allegations in said Indictment contained, and put themselves upon their God & their Country for trial and thereupon also came John D Anderson Dis=trict attorney for the third Judicial District for the Republic aforesaid and doth the like = whereupon it was then ordered by the Court that a Venire for thirty seven jurors good and lawful men of said County be issued instanter, to the Sheriff of said County & that immediately on its return the said prisoners be furnished with a copy thereof = and it is further ordered that the prisoners be remanded to safe custody of the Sheriff

District Court Fall Term of Travis County 1843

The Republic of Texas
vs
George W Barrett & Louis P Cooke } Indictment for murder

This day the said George W Barrett and Louis P Cooke who stand indicted by the Grand Jurors for the County & Republic aforesaid by their bill heretofore returned into open Court, and it appearing that a copy of the Indictment aforesaid, had been furnished each of the said prisoners and thereupon they the said [redacted] Barrett & Louis P Cooke were in due form of law arraigned & charged upon said Indictment for the murder of Alexander G. Peyton and they and each of them thereto there pleaded not guilty to the charges & allegations in said Indictment contained, and put themselves upon their God & their Country for trial, and thereupon also came John. D. Anderson District attorney for the third Judicial District for the Republic aforesaid and doth the like

Whereupon it was then ordered by the Court that a venire for thirty Seven Jurors good and lawful men of said County, be issued instanter to the Sheriff of said County & that immediately on its return the said prisoners be furnished with a Copy thereof = And it is further ordered that the prisoners be remanded to the safe Custody of the Sheriff

137 Jabez W Caple
vs
Saml Whiting } This day came the plaintiff by his attorney and suggested the death of plaintiff = whereupon it is ordered by the Court that J Alcorn be made a party to this Suit & Security for Costs to be given, or Suit to be dismissed

Larkin S Sullivan
vs
121 W S Beaty Admr } This day came the defendant by his attorney and on motion It was ordered by the Court that this Suit be dismissed and that the defendant recover of the plaintiff all costs in this behalf expended & for which execution may issue

138 Sam Houston Presdt for the use &c
vs
B D Bassford I M Harrell &
S J Whatley } This day came the parties by their attorneys and on motion of defendant it was ordered by the Court that the defendant go hence without day and recover of the plaintiff James A Colville all costs in this behalf expended & for which execution may issue

103 Lydia Gibberson
vs
Asa Brigham } In this case came the parties by their attorneys and on motion of defendant It was ordered by the Court that Security for costs be given within Sixty days or Suit to be dis~~missed~~

27 Blacks admr
vs
Wolsons admr } This day came the parties by their attorneys and Submitted their Cause to a jury of good & lawful men (viz) W W Atwood & Eleven others who after being duly chosen and Sworn to try the issue joined whereupon the plaintiff before the jury retired took a non Suit - It was therefore ordered by the Court that the defendant go hence without day and recover of the plaintiff all costs in this behalf expended &c

The Court adjourned Until tomorrow morning nine Oclock am

Tuesday morning nine Oclock am Court met pursuant to adjournment, His Honor the judge being absent on account of ill health ordered the Sheriff adjourned the Court Until ten Oclock tomorrow morning

Wednesday morning 10 Oclock am Court met pursuant to adjournment,

+ Jacob M Harrel Chas F King & L Taylor ~~after being~~ duly Sworn were Sent before the grand Jury to answer questions upon bills of Indictment

265. District Court Fall Term 1843 of Travis County

Wednesday morning 13th September 1843

Republic of Texas
36 vs Gambling
D M Underhill

Republic of Texas
49 vs
D M Underhill

Republic of Texas
53 vs Gambling
Wm A Porter

Republic of Texas
62 vs Asst with int to Kill
Thos H Duggan

Republic of Texas
105 vs Keeping Faro Bank without Stamp
G H Harrison

Republic of Texas
131 vs Keeping Faro Bank
D M Underhill

Republic of Texas
136 vs
Ros Gorman } In the above cases on motion of John D Anderson District attorney = It was ordered by the Court that a Nolli prosque be entered

The Republic of Texas
50 vs
Richard Ros on the suggestion of the Attorney for the Republic in this case - It is ordered by the Court that a Scire Facias be issued to the defendant & his Securities the recognizance bond having been forfeited & case continued

The Republic of Texas
54 vs
K H Muse } on the suggestion of the Attorney for the Republic, in this case - It is ordered by the Court that a Scire Facias be issued to the defendant and his Securities the recognizance bond having been forfeited & case continued

The Republic of Texas
124 vs
B H Butt & Wm D Thomas on the suggestion of the attorney for for the Republic It was ordered by the Court that a Nolli Prosequi be entered as to both of the defendants

Republic of Texas
118 vs Retailing Liquors without License
E Seiders This day came the Republic by her Solicitor John D Anderson and on motion it was ordered by the Court that this case be continued, and a pleuries Capias to issue to the Sheriff of Travis County

Republic of Texas
106 vs Retailing Liquors without License
Jas F Edrington This day came the Republic by her Solicitor John D Anderson and on motion it was ordered by the Court that this case be continued & alias writ to issue to the Sheriff of Travis County

Republic of Texas
80 vs } Betting at Faro
Alexander Coleman } This day came the Republic by her Solicitor John D Anderson and on motion It was ordered by the Court that this case be continued & alias Capias to issue to the Sheriff of Travis County

Republic of Texas
vs Permitting Faro to be dealt in house
G H Harrison This day came the Republic by her Solicitor John D Anderson and on motion It was ordered by the Court that this case be continued, and alias Capias to issue to the Sheriff of Washington County

Republic of Texas
vs an affray
Parkerson & Hazlette This day came the Republic by her Solicitor John D Anderson, and on motion it was ordered by the Court that this case be continued and alias Casa issue to the Sheriff of Travis County
The Grand Jury ~~the grand jury~~ then burning a fuel & legal pursued returned into open Court the following bills of Indictment
Prosecutor Jas Sim
The Republic of Texas } ass with intent to Kill (Signed) a true bill
vs
Wm Hamilton } Thos Ward foreman of the grand Jury

District Court Fall Term 1843 of Travis County

The Republic of Texas
vs
M Zeller & Parkerson
an affray = not a true bill (Sign^d) Thos Ward foreman

The Republic of Texas
vs
John A. F. Graves
perjury } Not a true Bill (Sign^d) Thos Ward foreman

Thursday morning September 14th 1843
Court met pursuant to adjournment

Columbus Browning after being duly sworn in open Court was sent before the Grand Jury to answer questions upon bills of Indictment =

The Republic of Texas
vs
Cooke & Barrette
for murder } In this case came the defendant Louis P. Cooke in in his own proper person & in open Court waived the necessity of the Service of the venire for the two entire days and announced himself then ready for trial

The Republic of Texas
vs
Louis P. Cooke & George W Barrette } In this case one of the accused Louis P Cooke filed his affidavit, & on motion it was then considered by the Court for the reasons stated in said ~~affidavit~~ the prisoners have leave to sever in their trial & the Court then proceeded with the trial of Louis P Cooke & said Barrett was remanded to jail

Osborn was excused by the court for his non attendance as a Grand Juror at the present term of this Court upon the affidavit of William Hamilton

The Republic of Texas
vs
Louis P Cooke &
G. Wm

Friday morning Sept 15th 1843 = Court met pursuant to adjourment

✓ J. W. Dancy Trustee vs Savery & McArthur } In this case the complainant came into Court and offered an amendment to his bill which was allowed & received by the Court & the same filed

✓ The Republic of Texas vs Louis P Cooke & George W Barrett } Indictment for murder

Be it remembered that on the trial of Cooke in this cause that William P Tharpe a juror returned on the Venire in said cause for the trial of the same was sworn on his voire dire and asked by the counsel for the prosecution if he was a citizen of the County & a free holder, and if he did not set as one of the Jury of inquest held over the body of said Lewis mentioned in said indictment he answered in the affirmative whereupon the counsel for the prosecution moved that the said Juror stand aside as disqualified = The verdict of the Jury of inquest is in the words & figures following (to wit)

The Republic of Texas } County of Travis } We the Jury sworn to make a true presentment of the case wherein the Republic of Texas is plaintiff & Louis P Cooke & George W Barrett defendants for the murder of M. B. Lewis, are of opinion that he came by his death by a shot from ether barrett or Cook (signed) A. B. McGill H. L. Upshur H. Koontze Martin Moore, A. W. Leach C. J. Burgess, John A. F. Gravis Lewis Horst D. C. Cady Henry Burgess W. P. Tharpe J. S. Sutton John A. F. Gravis Foreman = whereupon the Court ordered and adjudged that the said Tharpe was disqualified to set as a juror in said cause and that he stand aside because he sat on the jury aforesaid & returned said verdict all which was objected to by defendants counsel & they pray that this there bill of exceptions be signed, sealed and made a part of the record in said cause

Fall Term AD 1843

Friday Morning Sept 15th 1843

The Republic of Texas }
vs } for murder
Louis P. Cooke & } Fall Term District Court Travis
George W Barrett } County. = Be it remembered that
on the trial of this Cause the defendants by their
Counsel filed their motion on the motion docket
of said Court in the words and figures following, to wit,

The Republic of Texas
County of Travis } Indict for murder of Mark B Lewis & Alexander Peyton.
Louis P Cooke & Geo W Barrett } In these Cases the Counsel
for the defendants moved the Court and stated that
they were willing to waive the necessity of two entire days
service of the Venire for a Jury returned in this Case and
that they the said defendants were ready to proceed
with the trial of said Cause or Causes, and the Counsel
for the defendants demanded that the same be en
tered of record in said Court which was refused
by said Court to be entered of record

(Signed) Mayfield, Lee, Webb Counsel
for defendants. = Which said motion after argument
was adjudged and overruled by said Court, to which
judgment and opinion of the Court the defendants by
his Counsel excepts and prays that his bill of exceptions
be signed sealed and made a part of the record in
said Cause, said motion was overruled on the grounds
that the defendants must make the waiver in their
own proper persons

(Signed) R. E. B. Baylor [Seal]
Judge &c.

Samuel Norvel A. J. Harrell & Thos Freeman were brought
into open Court and after being duly sworn were sent
before the Grand Jury to answer questions.

On the suggestion of John D Anderson District attorney it
was ordered by the Court that the prisoner Louis P Cooke
be remanded back to Jail under Custody of the Bailiff

The grand Jury there being a full and legal panel returned into open Court the following Indictment

The Republic of Texas
vs
Charles F. King
accessary &c
A. B. Eberley Prosecutor
(Signed) A true bill Thos Ward foreman Grand Jury

In this case a Capias is not to issue against Barrett & Cook the Indictment being alone against said King as accessory

Saturday morning Sept 16th 1843

Court met pursuant to adjournment

John Edwards & William Hornsby after taking the oath prescribed by Law were appointed by the Court Jurors to fill the vacancy of Sheriff in and for the County of Travis in consequence of a bill having been found by the grand jury against the Sheriff of said County Charles F King for being an accessary to the alleged murder of ~~On motion of John D Anderson District attorney It was ordered by the Court that the Venire be quashed and that an alias Venire be issued~~

Mark B. Lewis, by Louis P Cooke & George W Barrett now pending & on trial in this court, and then being no qualified coroner in said County of Travis, came into open Court & took the necessary oath of office.

The Republic of Texas Indict for the murder of Mark Louis P Cooke & Geo W Barrett & B Lewis. In this case came the John D Anderson District attorney of the third Judicial District for the Republic & moved the court in this case, to quash the venire returned by the Sheriff Charles F King in this case, because it appears ~~to the court that said Charles F~~ by a bill of Indictment returned into this court, that said Charles F King Sheriff as aforesaid, stands charged as being an accessary before the fact in the crime alleged against the aforesaid Cooke & Barrett & for which ~~they are~~ the said Cooke is now on trial and which motion after argument had as well for the Republic as for the said accused, the said motion sustained by the court & said venire be quashed, and it being considered by the court that there will not be a sufficient time for the trial of this case at the present Term of the Court, It was ordered by the court that the same be continued to the next Term of the Court, And thereupon came into open Court, Samuel Norwell A J Hamill Frances Foat Sen, Wm Cockburn Thomas Freeman witnesses on the part of the Republic & severally acknowledged themselves to owe & be indebted to the Same Houston, President

in the sum of five hundred dollars each to be
levied of their goods & chattels land tenements
to be void However if they & each of them
should be and appear at the next Term of
the District Court for said County & then
there testify in behalf of the Republic in said case &
not to depart without leave of the Court.
And also at the same time came Jacob
Dolson a witness on part of the Defend-
ant and acknowledged himself to owe &
be indebted to the President of the Republic
of Texas in the penal sum of one hundred
& fifty dollars to be levied of his goods &
chattels lands & tenements, to be void however
if he should well & truly be and appear
at the next Term of said District Court
& then & there testify in said case on
behalf of said accused & not to depart
hence without leave of Court. Also in
the above named case of the Republic of
Texas, against said Louis P. Cooke and
~~Lt. Colonel~~ George W Barnett's was pen-
ther ordered by the Court that said prisoners
be remanded to the custody of William Hornsby
and John Edwards the Elizors appointed by the
Court as aforesaid, to be safely & securely
kept untill the next Term of the Court,
but in the event that there should be a
legal coroner in said County said
Elizors are hereby directed to deliver
the said prisoners to him who is hereby
ordered to receive & take charge of the
said prisoners as have been heretofore given
to said Elizors, that the Clerk of this Court
forthwith furnish said Elizors with a copy
of this order, & which they shall hand
over to the coroner with said prisoners
in the event of one being duly & legally qualified

Republic of Texas
George W Barnett &
Louis P. Cooke } Indictment for the murder of Alexander G. Peyton

In this case came the
accused Louis P Cooke one of the above
named defendants, who upon his affidavit
filed moved the Court for leave to sever

in his trial and for ~~said cause~~ the venue of this case to be changed, for reasons stated in said affidavit from this county to some County free from the objections set forth in said affidavit & which affidavit being supported by the affidavit of three respectable citizens of said County of Travis. It was ordered by the court that said severance be allowed & said case transfered to the County of Bastrop for trial & that the Clerk transmit all the original papers ~~by the hands~~ in this case carefully sealed up by some discreet person to the Clerk of the District Court of Bastrop County immediately and that the Elizors having the custody of said prisoner be [illegible] to safely convoy said Louis P Cooke to said Court at the town of Bastrop by Tuesday evening the 19th Instant & deliver said prisoner to the custody of the Sheriff of Bastrop County who is hereby commanded to receive & take charge of said prisoner and it is further ordered that the Clerk deliver to the Elizors a copy of this order who are required to hand the same over with the prisoner to said Sheriff of Bastrop. It is further ordered that the Clerk issue [illegible] D. C. [illegible] for the witnesses upon the application of either of the parties in the said prosecution returnable to the district Court of said County of Bastrop on Tuesday next the 19th instant,

√ + D. C. Dalrimple et uxor
vs
Matthias Wiblarger

In this case the defendant moves the court that the Plaintiff be required to give security for cost, it is therefore ordered by the Court the Plaintiff give security for cost within sixty days or the case stand dismissed,

Ordered that the Court adjourn till the next regular term thereof

R. E. B. Baylor
Judge &c

District Court Spring Term 1846

Be it remembered that there was begun & held at the City of Austin County of Travis at the Court [illegible] thereof a District Court in and for said County Present C. C. Hornsby Sheriff and John Woolsey Clerk his Honor the Judge of the third judicial [illegible] being absent the Sheriff adjourned the Court [illegible] Tuesday morning 10 o'clock a.m.

Tuesday morning [illegible] o'clock a.m. Court met pursuant to adjournment. Present his Honor the Judge R. C. Bayley [illegible] Ward deputy Sheriff & John Woolsey Clerk [illegible] Court. The Court then proceeded to [illegible] [illegible] the venire facias which had [illegible] [illegible] returned by the Sheriff of said County [illegible] the following persons answered to their [illegible] [illegible] Smith Louis Capt Thomas [illegible] [illegible] A. Wasenth Aaron Burleson George [illegible] Bratton James Young Jesse C. Thornhill [illegible] Washington Anderson James Mann [illegible] [illegible] Gillen Alexander Hamilton [illegible] [illegible] William Strawn after being duly [illegible] Court to answer [illegible] was [illegible] from [illegible] [illegible] The Court then proceeded to [illegible] [illegible] from the [illegible] [illegible] [illegible] [illegible] (Viz)

1 James Smith	8 George Bratton
2 Jesse Bright	9 James Young
3 Thomas Freeman	10 Jesse C. Thornhill
4 Alfred Smith	11 Dennis Walsh
5 A. Wasenth	12 Washington Anderson
6 Aaron Burleson	13 James Mann
7 George S. Glasgow	14 Hiram B. Hill
	15 [illegible] Gillen

James Smith was appointed for the Court & being duly sworn the other jurors were [illegible] [illegible] accordingly and charged at length by the [illegible] The Grand Jury then retired under charge of the [illegible] [illegible] to consider of their presentments. The civil [illegible] was then taken up and [illegible] by the Court [illegible] [illegible] until [illegible] morning 10 o'clock a.m.

District Court Spring Term 1844

Be it remembered that there was begun & held in the City of Austin County of Travis at the Court House thereof a District Court in and for said County Present C. C. Horusby Sheriff and John Wooldredge Clerk his Honor the Judge of the third judicial District being absent the Sheriff adjourned the Court until tuesday morning 10 o'clock a m

Tuesday morning 10 o'clock am Court met pursuant to adjournment Present his Honor the Judge R. E. Baylor. Thomas Ward deputy Sheriff & John Wooldredge Clerk of said Court The Court then proceeded to its further organization the Venire facias which had been duly issued and returned by the Sheriff of said County being called the following persons answered to their names (Viz) James Smith Lewis Capt Thomas Freeman Alfred Smith A. W. Leach Aaron Burleson George I. Glasscock George Bratton James Young Jesse C Tannehill Dennis Walsh Washington Anderson James Maner Hiram B Hill M Giller Alexander Hamilton Henry Koontz R Horusby = William Strawn after being duly sworn by the Court to answer questions was excused from serving as a Grand juror The Court then proceeded to draw fifteen names from the jurors then present to constitute the Grand jury (Viz)

1 James Smith
2 Lewis Capt
3 Thomas Freeman
4 Alfred Smith
5 A. W. Leach
6 Aaron Burleson
7 George I. Glasscock
8 George Bratton
9 James Young
10 Jesse C Tannehill
11 Dennis Walsh
12 Washington Anderson
13 James Maner
14 Hiram B Hill
15. M Giller

James Smith was appointed foreman by the Court & being duly sworn the other jurors were then sworn accordingly and charged at length by the Court The Grand jury then retired under charge of the proper officer to consider of their presentments

The civil docket was then taken up and read by the Court and adjourned until Wednesday morning 10 o'clock am

274. Wednesday Morning March 6th 1844

Present as before Court met

No. 1 James Cole
vs
Thos. H. Duggin
& Henry Terrill } And now at this day came the parties by their Attorneys whereupon the Complainant by his Attorney saith he will not further prosecute his suit and dismisses his bill. Wherefore it is adjudged and decreed that the said Complainant pay all costs in this behalf expended and that execution issue therefor

2 Geo. J. Glasscock
vs
Jno. F. Wilber } This case set for hearing on Friday next

Alexander Russell
vs
3 A. B. Eberly } Continued under the former order of the Court

4 Louis Goodwin
vs
R. H. Wynne } Continued & alias process ordered to Galveston County

5 Alexander Russell
vs
A. Murchinson } Continued under the former order of the Court

6 Danl. Kenchlow
vs
A. H. Meese } Continued by consent

7 Asa. Brigham Admr.
vs
8 Nowlan & Obrian } Continued

Richard Loyd Ex. &c.
vs
9 Mitchell & Harness } Now at this day comes the parties by their Counsel and Wayne Barton in person the present Administrator of the Estate of Wm. Barton deceased & moves the Court in as much that Richard Loyd the Executor of said Estate having resigned that he the said Barton be made a party to said Suit and the case continued which was ordered by the Court.

Wayne Barton
10 vs
Mitchell & Harness } Now at this day came the parties by their Attorneys and also a Jury of good and lawful men to wit Reuben Hornsby. W. W. Thompson. Lewis Horst. Wm Tharp James Newcomb. James Edmundson. Joshua Holden. Alfred W. Luckett. David Laughlin. Steven Cummings Thos W. Ward. & John F. Webber. who being duly sworn and after having heard the testimony and the matters & things submitted to them by the Court retired to consider their verdict and of their then came into Court and by their Foreman returned the following Verdict. to wit. "We the Jury find for the Plaintiff and the Defendant Robert Mitchell is guilty and the defendant Able Harness not guilty and we assess the damages against said Mitchell to One Hundred and Twenty two Dollars & Sixty Six cents. W. W. Thompson. Foreman Whereupon it is considered by the Court that said Plaintiff have judgement against the Defendant the said Robert Mitchell for One Hundred and Twenty two Dollars and Sixty Six cents. together with his cost in this behalf expended taxed to and that he the said Plaintiff have grant therefor."

The Republic of Texas
11 Court of vs
Charles F. King } Indictment as accessory for Murder

And now at this day comes the Defendant by his Counsel James T. Mayfield and moves the Court that a Venire issue for a Jury to try said cause. whereupon it is ordered by the Court that a Venire issue and that the Sheriff Summon Thirty seven good and lawful men returnable on Saturday next and that said Defendant be served with a copy of said Venire and the Indictment against him.

Upon suggestion it was ordered by the Court that Saturday be set aside to take up the Criminal Docket. Court then adjourned until Thursday Morning 9 O.C. A.M.

276 Thursday Morning March 7th 1844

Present as before. Court Met

Wm A. Cafrenty
Burchard Miller
M. Cissenton
Geo. L. Haas } And now at this day cameth

12 Burchard Miller
vs
Michael Miller } And now at this day came the Defendant by his Attorney and the Plaintiff being three times severally & solemnly called came not to prosecute said suit whereupon it is considered and adjudged by the Court that the said Plaintiffs suit be dismissed for the want of prosecution, and that the Defendant go hence without day and that said Defendant recover from said Plaintiff all costs by him in this behalf expended and for which execution may issue and the Plaintiff be in mercy &c.

13 Haden Edwards
vs
M. J. Zamar } Continued

14 Silas Colvill Exc^t &c
vs
Sependen & Denman
Alexander Keepell
15 vs
Moses Wood } Continued

16 Thos A. Moon
vs
Thos Puckett } Now at this day came the parties by their Attorneys and also a Jury of good and lawful men (Viz) George R. McCliskey, James Newcomb, Lewis Horst, Reuben Homsley, Joshua Holden, W. W. Thompson, Jacob M. Hanell, John Graves, R. H. H. Butts, Saml Craig, John F. Wilber & Thos Ward who after being duly sworn and having heard the testimony and the matters to them submitted by the Court retired to consider their verdict and then came into Court and by their Foreman returned the following verdict to wit, we the Jury find for

the plaintiff and assess the amount 57 Dollars & 57 Cents together with 15 Dollars and 34 Cents W.W. Thompson whereupon it is considered by the Court that said Plaintiff have Judgement against said Defendant for seventy four Dollars and Ninety one Cents, together with his costs in this behalf expended and that he the said Plaintiff have execution therefor. Judgment satisfied

17 Joseph Mc Fessenden vs Wm S. Wallace } Continued

18 Herndon & Sullivan vs Asa Bingham Admr } Dismissed as per agreement filed

19 William Dr Sacy vs K. H. Muse } Continued by consent

20 Thurnhill & Smith vs John Woods } Now at this day came the Defendant by his Attorney and moves the Court that his suit be Continued and si fa. to his representative when known issued

21 James Mc Feely vs John R. Slocomb } Continued and leave given to take the deposition of Geo K Teulon "De bine esse"

22 Daniel E Watrous et alias vs James Lane } Passed to the heal of the Docket

~~23 Wm S. Wynne vs Ann T. Wooldridge~~ } ~~Now at this day came the day came the defendant by her Attorney and the plaintiff being three times severally and solemnly called came not to prosecute his said suit whereupon it is considered and adjudged by the court that the said plaintiff's suit be dismissed for the want of prosecution and that the defendant go hence without day and that said defendant recover from said plaintiff all costs by him in this behalf expended & for which execution may issue & the plaintiff~~

~~24 Isaac Lowe vs John Nowlan~~ } ~~Now this day came the Defendant by his Attorney and moves the Court that said suit be continued & si fa issue to Martin Moore his Administrator~~

Spring Term AD 1844

35 McKinney & Williams
vs
A. B. Eberly } Continued by order of the Court

Heirs at Law of Mathew Deety
36 vs
Noah Smithwick & wife } Dismissed by the Plaintiff and defendant assumes the cost. ×

John Adriance
37 vs
Martin Rumph.
Saml Rickar } Dismissed for want of prosecution whereupon it is ordered by the Court that execution issue against the plaintiff for all costs in this behalf expended

38 vs
Saml Whiting & G. H. S. Niles
A. B. Eberly } Dismissed for want of prosecution whereupon it is ordered by the Court that execution issue against the plaintiff for all costs in this behalf expended

38 vs
Nowlan & Obrian } And now at this day came the Defendant by their Attorney and the Plaintiff being three times severally and solemnly called came not to prosecute said suit therefore it is considered and adjudged by the Court that the said Plaintiff suit be dismissed for the want of prosecution and that the Defendants go hence without day, and that the said defendants recover from said plaintiff all costs by them expended in this behalf and for which execution may issue, and the plaintiff be in mercy &c

P. W. Herbert
30 vs
James Edmundson } Continued under former order of the Court

James F. Edrington
31 vs
Cox & Scott } Continued

Jabez R. Caple
vs
Saml Whiting } Dismissed for want of security & cost not being given whereupon it is ordered by the Court that execution issue against the plaintiff for all costs in this behalf expended

Lydia Gibberson
vs
Asa Brigham } Dismissed for want of security for costs not having been given whereupon it is ordered that execution issue for all costs in

Transferred to Civil Page ×

this behalf expended

√ 33 Geo. M. Collingsworth et al
vs
R. H. Wynne } Continued

√ 33 Geo. M. Collingsworth et al
vs
R. H. Wynne } Continued

√ 34 Blacks Administrator
vs
Colsons Administrator } Continued and process ordered to issue.

√ 35 J. F. Travis
vs
Cummings & Custard } Settled at the cost of defendants.

√ 36 Burchard Miller
vs
Geo. L. Haas & Co. } Now at this day said cause being called came the Defendant who acknowledged himself indebted for the sum due on the promisory note in the plaintiffs petition and also came M. Ziller by his Attorney James Webb who filed his bill of Interpleader and also came a Jury of good and lawful men who being duly sworn and after heard the testimony together with the matters & things submitted to them by the Court then retired to consider thereof and returned into Court with their foreman to wit Wm Thompson Foreman & Geo. R. McCleskey James Newcomb Reuben Hornsby, Joshua Holden, Jacob Hanell, John Travis, R. H. Butler, Saml Craig, John Webber, Thos Ward, & James Edmondson, and delivered the following verdict (Viz) We the Jury find for the Interpleader Michael Ziller, and find for him against the Defendant One Hundred and Twenty five Dollars Wm Thompson & therefore it is considered by the Court that the Interpleader M. Ziller recover from the Defendants the sum so found by the Jury aforesaid for which execution may issue and it is further adjudged by the Court that the plaintiff B. Miller take nothing for his false clamor, and that he pay the costs of this suit for which execution may issue in favor of said M. Ziller, and thereupon came into open court the said M. Ziller and acknowledged full satisfaction against said Geo. L. Haas & Co. for the judgement as aforesaid whereupon it is ordered by the Court that execution may issue against said Plaintiff for all costs in this behalf expended

Spring Term AD 1844

Saml Watkins
37 vs
Thos W Ward } This day came James Webb into open Court and acknowledged himself indebted unto Saml Watkins in the sum of Sixty Dollars the condition to be void ~~at the above entitled suit~~ upon the said Thos W Ward paying all such costs & damages as may be awarded against him in the above entitled suit, otherwise the condition to remain in full force and effect

Jules B Caple
38 vs
Saml Whiting } And now at this day came the defendant by his Attorney & it appearing to the Court that according to an order made at the last term thereof (to wit the fall term 1843) the said defendant was required to give security for the costs in this suit within Sixty days thereafter, or said suit be dismissed & it further appearing that that security for the costs have not been given according to said order, it is therefore adjudged that said suit be dismissed & that said defendant go hence without day and that he recover from the said plaintiff his costs in this behalf expended for which execution may issue & said plaintiff be in mercy &c.

Lydia Gibberson
39 vs
Asa S Brigham } And now at this day came the defendant by his Attorney & it appearing to the Court that according to an order made at the last term thereof (to wit the fall term 1843) the said defendant was required to give security for the costs in this suit within Sixty days thereafter or said suit be dismissed & it further appearing that security for the costs have not been given according to said order it is therefore adjudged that said suit be dismissed & that said defendant go hence without day and that he recover from the said plaintiff his costs in this behalf expended for which execution may issue & said plaintiff be in mercy &c.

Saml Whiting
40 vs
James F Edrington } Continued by the Defendant and leave given to take the deposition of George K Teulon De Lepe without further, before the Chief Justice of Travis County

Francis Ogden Admr
41 vs
James M Ogden Deceased

~~Charles Sarrabo~~
~~42 vs~~
~~J R Marlon~~ } ~~Now at this day came the parties by their attorneys and on mo of the Plaintiff the suit was dismissed and defendant assumed the costs for which execution may issue and the defendant be~~

Friday Morning N. March 8th 1844

Transferred 43 [illegible] vs Thos W Ward } Court met present as before

James Newcomb
44 vs
Harrison Wm Benz } Now this day came the parties and upon defendants assuming the costs the plaintiff dismissed his suit wherefore it is ordered by the Court that execution issue against the Defendants for all costs in this behalf expended

Robert H Grimes
45 vs
Wm H Hamilton } Continued & alias process awarded

Henry Koontz
46 vs
Verdaline Haas } Continued and order of publication made in the La Grange Intelligencer according to law

Wm R Smith
47 vs
Saml Whiting } Continued & alias process ordered

C. R. Reese Admr
48 vs
James Burke } Continued

Henry Millard
49 vs
Thos W Ward Commissioner of the General Land Office } Continued under former order of the Court

Aleman Ward
50 vs
Farley & Jewett } Continued

Amos Tims
51 vs
R. Caldwell et al } Continued

William Orr
52 vs
Wm R McClure } Continued

Joseph F Smith
53 vs
Commissioner of the general Land Office } Continued

Spring Term AD 1844.

54 Joseph C. Plummer
vs
Thos W Ward Commissioner of General Land Office

C. B. Stewart
55 vs
Thos W. Ward Comr " " "

James Hodges
56 vs
Thos W Ward Comr " " "

Wm Hamilton
57 vs
Thos W Ward Comr

Joseph W Garrity
58 vs
Thos W. Ward

Succession of Samuel Norton Deceased
59 vs
Thos W Ward } All the foregoing cases were continued

James Cole
60 vs
Thos H Duggan vs Henry Terrell } On motion of the plaintiffs Attorney the Nonsuit had at the present term of this Court was set aside and the case reinstated upon the Docket Court adjourned until to morrow 9 A. M.

Charles Sanabe
vs
Jos R. Marston } Now at this day came the parties by their Attorneys and on motion of the plaintiff the suit was dismissed and the defendant assumed the costs for which it is ordered by the Court that execution may issue and the plaintiff be in mercy &c

Saturday March 9th 1844

Court met persuant to adjournment Present as before

It is ordered by the Court that Tuesday next be set aside for the continuation of the Criminal Docket.

Isaac Casner et al.
vs
Steven M. Hale } Now at this day came the parties by their Attorneys and the Defendants plea to the jurisdiction of the Court being overruled by the Court, it is therefore ordered by the Court that the bill be set aside for hearing and be taken pro Confesso unless Answered by the next term

George S Glascock
vs
John F Webber } And now at this day came the plaintiffs and the defendants in their own proper persons, into open Court and agreed that the matters and things in dispute between them in the above entitled cause be refered to the arbitrament and award of James Webb & Barry Gillespie Esquires who will decide the same according to the evidence and principles of Law and in the event of a disagreement between the said James Webb & Barry Gilles Esquires in the settlement of said matters of difference they be and are authorize to choose an Umpire, and the award when made by said Referees, shall be returned and made the judgement of the Court in the said suit — And it is further agreed that the testimony taken by interogatories on both sides and now on file shall be used in the investigation by said Referees, and they shall also examine on oath all such witnesses as either party shall produce before them on the investigation of the matters aforesaid. Court then adjourned until Monday 9 A.M.

Frances W Ogden
vs
The Administrator of James M Ogden Decd } This is a demand by the Plaintiff upon the defendant who is the Administrator of James M Ogden, Decd for the Law Books being the Books of the profession of the deceased. In this case it is admitted that the deceased at the time of his death was an Attorney at Law practising his profession in the courts of the Republic that the Books claimed by the Plaintiff as being exempt from sale as a fixture of the Estate were the professional books of the deceased that the deceased left neither wife nor child at the time of his death that the plaintiff is his Brother & only heir in the country that he died without will and indebted to the full amount of all his effects In view of these facts it is agreed that judgement pro forma be entered in favor of the administrator with the right of appeal to the plaintiff to the Supreme Court without his being required to give bond or security to prosecute said Appeal (Signed) James Webb for plaintiff. Joseph Lee for Defendant

Monday March 11th 1844

Court met pursuant to adjournment present his Honor the Judge R. E. Taylor, Thos Ward deputy Sheriff and John Wooldridge Clerk of said Court &c

P. B. Cocke
vs
Benj Grayson } Continued by consent

Silas Colvill Exctr
vs
Fenden & Denman } And now at this day came the defendant by his Attorney and the plaintiff being three times severally and solemnly called came not to prosecute said suit whereupon it is considered and adjudged by the Court that the said plaintiffs suit be dismissed for the want of prosecution and the defendant go hence without day and that said defendant recover from said plaintiff all costs by him in this behalf expended and for which execution may issue and the plaintiff be in mercy &c.

John W. Dancy, Trustee,
vs
Savery & McArthur } Now at this day came Nicholas McArthur (One of the said defendants) by his Attorney and the plaintiff being three times severally and solemnly called came not to prosecute said suit whereupon it is considered and adjudged by the court that the said plaintiffs suit be dismissed as to the said Nicholas McArthur for the want of prosecution and that the defendant go hence without day and that said defendant recover from said plaintiff all costs by him in this behalf expended and for which execution may issue and the plaintiff be in mercy &c. Said suit stand continued as to all other parties,

Wm C. Dalrymple
vs
Mathias Wilbarger } Now at this day came the defendant by his Attorney and moved the Court that security for costs be given within sixty days or that the said suit be dismissed &c

Hammond
vs
Whiting } Continued by consent

R. H. Wynne
vs
Ann T. Wooldridge } And now at this day came the defendant by her Attorney and the plaintiff being three times severally and solemnly called came not to prosecute said suit whereupon it is considered

And adjudged by the Court that the said plaintiff's suit be dismissed for want of prosecution and that the defendant go hence without day and that the said defendant recover from said plaintiff all costs in this behalf expended and for which execution may issue and the plaintiff be in mercy &c

Ira R Lowes }
vs
John Nowlan } On it appearing to the Court that the former entry was enormous it is ordered that the same be and is hereby rescinded and Corrected and stand open for trial

Michael Piller }
vs
Thos W Ward. } Now at this day came the parties by their Attorneys and also a Jury of good and lawful men, to wit: Reuben Hornsby, M W Thompson, Lewis Horst, Geo. B. McClusky, B. H. H. Butts, Jacob Harrell, James Newcomb, Wm Sharp, Thos. W. Ward, John Graves, C C Cushman & Thomas Moore, who after being duly sworn and having heard the testimony and the matters and things submitted to them retired to consider thereof and then came into court and by their foreman returned the following verdict, We the Jury find for the Plaintiff Nine Dollars, W. W. Thompson, whereupon it is considered by the Court that said plaintiff have judgement against said defendant for the sum of $9.00 cts together with his costs in this behalf expended and that he the said plaintiff have execution therefor

This day appeared in open Court James W O Hara Esq and took the Oath to support the Constitution of the Republic of Texas, and also an Oath to well and truly demean himself as a practicing Attorney of this Court and all other Courts within the said Republic

Susan M Gurston Executrix }
vs
H. B. B. Hill. } Now at this day came the parties by their Attorneys and upon defendants assuming the cost the plaintiff dismissed his suit therefore it is ordered by the Court that execution issue against said defendant for all costs in this behalf expended Court then adjourned until 8 OC Tuesday Morning

Tuesday March 12th 1844

Court met present as before

This day appeared in open Court Thomas Johnson Esq and took the oath to support the Constitution of The Republic of Texas and to bear true allegiance to the same and also an oath will and truly to demean himself as honestly ~~[illegible]~~ District Attorney of this and all other Courts within the third Judicial District of this Republic, and also produced his commission of District Attorney. –

The Republic of Texas vs H. Hanison } The Court took up the criminal Docket when the following proceedings were had to wit;

Now at this day came the Republic by her Attorney and moved the Court that this case be continued and a plurius Capias be ordered to Washington County It is therefore that said case be continued and that a capias issue accordingly –

Republic of Texas vs Alex Coleman } Noli Prosequi entered

The Republic of Texas vs James F. Edmington } Continued and alias capias ordered to Washington County

Republic of Texas vs Edward Seiders } Continued and Capias ordered

The Republic of Texas vs Benj. H. Butts, & W. D. Thomas } noli prosequi entered –

The Republic of Texas vs Parkerson & Hazelett } Continued and plurius capias ordered

The Republic of Texas vs Louis P. Cooke & Geo W Barnett } Continued

The Republic of Texas vs Martin Moore } Appeal from justice court dismissed at the Cost of the Republic

Respublica &c. vs. Mordecai Zeller. } Appeal from Justices Court dismissed at the cost of the Respellee

James Cole
vs
Thos H. Duggan &
Henry Terrill

This day came the parties by their attorneys, and also a jury of good & lawful men (to wit) Wm W. Thompson and others who being elected tried and duly sworn on their oaths do say that they find for the Plaintiff, and that he recover of the Defendant Thos H. Duggan only as to the sum of two hundred & eighty five dollars and twenty nine cents for principal and ninety nine dollars and sixty cents in trust, amounting to three hundred and eighty four dollars and eighty nine cents. It is therefore adjudged and considered by the court that the said Plaintiff do have and recover of and from the said Defendant Thos H. Duggan the sum so assessed by the Jury & so said together with all costs about his suit in this behalf expended for which Execution may issue, and the Defendant in mercy &c. — And afterwards to wit on the same day and at the same term of this Court the following order was made and entered of record in this cause to wit: This day came the parties by their attorneys and the Jury heretofore impannelled to try the issue joined between the parties in this cause to wit: Wm W. Thompson and others who being elected tried and duly sworn on their oaths do say that they find for the Plaintiff James Cole his costs about his defence in this behalf expended for which execution may issue &c.

Wednesday March 13th. 1844.

Court met pursuant to adjournment. Present as before

The Republic of Texas } Indictment as accepted
vs. } Now at this day came the Republic by
Charles F. King. } Thomas Johnson Atty and Charles F. King in
his Attorney for his own proper person and his property arraigned in
open Court & having heard the Indictment read pleaded
thereto and answered not guilty. Court then adjourned until
Thursday 8 o'Cl A.M.

Thursday March 14th 1844

Court met pursuant to adjournment

The Republic of Texas } Indictment as accepted by the Jurors of the
County of Travis } And now at this day came the Republic by her
Attorney Thomas Johnson Esq as also the defendant Charles F. King
in his own proper person and having prepared for trial a jury of good and
lawful men being called & elected & empannelled
and duly sworn — to wit — Reuben Hornsby, John Grumbles
Samuel Watkins, Joseph Hornsby, Isaac Pearson,
H. M. Parkerson, Lewis Horsby, John Webber, M. Bo-
rimble, James Mathews, Wm Atwood, John D. McCloud.
Who having heard the testimony in said cause and the mat-
ters & things to them submitted by the Court, instantly &
without retiring from the Jury Box, returned and
announced the following as their Verdict to wit,
We the Jury find the defendant Chas F. King not
guilty in manner & form as charged within in the
within Indictment. Jno. D. McCloud. Foreman
Whereupon it is adjudged and considered by the
Court that said Charles F. King go hence without
day and that he have judgement for his costs in this
behalf expended and that the Republic take nothing
for her false clamour

Issued Cole

Verdict & Judgment for Plaintiff March Term 1844

Thomas A. Duggan & Atty Jerell

And now at this day came the defendant by their Attorneys and in
open Court flegde an appeal which is granted
according to law

Thursday March 14th 1844 189.

Edwin Moorhouse et.al. vs James Lane } Court met present as before. Trespass to try title. And now at this day came the Plaintiff by their Attorney and the Defendants being three times solemnly called came not whereupon the matters and things in said defendants demurrer containd being heard & considered by the Court. It is ordered & adjudged that said demurrer be overruled

Edwin Moorhouse et.al. vs James Lane } Trespass to try title. And now at this day came the Plaintiffs by their Attorney and the Defendant being three times solemnly & solemnly called came not whereupon on motion of the Attorney for said plaintiff came a jury of good & lawful men of said County, viz. Wm Thompson and others who after being duly sworn, well and truly to try the issues between said parties in the pleadings in said cause contained & having heard the documents & evidence thereon submitted to them on the charge & direction of the Court & after retiring to consider of their Verdict, say "We the jury find the issues in favor of the Plaintiffs and find they are entitled to the land in controversy

Wm Thompson Foreman

Whereupon it is considered by the Court that the said Plaintiffs recover from said Defendant the land in controversy in the said suit & that the Sheriff of the county of Robertson do & he is hereby ordered to deliver to them the possession thereof according to law & it is further considered by the Court that the Plaintiffs recover of the Defendants their cost in this behalf expended for which execution may issue.

Wayne Barton vs Mitchell & Hamp } The Judgement & Verdict for plaintiff March Term 1844. And now at this day came the defendant Robert Mitchell by his Attorney & in open court prays an appeal from the judgement rendered in this case which is granted on ordering to law

Spring Term 1844

The Grand Jury thereupon a full and legal panell returned the following Bills of Indictment into Court, and to wit,

The Republic of Texas vs Wm Allen — Indictment for Card playing. A true Bill. James Smith Foreman

The Republic of Texas vs John Tibbs — Indictment for House Breaking. A true Bill. James Smith Foreman

The Republic of Texas vs Wm Cockburn & Moses Wood — Indictment for Affray. A true Bill. James Smith Foreman

The Republic of Texas vs Joshua Holden — Indictment for card playing. A true Bill. James Smith Foreman

The Republic of Texas vs Robert Woods — Indictment for playing cards. A true Bill. James Smith, Foreman

The Republic of Texas vs James Knee — Indictment for Card playing. A true Bill. James Smith Foreman

The Republic of Texas vs Wm Cockburn — Indictment for card playing. A true Bill. James Smith Foreman

The Republic of Texas vs Martin Moore — Indictment for permitting cards to be played in his House. A true Bill. James Smith Foreman

The Republic of Texas vs Martin Moore — Indictments for playing cards. A true Bill. James Smith Foreman

Upon all of the foregoing Bills of Indictments It is ordered that the Clerk issue capias against each defendant returnable to the next Term of the Court — and that the cases be continued

It is ordered by the court that the Sheriff & Clerk of this county in the presence of some Justices of the Peace in said county draw thirty six jurors good and lawful men according to law, to be and appear at the next term of the District court for said county and that the said Clerk issue a venire facias for the same —

The Grand Jury returned the following Bill in to court —

Republic of Texas
vs
Thos W. Ward

Indictment for Perjury

Not a true Bill
James Smith

It is ordered by the court that the same be now adjourned until the next term thereof

R. E. W. Baylor Judge

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District Court Fall Term 1849

Be it remembered that this day began and held in the City of Austin County of Travis at the Court House thereof a District Court in and for said County Richard Thomas Baird Coroner and John D Woodridge Clerk the Honorable Judge of the Third Judicial District being absent the Court adjourned the court until Tuesday morning 9 O'Clock A.M.

Tuesday Morning 9 O'Clock A.M.

Court met pursuant to adjournment. Present the Sheriff Coroner and John D Woodridge Clerk. the Honorable the Judge being absent the Court adjourned the Court until Wednesday morning 9 O'Clock A.M.

Wednesday morning 9 O'Clock A.M.

Court met pursuant to adjournment. Present the Honorable the Judge A.B. Baylor Richard Baird Coroner and John D Woodridge Clerk of said Court, the Court then proceeded to do further organization. And it appearing to the satisfaction of the Court that the Clerk and Sheriff of said Travis County in the persons of Jacob M Harrell a Justice of the peace in and for said County had regularly drawn thirty six persons to serve as Jurors at the present term of this ~~Court~~ Court, viz,

A G Cady, Jas Cole, Wm P Sharp, T. Anderson, A B. McGill, Joseph Hornsby, A G Shipe, G C Browning, James Baker, G C Cuthman, James Manor, W Thompson, Thos Freeman, James Hamilton, Peter Kelly, Charles Walker, Jas M Col, Wm Pelchahep, Thos Puckett, Wm Collingsworth, Saml Watkins, Thomas Moore, Thos Ward, Joseph Scott, Henderson Lipscomb, Geo Hancock, Aaron Boyce, J C Tannehill, Thomas Webb, George, John, Hancock

Wm Hornsby, Neal Smithwick, Alfred Smith, Wm Brallon, Jas Smith, Geo Scott

The Venire Facias which had been duly issued and returned by the Sheriff of said County, being called the following persons Jurors as aforesaid, answered to their names, Viz.

A G Cady, Thos Moore, Wm Hornsby, Wm Brallon, George Scott, Wm P Sharp, A B McGill, G C Browning, Wm Collingsworth, Thos Freeman, Saml Watkins, J C Tannehill, Henderson Lipscomb, G C Cuthman, James Manor, Jas Hornsby, Thos W Ward.

Chas Walker, Jas Scott & Wm Pelchahep after being duly sworn by the Court to answer questions were excused from serving as Grand Jurors for the County by the Sheriff and Clerk then proceeded to draw fifteen names from the whole number of Jurors then present to constitute the Grand Jury to wit J C Tannehill Wm Hornsby Henderson Lipscomb, Thos Freeman Thos W Ward G C Cuthman Wm Collingsworth Jas Hornsby Thos Moore George Scott A G Cady Saml Manor Wm Brallon A B McGill Saml Watkins.

J C Tannehill was then appointed Foreman by the Court & duly sworn as such in the presence of the other Grand & the other Grand Jurors were then duly sworn according to law and charged at length by the Court. The Grand Jury then retired under the proper Officer to consider of their presentments

Court Docket was then taken up and run over the & then adjourned until Thursday Morning 9 O'Clock A.M.

Monday September 2nd 1844

Be it remembered that Supreme Court began and is held in the City of Austin County of Travis at the Court House and a District Court by law for said County: Present The Hon Ward Thomas Judge Thos Rhodes Clerk Lee Hancock Judge of the third Judicial District being absent the Sheriff proclaimed the Court to be Opened by 9 O'Clock A.M.

Tuesday Morning 9 o'clock A.M.

Court met pursuant to adjournment Present the Hon Thos Ward Judge Colonel the Honor the Judge Lee Hancock and the Court met Wednesday morning

Wednesday Morning 9 o'clock A.M.

Court met pursuant to adjournment Present the Hon Judge Wm B Taylor Thos Rhodes Esq Sheriff & John P Rhodes Esq Clerk of said court The Court then proceeded to call further by Proclamation the Petit Jurors who had been summoned by the Sheriff of said County being called the following Gentlemen answered to their names Viz: [illegible] Thos Freeman Geo Smith Wm Hall A B Hill Wm Thomas Wm Spalton Geo Smith Wm P Harris A B Hill Wm Thomas Wm Rollingsworth Thos Freeman Saml Watkins J A Hamilton Henderson Hopchurch Col Cushman Jas Hamilton Jas Hornsby Thos Walker Thos Walker Jas Scott & Wm Hotchkiss who being sworn by the Court to answer questions were excused from serving as Jurors in the present case by the Sheriff and Clerk Then proceeded to draw fifteen names from the Box Jury Wheel and Then proceeded to constitute the Grand Jury Viz

1	Jas Annehill	Foreman
2	Wm Hornsby	
3	Henderson Hopchurch	
4	Thos Freeman	
5	Jas Hamilton	
6	Col Cushman	
7	Wm Rollingsworth	
8	Jas Hornsby	
9	Thos Hotchkiss	
10	Geo Smith	
11	Col Caldwell	
12	Saml Watkins	
13	Wm Spalton	
14	A B Hill	
15	Saml Watkins	

Jas Annehill was appointed as such in the presence of the other Grand Jurymen then Empanelled and Sworn and the Court then charged the Grand Jury at length by the Court and the Grand Jurymen then retired under charge of the Sheriff to consider of their presentments

The Civil Docket being then called over and the Court then adjourned until Thursday 10 o'clock A.M.

Circuit Court Last Term 1849

Thursday September 5th Oclock P.M. Court met pursuant to adjournment present as before

Alexander Russell } Continued & proper Parties plaintiffs to
vs } be made by the next Term or the suit to abate
A. G. Ebert }

James Gordon } Dismissed for want of Security for costs that
vs } may be given in proper time It is therefore con-
A. Hoffman } sidered that the defendant recover of the plaintiff his
costs in this behalf expended for which execution
may issue &c.

Alexander Russell } Continued and proper plaintiffs to
vs } be made by the next Term or suit to be
A. Murchison } dismissed

Samuel Nicholson } Continued by consent and to be tried at
vs } the next Term or suit to be dismissed
A. J. Mills }

Asa Bingham Admr } Death of the Administrator Asa Bingham
vs } suggested and suit Continued
Abram D. Thian }

Jacob Edwards } Continued
vs }
Abraham Z. Lamar }

Silas Colvill } Death of Silas Colvill suggested and the
vs } Case Continued
Alexander V. Brannan }

A. J. Russell } Continued and proper plaintiffs to be
vs } made by the next Term of suit or the suit
Robert Woods } to abate

[redacted] }

Joseph Alexander } Dismissed for want of Papers by his
vs } Counsel and now at this day come the [redacted] Attorney
Wm Ballard } and the plaintiff being three times solemnly called comes
not to prosecute his suit. It is therefore ordered and
adjudged by the Court that this suit be
Dismissed for want of prosecution
and agreed upon for all costs in the behalf expended.

Wm Lacy } Continued by consent
vs }
A. H. Mills }

Lewis Smith }

Fall Term 1844

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Samuel Starkey
vs
John Ridgeway

And now at this day came the defendant by his Attorney and the plaintiff being three times solemnly called and not coming further but making default it is ordered by the Court that this cause be dismissed for want of prosecution and defendant recover against the plaintiff all costs in this behalf expended

McElvaney & Williams
vs
A B Ecton

And now at this day came the parties by their Attorneys whereupon the Complainants by their Attorney saith he will not further prosecute his said Bill whereupon it is adjudged and ordered that the said Complainant pay all costs in this behalf expended and that defendant thereof

George M Collingsworth et al
vs
P H Wynne

And now at this day came the parties by their Attorneys whereupon the Complainants by their Attorney say they will not further prosecute their said Bill. Whereupon it is adjudged and decreed by the Court that the said Complainants pay all costs in this behalf expended and that defendant thereof

George M Collingsworth et al
vs
P H Wynne

And now at this day came the parties by their Attorneys whereupon the Complainants by their Attorney say they will not further prosecute their said Bill. Whereupon it is adjudged and decreed by the Court that the said Complainants pay all costs in this behalf expended and that defendant thereof

Robert Stockton Administrator
vs
Robert Stockton Administratoz

Continued by the Plaintiff

Robert Stewart
vs
Wm Hamilton

And now at this day came the Plaintiff and the plaintiff being three times solemnly and solemnly called came not whereupon it is ordered by the Court that said bill be dismissed for want of prosecution and defendant recover against the Plaintiff & Attorney and upon motion the case was remanded and Replevin process ordered for the defendant to be given within sixty days or writ of

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Fall Term 1849 Sept 5th

S.N. Reed Administrator
vs
Samuel Rankin
} Continued and Pluries Subpoena ordered to Brazoria County

Christopher H Stein
vs
Samuel Richardson et al
} Continued and Pluries Subpoena ordered to Salem Penn

Henry Millard
vs
Thos Stennard Comr &c
} The case of Henry Millard & Comr Pub Affs the Santa Fe. This Cause coming on to be heard upon this Mot R B Hubbard Judge of the Third District and was heard on the petition, Answer exhibits & proof in case as much as it appeared to the Court the law and legal boundary line between the Brazos & Trinity the latter of which was formerly of the County of Washington as now confirmed by the Commissioners appointed by this Court would exclude the petitioners from the County of Washington and said Land could not be located in said petitioners in any other County than said County of Brazos unless or right, or claim found But that said party is entitled and although some may have been made known to the party at Law. The Commissioners find sufficient in refusing to issue the patents Asked Whereupon considered by the Court that the petitioners take nothing by his plaint and that the defendants the Comr Genl go hence without day and recover his costs in this behalf expended &c

R B Hubbard Judge &c

Thos Finn
vs
Caldwell et al
} Inducement alias Subpoena ordered to Matagorda County

Wm S Cox
vs
Wm B McClure
} Continued

C B Stewart
vs
Thos Stennard Comr Gen &c
} Continued

The Republic of Texas
vs
John Tittle
} Indictment for murder
This day came the Grand Jury into open Court and returned the following bill of Indictment
The Republic of Texas
vs
John Tittle
} A True Bill
Geo Hamblett Foreman of the Grand Jury

James Hodges
Pet
Thos Hartwell Comr Dft } In Ejectment and Scire facias

And now at the Sept. Term 1849 of said Court this cause coming on to be heard came the plaintiff by his Attorney and the said Attorney for defendant and a jury being duly sworn the cause was submitted to the Court when upon the evidence being submitted and the vouchers filed in support of Plaintiffs petition as well as the testimony of the defendants and the same being fully heard and considered It is adjudged ordered and decreed by the Court here that the petition be perpetuated as prayed for and that the Commissioners of the General Land Office be and they are hereby required forthwith to issue to the plaintiff a patent for the land located and surveyed for plaintiff James Hodges for the land set forth in the petition according to the survey returned upon all due proceedings had thereon

It is further ordered that as the Commissioner has not been absolutely in default that the plaintiff pay all costs herein expended

Wm T Mullen
Pet
Thos Hartwell Comr Dft } Now at this day came the parties and complainants dismiss his suit it is therefore ordered by the Court that execution issue for all costs in this behalf expended

Jas M Gaulding
Pet
Thos Hartwell Comr Dft } And now at this day came the plaintiff by their Attorney and the death of Asa Wynham Admr of the plaintiff being suggested the cause was continued

Wesley Monk
Wm T Mullen } And now at this day came the Defendant by Attorney and the Plaintiff being three times solemnly and solemnly called came not to prosecute his said suit It is therefore ordered and decreed by the Court that said suit be dismissed for want of prosecution and that execution issue for all costs in this behalf expended

Fall Term Sept 5th 1849

Jonathan Yancy
vs
Sam Houston Pruett } Continued

Wm C Montgomery
vs
Nathan Williams } Found now at this day come the Plaintiff by his Attorney and moved the Court for leave to enter a Nolle Prosequi as to the Defendant Williams which motion the Court sustains and thereupon the Plaintiff enters a Nolle Prosequi as to the Defendant Williams and it is therefore ordered that the Defendant Williams go hence without day and recover against the Plaintiff his costs in this behalf expended

Wyatt Hannah
vs
Thos Pass } Continued

Hammond
vs
Whiting } Upon motion this cause was set over for hearing upon Saturday next

Isaac Cassinelli
vs
Stephen M Hall } Continued and complainant to give new bond with good security - during the present Term or suit to be dismissed

Upon suggestion it was ordered by the Court that Subpoena issue for the Defendant returnable to the next Term of this Court

Republic of Texas
vs
John Tibbs } Indictment for Murder

And now at this day came the Republic by her Attorney Thomas Johnston and moved the Court that a special Venire issue for a Jury to try said cause whereupon it is ordered by the Court that a Venire issue to the Sheriff of Harris County commanding him to summon thirty good and lawful men Jurors as aforesaid returnable upon Monday next and that said Defendant be served with a copy of said special and original Venire with a list of said Jurors and the Indictment found against him

September 6th 1844 Fall Term AD 1844. 300

September 6th present as before — Court met pursuant to adjournment

John W Hanepon vs Nowlan & Obrean — Upon motion of Counsel the complainant has leave to amend his bill by making John B Craig a party to the same — and an order of publication as to said Craig to be made as the law directs

A W Leckett & N M Leckett vs Nathaniel Townsend & Moore — And now at this day came the parties by their Attorney and also a Jury of good and lawful men To wit Wm Sharp, C C Browning, Samuel Craig, Samuel Watkins, Wm Hailey, Wm Hamilton, John Wilson, Leo B McClusky, James Alexander, Isaac Pearson, George Lane, & John Wartenbarger who after having been duly sworn — were then adjourned until Saturday and afterwards until Monday the 8th day of September Monday they came into the Bar and after [illegible] the testimony retired and returning failed to return a verdict and were finally discharged

Monday September 9th 1844

Court met pursuant to adjournment [illegible] before Criminal Docket being taken up and [illegible] the Court then adjourned until 2 O'Clock P M

2 O'Clock Court met [illegible] as before

Saml Watkins vs Thos W Ward — And now on this day came the parties by their attorneys and also a Jury of good and lawful men To wit Wm Cockburn foreman and eleven others who being duly sworn empanelled and elected to try said Cause after having heard the testimony retired to consider the matters & things submitted to them and [illegible] the following Verdict: We the Jury find for the plaintiff the sum of Twenty three 93 Dollars (and no tender of the money) [illegible] consequence by the court that the said plaintiff recover the sum of twenty three dollars with ten per cent damages and that [illegible] therefor

The Court then adjourned until Tuesday 9 A M

Tuesday Septmb 16th 1845

Court this present to adjourning pursuant to adjournment

Charles P. King Admr
&c
Joshua Holden

Now at this day Came the parties by their Attorney and Joshua Holden in his own person whereon Complt pleadgeth judgement for $1500 & Five Hundred & twenty one Dollars and twelve Cents & costing with legal interest with a stay of Execution for 60 months. It is therefore considered by the Court that said Plaintiff recover against the said Defendant the aforesaid amount of Five hundred and twenty one Dollars and twelve cents & costing with legal interest from the sale for the same together with all costs in this behalf expended, and the defendant in mercy &c.—

William Smith
Pet
&c

Heff & Jourdan Thorton
as dec the 10th September 1844 came the plaintiffs by
his Attorney Gillespie, and by leave of his Attorney
came the said defendant and saith that he can not gainsay
the claim and petition of him said Plaintiff & is therefore considered
that the said Wm Smith do have and recover of him the said
defendant the sum of three thousand four hundred & eighty two dollars and
eighty cents being the value of the said Negro fellow named Jack
set forth in said petition of said Plaintiff & the costs and charges
thereof expended together with the sum of six hundred and eighty three
dollars & sixty nine cents as interest upon and all costs in this behalf
expended And it further appearing to the Court that the said mortgage
set forth in said Plaintiffs petition has never been complied with
by further ordered adjudged & decreed that if said defendant
Samuel Mosby shall fail to pay into the Clerks office of the Circuit
Court for said County the aforesaid debt interest and costs for the use
of said plaintiff on or upon the first day of January 1845
the said Clerk is hereby ordered to issue an Order or Execution
for the sale of the mortgaged property and premises mentioned
in said deed of Mortgage as duly and set forth in this
petition viz, One lot or parcel of land in the City of
Dallas known as Lot No 8 & 9 in block No 70 fronting
the corner together with the building & improvements being
thereon the House occupied by the Dallas City Hotel with the
appurtenances & that attached thereto and that the same
be sold in satisfaction of said debt, interest & costs
herein accruing to date

Pleas Brasher Judge P.

Fall Term 1844

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The Republic of Texas } Indictment for Murder.
vs
John Sibble } Now at this day came the Republic by her Attorney Thomas Johnson and John Sibble in his own proper person and being charged with the indictment in his own proper person he is committed to the custody of the Sheriff and being asked how he will acquit himself of the premises above laid to his charge, saith he is not guilty and puts himself upon his God & Country

The Republic of Texas } Now at this day came the parties into Open Court and by their Attorneys agreed that
vs } Subpenas should issue from the Clerks of Travis County
John Sibble } this day of Sept. A.D. 1844 for William Cottingworth Amos Causey and Thos Hand
} the Witnesses of the Defendant and finally acknowledged themselves indebted to the
} Republic of Texas in the full sum of Eight hundred dollars to be levied of their goods
Recognizance } and chattels &c and also appeared John Sibble John Tanny and James Patterson on the part of said Sibble defendant
} and undertaken a Recognizance entitled to the Republic in the same amount to be levied of their goods chattels &c

Wayne Barton Admr

Mitchell & Hemp } Now at this day came the parties by their Attorneys
vs } and by consent this cause was continued

Indictment for an assault. This day came the Grand Jury into open Court and returned the following Indictment
The Republic of Texas vs. Michael Fitzpatrick & Marion Moore

Jas Bonnell
vs } Continued
Wm Kinnan

James F. Edmondson
vs } Continued
Cox & Scott

James Webb
vs } Now at this day came the parties by their Attorney and upon
Reuben Lewis } motion of the Plaintiff it was ordered by the Court that defendant
} answer by the next term or Bill to be taken pro confesso

Wm Duckett
vs } Now at this day came the parties by their Attorney and upon
Davis & Mapp } motion of the Defendants leave was given to amend his pleading
} by filing an additional plea

Court then adjourned until Wednesday 9 Oclock AM

Bastrop Sept 6th 1839

Friday 8 O'Clock A.M. Court met pursuant to adjournment
Present as before

Republic of Texas } Charge of murder
vs. } In this case came on
John Tibbs } to Thomas Johnson Esq District Atty on
behalf of the Republic upon and the Defendant in
his own proper person and upon application
had with the consent of the District Attorney
upon motion of Defendant this Cause
by order of the Court transfered to the County
thereof for trial and that the Clerk of
this Court transmit the original papers of
said cause to the Clerk of said Court at
the first day of the next Term
and that the Sheriff of this County
if there be no Sheriff then the coroner of this County
convey said prisoner to said
County on the first day thereof for trial.

Be it remembered that thereupon in the above stated case came
into open Court William G Collingsworth, James
Turner and Thomas Ward witnesses in behalf
of the Republic of Texas against the said John
Tibbs on a charge of murder, who acknowledged
themselves severally to owe and be indebted
to the President of the Republic of Texas in
the penal sum of Eight hundred dollars
to be levied of their goods and chattles, lands
and tenements, void nevertheless upon
the condition that the above named witnesses
do make their personal appearance at the next
term of the District court holden in and
for the county of Bastrop, then and there to
testify in behalf of said Republic in the
case aforesaid, and to continue from
day to day and from term to term, and
not depart without the leave of the said
District Court of Bastrop - Otherwise this
recognizance is to remain in full force
and virtue — Be it thereupon came into open
court John Talk, James Henderson, and John
Turner witnesses in the above stated case
on behalf of the defendant John Tibbs
who acknowledged themselves to owe and
be indebted to the President of the
Republic of Texas in the penal sum

of Eight hundred dollars to be levied of their goods and chattles, lands and tenements - said nevertheless on the condition that the said witness last mentioned, do make their personal appearance at the next Term of the district court holden in and for the county of Bastrop then and there to testify in behalf of the said John Little on a charge of murder, and to continue from day to day and from Term to to term, and not depart without leave of the said court otherwise this recognizance to remain in full force and virtue -

William Kendall came into open court and acknowledged himself indebted to the Republic of Texas in the sum of Five hundred dollars to be void nevertheless on condition that the said Martin Moore shall appear at the next Term of the District Court to be holden in and for the county of Bastrop and there and then to testify in behalf of the defendant in a certain indictment for Murder pending in said court against John Little

The Republic of Texas } Indictment for Murder pending
vs } This day Jacob Harrell who had bound
John Little } himself as surety for the personal appearance
of the defendant to answer the said indictment
came into open court and produced the body of said
defendant and prayed to be discharged from his said
recognizance, whereupon it is ordered by the Court that the said Jacob
Harrell be discharged from all liability under his aforesaid recognizance
and upon the motion of Thomas Johnson Esqr Attorney for
the Republic aforesaid praying process against said defendant who being
in custody it is ordered that the Sheriff take into his custody the body of the
said John Little and him safely keep until discharged by due
course of law

James Hurley } On motion of Plaintiff Attorney the
vs } Non suit had at the present Term
Wm Holcomb } of the Court was set aside and
the case reinstated upon the Dockets and plaintiff
to pay costs of the term

William Roontz } Continued
vs }
Anderson Hord }

J H McDonald } Continued
vs }
Archd Huling }

Republic of Texas Fall Term AD 1841

The Republic }
vs }
Marlin Moore }

Michael Miller came into Court & acknowledged himself bound in the sum of Eight hundred dollars and Marlin Moore acknowledged himself severally to be and be indebted to the President of the Republic of Texas in the penal sum of Five hundred dollars to be levied of their goods and chattels lands & tenements. Now if the said Marlin Moore shall personally be and appear before the Judges of the District Court of Travis County when and there to give evidence on behalf of the Republic against Marlin Moore in the case aforesaid and to continue from day to day and term to term until discharged by order of the said District Court of Travis. Otherwise this recognizance is to remain in full force and virtue and thereupon came into open Court Archd Lamar & Wm H Wood Esqrs. & W. Jennings witness in the above stated case in behalf of the Defendant who acknowledged themselves to owe and be indebted to the President of the Republic of Texas in the penal sum of Five hundred dollars to be levied of their goods and chattels lands and tenements, Now if the said Marlin Moore shall personally be and appear at the next Term of the Hon the District Court to be holden in and for the County of Travis then and there to give evidence on behalf of the Republic against the said Marlin Moore in the case aforesaid and to continue from day to day and from term to term until discharged by order of the said District Court of Travis otherwise this recognizance to remain in full force and virtue

Thursday 12th Sept 1844

Court met pursuant to Adjournment

Joseph W. Smith
vs
Comr Genl of the Land Office } Continued

Joseph E Plummer
vs
Comr Genl Land Office } Continued

Thompson & James Morton Lessee
vs
The Register & Comr Genl Land Office } Continued

Edmund Lamar & Trustee
vs
Lamar. } And now at this day came the parties by their Attorny and upon motion of the Plaintiff it is ordered that the defendant answer by the next Term or bill to be taken pro confesso. It was further ordered that the bill be set for hearing at that time.

Samuel Watkins
vs
James E Edrington } Now at this day came the parties by their Attorny And also a jury of good and lawful men (Viz. Wm Thompson and eleven others) who being duly sworn elected and empanelled to try said cause and after having heard the testimony things & arguments of the Counsel & them submitted and thereupon retired to consider of their Verdict and (Norman W. Thompson returned) the following verdict (Viz) We the jury find for the Plaintiff Five hundred Dollars ($500.) with legal interest thereon. Signed Wm Thompson Foreman It is thereupon ordered and adjudged that Execution issue against the defendants for $540. Five hundred & forty Dollars together with all costs in this behalf expended

P Wroote
vs
Henry S Fraser } In Chancery.
This day came the parties by their attorney and this cause was by their agreement submitted upon the bill answers & exhibits & proof to the decision of his Honor & thereupon when made & returned to the Clerks office of this Court & shall be the decree of the Court in this cause and upon which execution may issue as in other cases.

Fall Term A.D. 1844

Roman Ward } This day came the par-
vs } ties by their atty, and
Farley & Jewett } on motion, it is ordered
by the court that this case be referred
to Joseph Lee Esq as a commissioner in
Chancery to take an account of the
matters & things in the bill answer Exhibits
& proof, and to report the same to the
next Term of this court.

The Republic of Texas } Indictment for Card playing
vs
William Allen } And now at this day came the Republic
by her Attorny Thomas Johnson and the defendant
in his own proper person and having heard the indictment read
and he is not guilty. Whereupon came a Jury of good and lawful men
to wit Wm Thompson and eleven others who being duly sworn to try the issue
between the Republic and said defendant and having heard the testimony
upon their oaths do say that the said Wm Allen is not guilty of the charges
in said Indictment alledged. Whereupon it is adjudged by the Court
that the said defendant go hence without day &c

The Republic of Texas } Indictment fa card playing
vs
Moses Woods } And now at this day came the Republic by
her Atty Thomas Johnson and the defendant in his own proper
person and having heard the indictment read against him saith
he is not guilty. Whereupon came a jury of good and lawful men
to wit Jacob Harrell and eleven others who being duly sworn to try the
issue between the Republic and said defendant and having heard the
testimony upon their oaths do say that the said Moses Woods is guilty
of the charge in said indictment alledged: and the said defendant for
cause then & there alledged & supported by affidavit, moved the court to
set aside said verdict & order a new trial of said cause, whereupon it
is ordered by the Court that the verdict of said Jury be set aside, and a
new trial be granted, and that said case be continued until the next
term of this Court.

Fall Term 1844

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The State
vs
Hammonds
&
Whiting

Now at this day came the parties by their Attorney and a verdict being rendered for the Defendants before whom a new trial was awarded and the case set for hearing and trial at the next term

The State
vs
Wm H Lockett
&
A Townsend & J A Moore

In this case come the parties by their Attorney & agree to transfer the trial of this cause to the County of Bastrop and that the testimony of any witnesses desired on either side may be taken before the Chief Justice of Travis County by giving ten hours notice thereof to the opposite party or Attorney which is to ordered by the Court And it is further agreed that the bills of exceptions which may be taken on the trial in the District Court of Travis to the admissibility of testimony offered by Defendants & signed by the Judge shall be taken as Bastrop Court

The State
vs
Michael Fillers

And now at this day came the Republic by her Attorney Thomas Johnson and the Defendant in his own proper person and having heard the indictment read against him & saith he is not guilty whereupon came a jury of good and lawful men to wit [illegible] Browning and [illegible] who being duly sworn to try the issue between the Republic and said defendant and having heard the testimony upon their oaths do say that the said Michael Fillers is not guilty of the charge in said indictment alledged

Fall Term 1844

Whereupon it is adjudged by the court that said defendant
go hence in the 31st day &

Republic of Texas vs P.M. Hampton — Forfeiting Bond be stricken on his Motion upon Suggestion of the Attorney for the Republic there ordered by the Court that a Nol Prosqui be entered

Republic of Texas vs Wm Edmington — Retailing Liquors without license upon Suggestion of the Attorney for the Republic it was ordered by the Court that a Nolle Prosqui be entered

Republic of Texas vs Wm Reeder — Retailing Liquors without license upon Suggestion of the Attorney for the Republic it was ordered by the Court that a Nolle Prosqui be entered

Republic of Texas vs Levi Bandy — Assault with intent to kill Continued and process Capias ordered

Republic of Texas vs Parkerson & Haydth — Affray Indictment abated upon Defendants Affidavit

Republic of Texas vs Richard Hoff — Gambling upon Suggestion of the Attorney for the Republic it was ordered by the Court that a Nolle Prosqui be entered

Republic of Texas vs A. H. Mise — Capiases and Sci Facias ordered to Washington County

Republic of Texas vs Jesse Cook & Reuben Bandy — Indictment for Murder Continued

Republic of Texas vs Wm Hamilton — Assault with intent to kill upon Suggestion of the Attorney for the Republic it was ordered by the Court that a Nolle Prosqui be entered

Republic of Texas vs Wm Tittle. — House Breaking Continued

Fall Term 1844

Republic of Texas
vs
Joshua Holden
} Indictment for Card playing
Continued

Republic of Texas
vs
James Shee
} Indictment for card playing
Continued and alias Capias ordered

Republic of Texas
vs
McCollum
} Indictment for Card playing
Recognizance forfeited Writ de Ja ordered and
Case Continued upon it being represented to the
Court that the Indictment was lost or mislaid

Republic of Texas
vs
Marlin Moore
} Indictment for Card playing -
Continued

Republic of Texas
vs
Marlin Moore
} Indictment for permitting cards to be played
at his house
Continued

Republic of Texas
vs
Marlin Moore
} Indictment for an affray
Continued

Susan L Marston admrx
of Thomas R Marston
vs
Hiram B Hill
} The Plaintiff in this cause
moves the Court to correct the minutes of the
Court at the March term Eighteen hundred and forty
four therein by setting aside an Entry appearing
thereon that said cause was settled because said
entry was incorrectly made and was entered without
the knowledge of said Plaintiff or her attorney and
it is ordered by the Court that said motion stand
over for argument at the next term of this Court
and that James Webb Esq be for Plaintiff be
committed to file an affidavit setting forth the
facts respecting said Entry so far as the
same are within his knowledge which affidavit
shall be read on the hearing of said motion
and said James Webb Esq be

Fall Term 1844

The State of Texas } Indictment for an affray
vs
Wm Cockburn & Moseshoods } Now at this Comm the State by her Attorney and Moses Wood in his own proper person and upon suggestion of the Atty for the State & Motion Rodiqui was intend as to move Wood And it appearing to the Court that the Indictment against the Defendants Wm Cockburn & Moses Wood had been lost & Mislaid it was Ordered by the court that the Case be continued against Wm Cockburn & that Moses Wood go hence without day &c

Alfred M Luckett } Claim of property
vs
Lars B Mapp } In this case it is agreed that the cause be moved for trial to the Fayette District Court & be tried at the ensuing term of the Clerk of this Court & that the Clerk of said District Court of Fayette all papers & documents in said cause together with all the papers and documents in the original Cause or causes of Mapp and Davis or Davis & Mapp against Nolan M Luckett in which the judgement and Execution upon which the executions were issued & levied upon the property which is claimed by the plaintiff in this cause and that either party may take such testimony as he pleases on Saturday the 14th Instant before 10 oclock A.M. giving to the opposite party or his Attorny one hours notice of the time and place of taking said testimony which testimony when taken as aforesaid shall be sealed up & transmitted to said Fayette District Court and either of said parties are not ready for trial of said cause at the ensuing term of the said District Court of Fayette that then on the mere motion of either party of the said parties or their Attorny the said cause shall be ordered back to the District Court of Travis County for trial at the next term thereof

It is ordered that the Court adjourn until the next term thereof

R. E. B. Baylor
Judge &c

Fall Term 1844

1342

March Court A.D. 1845

Be it remembered that this Court began and held in the City of Austin County of Travis at the Court House thereof a March Court in and for said County. Present the Hon. R. E. B. Baylor Judge Sam. I. Mathers Sheriff and Sam. P. Wetherford Clerk the Court then adjourned until Tuesday 10 O'C A.M.

Tuesday 10 O'C A.M.

March met pursuant to adjournment present as before. The Court then proceeded to the further organization, and it satisfactorily appearing to the Court that the Clerk and Sheriff of said Travis County in the persons of Jacob M. Harrell a Justice of the Peace in and for said county had regularly drawn sixty six persons to serve as jurors at the present term of this Court to wit. John Hutton Alex. Mathers Henry Bleping Michael Gillespie H. Grumbles Geo. Bratton Wm. Walker Samuel Hazlett N. E. Brown Aaron Burleson A. M. Luckett Sal. Young George Davis Reuben Romelly Wm. Brown Louis Capt. Edmd. Thompson Alden M. Jackson George W. Blackwell Wm. Atkinson A. McArthur Abner S. Cook Joseph Canty Wm. Gilliland George Oatmeal Lewis Hord Wm. Howard A. M. Luckett Wm. Connell A. Reach Lewis Nelson Alex. H. Hamilton B. F. Bell Wm. Johnson The Hon. Travis which had been duly opened and returned being called the following persons jurors as aforesaid answered to their names. Alex. Mathers Henry Bleping Michael Gillespie H. Grumbles Geo. Bratton Wm. Walker N. E. Brown Aaron Burleson A. M. Luckett Edmd. Young George Davis Louis Capt. Alden M. Jackson Abner S. Cook Wm. Gilliland George Oatmeal Lewis Hord A. M. Luckett A. Reach B. F. Bell Wm. Johnson The Hon. Martin Connor and Martin being sworn and upon questions put therefore sworn from serving as Grand Jurors. The Court by the Sheriff and Clerk then proceeded to draw by lots names from the whole number to serve as Grand Jurors, to wit

A. Luckett	9	Wm. Gilliland
Wm. Walker	10	H. Grumbles
Alex. Mathers	11	Henry Bleping
N. E. Brown	12	Geo. Bratton
A. M. Cook	13	Geo. Davis
Louis Hord	14	A. M. Jackson
Aaron Burleson	15	Geo. Oatmeal
Edmd. Young	16	Wm. Lindsey

Alex. Mathers was then appointed Foreman by the Court and as such was duly sworn in presence of the other Grand Jurors who were then also sworn according to law and charged at length by the Court. The Grand Jurors then retired to consult

Wednesday March 4th 1845 .615

Wm Winn Constable sworn, made the proper Offin. Hamb Thompson appeared
until Wednesday 11 O'C A.M.

Wednesday 11 O.C. A.M. March 5 - 1845

Court met pursuant to adjournment pursuant to before

Daniel Kinchlow
vs
W.M. Wade

Now at this day came the parties by their Attorney and by consent this cause was dismissed, and the Plaintiff's claim to be filed among the acknowledged claims against the Estate of Benjamin Noble deceased

Wayne Barton Admr
vs
Mitchell's Heirs

Continued by consent

Edmd J Echrington
vs
Cox: & Scott

Continued

D. Whedenoe
vs
H.G. Walker

Continued and what proof ordered to Washington County

Henry County
vs
Vanderlin Head

Attachment

This day came the Plaintiff Henry County by his Attorney and the said Vanderlin Head being solemnly called came not and proof of service by publication being made a court of inquiry was by the court instituted and thereupon came a Jury, to wit Hansell Bowman and eleven others who being impanelled and sworn the truth to speak upon their oath between the parties aforesaid upon their said day that the said Vanderlin Head is indebted in manner and form as the said Henry County had complained against him, and they assess the debt and damages of the said Henry County by reason thereof to $ 166.00 One hundred and sixty six dollars. Thereupon it is ordered by the court that the said Henry County recover of the said Vanderlin Head the aforesaid Sum of $166.00 together with costs of this suit in this behalf expended for which execution may issue

This day came into open court "The Grand Jury" then being a full and legal panell and returned the following bill of indictment

The Republic of Texas
vs
William A Baker

Indictment for murder
A true bill Abner Mathews Foreman

Tuesday March 2d 1847

Court met pursuant to adjournment present as before
Upon motion of Thos Johnston the Circuit Attorney it was ordered
by the court that Friday next be set aside for the taking up the
Criminal docket

Alexander Coleman
vs
Henry Blessing } Now at this day came the parties by
their Attorny and by mutual consent this
Cause was settled and dismissed at defendants
the costs for which it is ordered execution may issue

Charles Raymond
vs
L. Sutton et al } Continued

Geo C Hamehill
vs
Alfred Smith } Continued on motion of Plaintiffs Attorny

Robt A Greene
vs
William Hamilton } Continued

Amos Sims
vs
R Caldwell et al } Continued

William J Orr.
vs
William R McClure } Continued

C B Stewart
vs
Thomas Wm Hand Com } Continued

Silas Colvill
vs
Defendant Coleman } Continued

Wade Adms } Now at this day Came the parties by their Attorny
vs and upon a day of good and lawful men to wit
Dolford Adms } Hamill Coleman and Elam Allred who being duly
sworn and elected and sworn to try said Cause after having heard the testimony stated
to them the law and things submitted to them and through their foreman
the following verdict to wit We the jury find for the Plaintiff Wade Adms

March Term 1845

Bill

Ordered by the Court that the Plaintiff recover the said sum of Six hundred dollars the proceeds of the goods chattels and estate of the deceased Geo. W. Gibson in the pleadings mentioned and that he have his execution therefor to be issued forthwith against the goods chattels and estate of the said Geo. W. Gibson deceased and that execution thereof be stayed until Friday March 7th 1845 when the defendant Clapp is required to appear and plead answer or demur to the complainants bill of complaint and further proceedings be had therein according to the course and practice of this Court and pursuant to the agreement entered into by the parties

William E. Howth
vs
Thomas W. Moore

Patrick County Court Spring Term 1845
In Chancery

This cause came on to be heard upon the Bill and exhibits and proof of service by publication having been made and the Court having considered and heard argument of the premises. Whereupon it is adjudged and decreed by the Court that the said Complainant have and recover from the said defendant Thomas W. Moore the land premises and estate with the appurtenances with the bill and exhibits described, it being two hundred and fifty acres on Union Creek one of the tributaries of the Colorado River and situate in Travis County. And it is further ordered and decreed that William M. Thompson, William Mallard, and Jacob M. Harvey, be and they are hereby appointed Commissioners to act in conjunction with the Sheriff of said County of Travis to designate and set apart to the said Complainant Wm E. Howth the said half league of land described as aforesaid from the residue of said league of land, giving to each the said Wm E. Howth and Thomas W. Moore an equal part of the natural advantages in accordance with the agreement in the writing filed and marked as exhibit A and that the same be bounded marked and designated on the ground by mete and bounds, and it is further ordered and decreed that upon the return of the report of said Commissioners and Sheriff into the Clerks office of this Court shewing that the said half league of land has been by them surveyed bounded marked and designated, and the part as aforesaid the Sheriff of the said County of Travis be and hereby is appointed special Commissioner and that he is hereby directed to make and execute a good and sufficient special warranty deed conveying to the said William E. Howth and assigning all the right title estate and interest that the said Thomas W. Moore is or was seized of or which may have or claimed by the said Thos W. Moore to the said half league of land to set aside assigned by the Commissioners as aforesaid and it is further ordered and decreed that the said Wm E. Howth Complainant have and recover of the said defendant his costs in this behalf expended and for which execution may issue &c. R. E. B. Baylor Judge &c.

Wm E. Howth
vs
Thos W. Moore

Now at this day came the parties by their Attorney and it appearing to the Court that the former order of dismissal was by consent thereof the case was reinstated and the former order of dismissal was set aside.

Friday March 7th 1845

Court met pursuant to adjournment present as before

Republic of Texas
vs
Scott Gault } Assault with intent to kill
Continued and Capias ordered

Republic of Texas
vs
Wm Gault } Continued and Capias ordered
to Washington County.

Republic of Texas
vs
Lewis Work & Scott Gault } Murder
Continued and capias ordered to
Fabius County.

Republic of Texas
vs
Wm Tobb } Wood cutting
Continued

Republic of Texas
vs
Woodson & Mobs Wood } Affray
Wood Continued } Mobs Prodegit ordered as to Mobs
to Woodson for want of proper

Republic of Texas
vs
Mobs Wood } Card playing
Mobs prodegit ordered

Republic of Texas
vs
Selmus Sue } Card playing
Continued and attachment awarded for
the writs. Scire Facias returnable to the next term of the Court

Republic of Texas
vs
Martin Moore } Permitting cards to be played on his Stands
Continued and Attachment awarded for
the writs Scire Facias returnable to the next term of the Court

Republic of Texas } Indictment for Murder
vs
William R Baker } Now at this day came the Republic by her Attorney Thomas J. Johnson and the said William R Baker in his own proper person. And he his said proper person being brought to the Bar. And having heard the Indictment against him read. is committed to the custody of the Sheriff and being asked how he will acquit himself of the premises above laid to his charge. Saith he is not guilty and for trial puts himself upon his God and Country.

Republic of Texas } Now at this day came the Republic by her
vs } Attorney Thomas Johnson. and Wm R. Baker the said Defendant
William R Baker } and on the affidavit of the Defendant this case was Continued
to the next Term of the Court.

Wm B. King. Admr }
vs }
Martin Moore. Admr. } Now at this day came the parties by their Attorney and also a Jury of good and lawful men to wit J. M. Crockett and eleven others duly impanelled sworn and tried to try said cause who having the testimony heard & consideration of the matters & things to them submitted and their verdict aforesaid do find for the Plaintiff Four hundred and twenty one dollars and seventy cents together with interest from the 20th day of December 1843. Signed J. M. Crockett Foreman, which verdict considered by the Court that the Plaintiff recover of the defendant the said sum of four hundred and twenty one Dollars and seventy cents with interest thereon at 8 per cent per annum from the first day of December 1843 to be levied of the goods chattels and estate of John Morton deceased together with all costs in this behalf expended. And that execution issue therefor to be filed among the acknowledged claims against the said Morton Estate.

Spring Term 1845

Thomas Thayer
vs
Elizabeth White } Continued by the plaintiff

Wm. Hodges
vs
Wm. J. Wardlaw } Now at this day came the defendant by his Attorney and the Plaintiff being three times called severally and solemnly to prosecute his said suit, whereupon it is considered by the Court that the said plaintiff take nothing by his said writ and that the defendant go hence without day and that he defendant recover of said plaintiff all costs on this behalf for which execution may issue.

Charles F. King Admr.
vs
Moses Moore Admr. } Now at this day came the parties by their Attorney and also a Jury of good and lawful men to wit A. McLeskill and eleven others duly impannelled and sworn to try the said cause who having heard the matters and things in evidence and the argument of counsel thereupon returned their verdict in favor of the plaintiff for the sum of Seventy Dollars and costs with interest from the first day of December 1843. It is therefore considered by the Court that the plaintiff recover of the defendant the said sum of $70 and his costs to be levied of the goods and chattels of the testator in the hands of the executor to be administered according to law.

Monday 10 o'clk. Court met pursuant to adjournment as before

The State of Texas } Indictment for an Affray
vs
Morton Moore } Now at this day came the Defendant by his Attorney Thomas Johnston and the defendant Morton Moore in his own proper person, and having heard the indictment against him read, and being asked how he will acquit himself of the premises aforesaid in his charge saith he is not guilty, and for trial puts himself upon his country, whereupon came a Jury of good and lawful men to wit A. McLeskill and Edson others, who having heard the testimony arising to consider of their verdict and returning failed to return a verdict whereupon a Juror was withdrawn a mistrial awarded and the case continued by order of the Court

Thos Pond
vs
Wm. Thompson } Continued

Spring Term 1845

Alexander Russell
vs
A. Eberly

Alexander Russell
vs
A Mercantile

Ala Brigham Admr
vs
Nicholas Obrian

Harden Edwards
vs
Nicholas Biddle

Silas Colwell Exr
vs
Stephen Girard

Jamaica Plain Road
vs
Eben Breed

Edward Darby
vs
Jn B Macomb

Sa Sitgreaves
vs
Wm Norton

Morgan & Hamilton
vs
Jos Banks

Thos Ward et al
vs
Moore & Bleeking

Thomas Ward et al
vs
Moore & Bleeking

Spring Term 1845

Wm Glasscock
vs.
King & Hampton

Robert M Cormick
vs.
Wm Hamilton

George G Stadeh
vs.
Geo Antonio de la Garza } all the foregoing cases now continued generally

A Underwood
vs.
Jas D Galbert } Continued and cause ordered to Washington County

Samuel Hopkins
vs.
Elizabeth Edith Eaves } Continued by the plaintiff

W. H. McDonald
vs.
Samuel Whiting } Continued and leave given to amend the attachment by consent

A Ruffell
vs.
Wesley Wood } Now at this day came the defendant in his own person and moved the Court that the plaintiffs suit be dismissed under a former order of the Court whereupon it is considered by the Court that said suit be abated, and that the plaintiff pay all costs in this behalf expended for which execution may issue

W. H. Reed Admr
vs.
Edmd Barker

Smith Johnson & Hamm
vs.
Samuel L Richardson

Hillman Ward
vs.
Finley & Everett

Spring Term 1845 632.

Mark Tind
vs
Caldwell et al

Wm Orr
vs
Wm McClure

Joseph Smith
vs
Commissioners Genl Land Office.

Joseph C Plumer
vs
Thomas Worthington et al

C Kilmart
vs
Thos Worthington et al

Joseph M Gantz
vs
Thos Worthington et al Continued Generally.

Republic of Texas
vs
Wilson Hobdon
& Co et al
} Now at this time the defendant and upon his affidavit filed this Cause is continued to the next Term

Republic of Texas
vs
Martin Moore
} Indictment for Gaming
Now at this day came the parties by their Attorney and the defendant in his own proper person filed his affidavit and the cause is continued upon such affidavit

Republic of Texas
vs
Wm Cockburn
} Continued for want of process

Isaac Upton et al
vs
Stephen H Hale
} Now at this day came the parties by their Attorney and by mutual consent the cause is submitted

Spring Term 1845

Edmd Wells
vs
Robt Sims
} Stay at this day came the parties by their Attorneys whereupon it was considered and by the Court that the defendants recognizance be perpetuated.

Silas L. Hamilton
vs
Wm B. Hill
} Continued by Consent.

Edmd Cole
vs
Michael Fuller
} Dismissed for want of an appeal bond not being filed as the law directs.

Wm Hampton
vs
Norfan Thomas Dec'd
} In this case the death of John Mathews being suggested it is ordered that a Scire facias issue to Martin Moore his executor returnable and the cause continued.

W. L. Hunnicutt
vs
Heirs of Wm P. Lewis
} Continued

Wm F. Pettingill
vs
Silas L. Marshall
} Continued

Isaac Eaton
vs
Stephen M Hale et al
} By consent submitted for adjustment

All orders not specially continued are continued generally by order of the Court.

For want of time and a bill of the Jurisdiction of the County it is ordered that the Clerk and Sheriff in the presence of some Justice of the Peace in and for the County of Grant proceed to draw according to law thirty discreet and lawful men to be and appear at the next term of this Court and that the Clerk issue a Venire Facias for the same and further ordered that the Court adjourn until the next regular term thereof

R. E. B. Baylor
Judge &c

Spring Term 1845 .334.

District Court. Fall Term A.D. 1845 Sept. 1st 1845

Be it remembered that there was began and holden in the City of Austin, County of Travis, a District Court in and for said County at the Court House thereof. Present the Hon: R.E.B. Baylor Judge. Jas. Matthews Sheriff and John R Bealdridge Clerk.

The Court then proceeded to its further organization and it appearing satisfactorily to the Court. That the Clerk and Sheriff of said Travis County. In the presence of George B. McCalla a Justice of the peace in and for said County. had regularly drawn thirty six persons to serve as Jurors at the present term of this Court. To wit. Thomas A. Moore Henry Kuntz. Joseph Thompson, John Rahmenberger. John Falk. A B McDell. Jas. Bobert. Wm R Hailey Joseph Jennings W Cushman. Joshua Holden. Reuben Hornsby. James Cole Joseph Hornsby. Jacob P. Hamell. John Brothers. Geo W. Glascock J Graves. Wm Thompson. Lemuel Taylor. Wm G Hollingsworth. Wm Thomas, Washington Anderson. Peter Kerr. Alfred Smith. Thos Shoat. Sol Mercer. Wm P Sharp. Jas Edmundson. James Hamilton. D Walsh Noah Smothwick. Thomas Collins Jeremiah Bragg. And John Matthews. John Falk. Wm Hailey Jas Cole A J Graves and Wm G. Hollingsworth. after being duly sworn by the Court to understand questions were excused from serving as Grand Jurors also James Baker who had been regularly drawn was excused. Henry Kuntz Deputy Sheriff of Travis County. The Court by the Sheriff and Clerk then proceeded to draw. by lot from the whole number of jurors furnished as aforesaid four men names from the box to serve as Grand Jurors. To wit

Lemuel Taylor
Wm R Thomas
Wash Anderson
Peter Kerr
Thomas Shoat
Wm P Sharp
James Hamilton

Henry Kuntz
John Rahmenberger
A B McDell
D. Cushman
Joseph Hornsby
Jacob P Hamell
Wm Thompson

Wm Thompson was then appointed Foreman by the Court and as such duly sworn in the presence of the other Grand Jurors. Who also was sworn according to Law. And charged as by the Court; the Grand Jury then retired to consider of their presentments under the present officers. The Court then adjourned until Tuesday 10 O.M. the

Fall Term 1845

Tuesday 10 oc. A.M.

Court met pursuant to adjournment

Thomas Johnston being absent John C Watrous one of the Court appointed District Attorney pro tem to prosecute on behalf of the Republic of Texas for the present term of this Court,

Alexander Kaspell vs A Murchison. — Continued and prospect pantis plaintiff to be made by next term of said state.

Wm Brigham Admr vs Nivian & Briant. — Wm Brigham death suggested and Sci Fa ordered to the proper party and the case continued

Wm Anderson et al vs Wm Walker. — Continued and Depositions copies ordered

Robt Boon vs George Shepherd. — Dismissed by order of the plaintiff

Alexander Kaspell vs A B Eberly. — Now at this day came the plaintiff by their Attorney and upon motion of Defendants Attorney this suit was dismissed under a former order of the Court and it was adjudged by the Court that the plaintiff pay all costs in this behalf expended

Peter R Bond vs Francis Mc Dyer et al — Continued and alias procs ord issued to Jefferson County.

Edmd Bowen vs Aaron Bond Exrs — Continued

Wm J Dyer vs Wm Mc Clure — Continued

Charles B Stewart vs Thomas Williams Commissioner &c — Continued

Fall Term 1845

Joseph P. Gandy.
vs
Thos. Pritchard. Attachment

Shackelford & Mims vs Morland

Thomas Pritchard vs Mims &c.

F. D. Cocke
vs
Benjamin Grayson. } Continued under advisement of the Court.

Edmd Forest
vs
Thomas Ward } Continued and process ordered to Refugio and Brazoria Counties.

Woodson Edwards
vs
William B. Lamar } Continued

The Court then adjourned until Wednesday 10 OC A.M.

Wednesday 10 OC. A.M. Sept 8th 1845

Court met pursuant to adjournment present as before

Edmd Fenley
vs
John R. McComb & Joel Mounet } Now at this day came the parties by their Attorney and also a jury of good and lawful men and several others, who being duly sworn elected and impannelled to try the issues said cause & having heard the evidence submitted & thing to them submitted retired & considered their Verdict, And through Edmd Forest and returned the following Verdict. We the Jury find for the Plaintiff three hundred and fifty dollars, $350.00. Signed And Edmd Forest, it is therefore considered by the Court that the plaintiff recover the said sum of $350.00. and all costs in this behalf expended, and that Execution issue therefor

Isaac N. Lewis
vs
John Morland } Now at this day came the parties by their Attorneys and by Consent Judgment was rendered as on a Verdict of a Jury and is to be filed among the established claims against the Estate of John Morland deceased, And it is adjudged &c this 8th June the order of the Court.

W. L. McDonald
v.
Samuel Whiting

Now at this day came the Plaintiff by his Attorney. And prayed judgment against the said Defendant which was entered by Default. The said Defendant not appearing & defending said suit. It was thereupon considered by the Court that the Plaintiff recover of Defendant Whiting the sum of One hundred and Thirty one dollars and forty five Cts. together with all costs on this behalf expended, for which execution may issue

Samuel Taylor
v.
Elizabeth White & al

Now at this day come the parties by their Attorneys And also a Jury of good and lawful men, viz. Wm Cloud &c And eleven others. Who being duly sworn elected and empannelled to try the issue between the said parties in said cause. And having heard the Attorneys retained & considered the matters and things to them submitted. And thereupon their Foreman returned the following Verdict. We the Jury empannelled to try the aforesaid Issue find for the Plaintiff and assess the damages at One hundred dollars with Interest from the 15th of April AD 1842. Signed, Wm Cloud Foreman, It is therefore Considered by the Court that the said Plaintiff recover of the Defendant the said sum of $100.00 with interest as above specified for which together with all costs Execution may issue &c.

A. J. Brockett
v.
Joseph Moreland

Now at this day came the parties by Attorney and by leave of the Plaintiff's Counsel this case was dismissed Whereupon it was considered by the Court that the said Plaintiff do pay all costs in this behalf expended, for which Execution may issue &c.

Silas A. Mansfield
v.
Isaac B. Hall

Upon examination of the papers in this case, and it appearing that this was an appeal and Contained therein the case was dismissed for want thereof, and a procedendo awarded to the Court below.

George Estabrook
vs
Sub Defendants &c

Now at this day came the Defendant by his Attorney upon whose affidavit the case was Continued, And upon motion thereto made the Plaintiff has leave to file an amended bill.

Samuel Rockwell
v.
Samuel Whiting

Upon motion of Plffs Counsel this case was Continued And an Order of publication to the Defendant made according to the requisitions of the Law.

A. McDonald
v.
Richard Adamson

Continued by Consent

Fall Term 1845

Samuel Powell
vs
The Republic of Texas
} Continued

Christopher S. Storne
vs
Edmund L. Richardson
} This bill was dismissed at Complainants cost
At special agreement of Counsel of the Court and consent of parties and that execution issue for cost as aforesaid.

Upon Motion of Thomas Johnston District Attorney this Criminal docket is ordered to be taken up on Tuesday next, 5th Sept. 1846

The Republic of Texas
vs
Wm. Barker. Indictment for Murder.
} Now at this day came the Republic by their Attorney Thomas Johnston, and Wm. Barker in his own proper person, and upon motion of the District Attorney it was ordered by the Court that a Special Venire do issue for Thirty good and lawful Jurors, Citizens of this County (they being good and lawful men) returnable forthwith, and that a copy of the Indictment in said cause be served (together with a list of the jurors summoned upon the Special Venire as aforesaid) upon Wm. Barker defendant as aforesaid

Wayne Barton Adm'r
vs
Mitchell & Hamp
} Upon motion of Plaintiffs Atty - This Cause was Continued

The Court then adjourned to 9 O'Clock A.M. Thursday Sept 4th

Thursday 9 O'C A.M. Court met pursuant to adjournment present as before

A. Bagsell
vs
Mabel Wood
} Suit abated and dismissed for want of Security

Hamphill & Smith
vs
Edmd Woods
} Sci. Fac. ordered to Heirs of Woods representatives
Where known

Edmd J. Eddington
vs
Wm. Scott
} Sci. Fac. ordered to Heirs of Woods representatives
Where known

Jesse Hamphill
vs
Alfred Smith
} Set for hearing on Saturday 6th day Sept 1845

Fall Term 1845 .B80.

James F Robinson vs Susan L Ward — The plaintiff has leave to amend his petition. And defendant has leave to amend the plea by order of the Court.

Geo. C. Fisher vs Jose Antonio de la Garza — The Surveyor of Bexar County is ordered to make a survey of the land in dispute & return a plat and certificate of the same to the next Term of this Court, and that a copy of this order be issued upon the Surveyor of said Bexar County.

James F Johnson vs Joshua Holland. — Continued by consent

Thomas Ward et al vs Moore & Bishop — Upon motion of the defendants attorney the Summons in this case was quashed, and an alias prosp ordered and the case continued.

Thomas Ward et al vs Wm Thompson — Continued

Thos Ward et al vs Wm Thompson. — Continued

Thos Ward et al vs Moore & Bishop. — Summons quashed, and alias prosp ordered

Thos Ward vs Moore & Bishop. — Summons quashed and alias prosp ordered

Fall Term A.D. 1845.

Friday 3 d C. A. M. Sept. 5th 1845. Court met pursuant to adjournment
Present as before

Sebt. Cobbett Ext.
vs
Stephen F. Austin

David G. Burnet
vs
Wm. Ward and Comt. &c.
} Now at this day came the Defendant by his Attorney and moved the dissolution of the Injunction in this Cause had thereupon it was ordered by the Court that the Injunction be dissolved. and that the Bill stand over as an original Bill and leave given Complainant to amend his petition and the case Continued

Now at this day came the District Attorney and moved the Court to take up the Criminal Docket

The Republic of Texas
vs
Geo. W. Barrett Jas.
Assault with intent to Kill
} Continued

The Republic of Texas
vs
N. H. Mase
} Not prosequi entered

The Republic of Texas
vs
Lewis Flood & Elcon Booth
} Continued and Copias ordered to Ellis Jackson County for Louis Flood

The Republic of Texas
vs
John Tibbs
} Continued

The Republic of Texas
vs
M. Cockrell
} Continued for want of papers

The Republic of Texas
vs
James Snow
} Not prosequi entered

The Republic of Texas
vs
M. Cockrell
} Continued for want of papers

Fall Term AD 1845 .842.

The Republic of Texas } Indictment Cand for Injuring
vs
Joshua Holland, } Now at this day came the Republic by her Attorney, Thomas Johnson, and the defendant Joshua Holland in his own proper person. He having heard the Indictment against him read, saith he is not guilty. Whereupon came a Jury of good and lawful men, viz: Wm Wallace and thirteen others who being duly sworn to try the issue between the Republic aforesaid and the defendant Joshua Holland, and having heard the testimony upon their oaths do say, that the said Joshua Holland is "not guilty" in manner and form as charged in the said Indictment, found against them.

The Republic of Texas } Nolle prosequi entered,
vs
Martin Moore

The Republic of Texas } Nolle prosequi entered
vs
Martin Moore

The Republic of Texas } Nolle prosequi entered
vs
Moore & Gillet

Thos Ward } Dismissed at plaintiffs cost to the present term -
vs
Moore & Bleping

This day came the Plaintiff by his atty, and moves the court to dismiss this case, &c. Therefore considered by the court that this suit be dismissed, that the defendants go hence without day, and recover of the Plaintiff their costs about their suit in this behalf expended for which execution may issue &c -

Same }
vs
Same } On motion of Plaintiffs counsel it is ordered by the court that this case be dismissed, that the defendants go hence without day and recover of the plaintiff their costs about their suit in this behalf expended for which execution may issue &c -

Fall Term AD 1845

Now at this day came into open Court the Grand Jury there being a full and legal panell, and returned the following bills of Indictment

The Republic of Texas } Indictment } Keeping Faro Bank &c.
vs
Thomas Watson }

The Republic of Texas }
vs } Affray.
Jas. Mayfield & Memucan Hunt }

The Republic of Texas } Retailing without License Spirituous liquors
vs
Moses Bleping.

The Republic of Texas } Retailing goods without License
vs
Moses Bleiking

Republic of Texas }
vs } Affray
James Mallard & Thomas Ward }

The Republic of Texas }
vs } Assault & Battery
Wm. Allen, }

The Republic of Texas }
vs } Keeping Faro Bank &c
Chas B. Underhill }

The Republic of Texas }
vs } Assault & Battery
Lloyd Smith }

The Republic of Texas }
vs } Assault & Battery.
Thomas Mullins }

The Republic of Texas }
vs } Assault with Intent to murder.
James F. Hurdeal }

Fall Term AD 1845

Saturday Court met pursuant to adjournment present as before 334

Williams E Howth, } The motion of the Complainant the former
vs } Order of Court appointing Mr Wallace one of
Thomas W. Moore } the Commissioners to divide the league of land
set forth in said Interlocutory decree, be amended and that George
Hancock be substituted a Commissioner in his stead.

And on this day the Sixth day of the term, the
Commissioners heretofore appointed, to divide and set
apart to complainant, William E. Howth, one equal moiety of
said Land, a tract of land, appeared in open Court and made the following
report, .. Pursuant to the order of the Hon. District Court of the
County of Travis, and Republic of Texas Made in the case of
William E Howth, complainant, against Thos W. Moore, defendant
decretal ordered made and pronounced, at the March term
AD 45 of said Court, directing Commissioners to divide according
to quantity and quality, a certain league of Land, located and
entered in the Surveyor Office of the County of Bastrop for and
in the name of the said Thos W. Moore, lying on Onion Creek in
what is now Travis County on the West side of Colorado River
being known as league No 12. Said league being bounded as follows,
beginning at the North West corner of League No 11, thence South 3,150 Varas
to Onion Creek, back 18,000 Varas to a Stake on the prairie
SE corner of League No 12, thence West 2,500 Varas, to a post in
the prairie, thence North 18,000 Varas. thence Onion Creek
to a point in the prairie N.E corner of League No 12.
thence East 2,500 Varas to the beginning, We the undersigned
Commissioners appointed by the Hon: the District Court, to
divide said League of Land, report that we have performed
that duty, and that we have set apart to the said William
E Howth One half of said League of Land, according to said
decree, Beginning at the North West Corner of League No 11. thence
5,000 Varas to the Centre of the East boundary line of League No 12,
at a Stake thence West 2,500 Varas, crossing Onion Creek at a
Stake, at the Centre of the West boundary line thence North 4,000 Varas
to a post, the N. West corner of League No 12. thence East 2,500
with the north line of League No 12 to the beginning—
In testimony whereof we have set our hands &c;
September 6th 1845,

Sam Matthews Surveyor
H.C.
Geo Hancock C. Com
J M Hamell Com
W M Thompson Com

Which said report is now read by the Court and the
act of said Commissioners in the premises confirmed and
the Court now orders and directs, that the said Thomas

Fall Term AD 1845

"Be it Remembered that at said July Session of Court, set forth in said report, and that the same in said Williams & Heath and Chas Heard defendant pay all the Costs, in this behalf expended, and which Execution may issue in the case at Law."

Morgan C. & Hamilton
vs
Hope Barkley & Thomas Wm Ward

Bill to be taken pro Confesso & Ordered within sixty days by Defendants.

Thos Ward
vs
Moore & Bishop

Discharged by order of Plaintiff.

This day appeared in Court the Grand Jury this being a full and legal panell and through their foreman returned the following bill of Indictment.

State of Texas
vs
Reuben Chandler & Others

Forgery

State of Texas
vs
Benjamin F. Bell

Keeping Houses,

State of Texas
vs
Richard Watson

Selling at Retail.

State of Texas
vs
West Autry

Selling at Retail.

State of Texas
vs
Washington Secrest

Selling at Fare.

State of Texas
vs
Wm Gibson & George Catmel

Playing without Licence

Hall Term AD 1845

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The Republic of Texas vs Edward O'Briant — Retailing without License

Republic of Texas vs William Henry — Retailing without License

Republic of Texas vs William Henry — Keeping Faro Bank

Republic of Texas vs Hugh Kerr — Selling at Faro

Republic of Texas vs Benjamin Hill — Selling at Faro

Republic of Texas vs Pleasant M Watson — Affray & Battery

Republic of Texas vs Edmund Pendleton & Henderson — Selling at Faro,

Republic of Texas vs John Roberts — Keeping Faro Bank.

Republic of Texas vs Shanks — Keeping roulette

Republic of Texas vs Hiram Bailey — Selling at Faro

Republic of Texas vs John Roberts — Selling at Faro

Fall Term A.D. 1845

The Grand Jury were then discharged by the Court

The Court then Adjourned to Monday Sept. 8th 1845 10 O.C. A.M.

Monday Court met pursuant to adjournment, present as before-

Edward Ward
vs
Isaby & Jewett

Monday September 8th 1845 A.M. Court met present as before

The Republic of Texas
vs
Wm R Baker

} Now at this day came (the defendant in his own proper person) into open Court and having the two days notice upon the original panell of special Venire, together with the copy of the Indictment all of which had been served upon him

Tuesday 10 O C A.M.

Court met pursuant to adjournment present as before

Wednesday 9 O C A.M. Court met present as before

Thursday 8 O.C. A.M. Court met present as before

Friday Court met pursuant to adjournment present as before

It being represented, that one of the Jurors in the Case of Wm R. Baker ats the Republic of Texas, after having the testimony introduced on said Case and after being placed under the charge of the Sheriff of Travis County, did absent himself contrary to the Charges of the Court Whereupon came the Republic by her Attorney and moved that all

mplaint and objection to the witness as aforesaid be waived which was assented to by the Counsel on the part of the Defendant Wm R. Baker

Republic of Texas vs Wm R Baker. } It appearing in this case that one of the Jurors had sick. it was Consented by the District Attorney on the part of the Republic and the Prisoner in open Court that the said Juror might withdraw from his fellow Jurors and remain with his family during the night.

Saturday Court met pursuant to adjournment present as before.
It having been represented to the Court, that one of the Jurors Wm. Owen Chain had absented himself from the immediate presence of the proper Officer the District Attorney on the part of the Republic and the Counsel of the Prisoner at the Bar, to wit Wm R Baker by consent waived and dispensed the objection ~~in consequence thereof~~, and on this day came the Jury drawn empanelled elected and sworn to try the issue between the Republic of Texas and Wm R Baker the Defendant charged with Murder of James Smith Dec'd to Wit, J. Walsh, J. Menard, Thomas Ward, Wm Brallon Thomas Harrold, Jno Hannah, Robt Montgomery, Wm McCutchon Martin Casner, Alexander Hamilton, Jno Tait B, and Daniel O'Briant, Who after having heard the evidence in the cause submitted, and the charge of the Court in the premises returned into open Court their Verdict and said

We the Jury find the Defendant not guilty—

It was therefore considered by the Court that the Prisoner be discharged from the further Custody of the Law and go hence without delay. &c.

Fall Term A.D. 1858

James F Edrington
vs
Susan L Ward et al

This day come the parties by their attys, and the premises being considered and the argument of counsel being heard upon the plea to the jurisdiction filed in this case by the defendant It is considered by the court that the said plea be sustained. - Whereupon the plaintiff asked leave to amend his petition and the said defendant moved the court for leave to amend his said plea to the jurisdiction, which several motions to amend were allowed and the case continued until the next term of the court -

Fall Term AD 1845 .Bk A.

Wilmark Wards } Be it remembered that on this day upon the coming in
vs } of the report of Jno Eagle Commissioner appointed
Farley & Lemott } by the Court, to take the account in this cause and the
same being read & obtained, & the both (parties) Complainant and
Defendant it is hereby decreed and ordered by the Court that the same be confirmed
and that said Complainant do and have the recovery of said Defendants, the sum
of two hundred & twenty Three dollars & seventy four cts, for the debt and
also the interest thereon from the filing of the Bill of Complainant in this cause
the 28th May. 1841 at the rate of eight per cent per annum. And all cost herein
expended, for which let Execution may issue as at Law.
The sum of $2000 was allowed by order } A. C. J. Baylor Judge &c.
of the Judge to M.H. Bealy for services rendered by him }
as Master in Chancery. Bishop. R. C. B. Baylor Judge &c.

Colvill Exrs } of James Caldwell
vs }
Defendant & Denman } On this cause the death of
said Colvill having been suggested
to the Court. And thereupon came the Plaintiffs by their Counsel and
moved that the said suit be now and stand revived in the name of
Thomas Jackson & Solomon Baker, "Executors" of said James A Caldwell
And thereupon came on for final hearing the motion and things
alledged as well on part of Complainant as of the Defendant upon the
original bill answer exhibits & proofs and was heard, and his Honor
thought fit & ordered & decreed and doth hereby order & decree that said
Complainant have and recover of said Defendant the sum of Three
hundred & dollars in gold and coin of the money of the Republic of Texas
And further that the Mortgage on the premises and property in said mentioned
Mortgage (2 Nos) & certain lot a parcel of land in the City of Austin,
known and designated on plan of said Town as lot No 4. Block Sixty,
On Congress avenue, with the buildings and improvements & appurtenances
thereto belonging being the house formerly occupied by Defendant Denman.
as a Grocery establishment &c. be and is hereby foreclosed & said
premises be sold in satisfaction of the decree herein made in the
premises and all cost herein expended &c.

A. C. J. Baylor Judge &c.

Hall Term AD 1845

Geo. J. Glapcock } Trespass to try title in the District Court of
vs. } Travis County.
John F. Nobles }

The undersigned James Webb and Benj. Gillespie to which arbitrament and award was referred the matters in dispute between Geo. J. Glapcock, plaintiff in an action of trespass to try title and John F. Nobles defendant in said action by the consent of the parties and the order of the Court. Having been sworn by the terms of the submission & proceeded to select and choose an umpire in the settlement of said matters in dispute, and having in accordance with said authority selected and chosen Edmund Bourland Esqr. an Attorney and Counsellor of the Court as said umpire, We the said referees and umpire having met together and duly investigated all of said matters of dispute, and the law and the evidence touching thereon do make and agree to the following award which is to be received and entered up as the judgement of the said District Court, of Travis County, in said cause ——— ——— ———

We award and determine that the tract or parcel of land in dispute shall be equally divided between the said parties by a line to be run from the East line of the Travis County parallel with the original line of John F. Nobles survey as specified in his title, to a point on the Colorado River equi distant from and between the disputed corners as contended for by said parties in suit of aforesaid suit. And we further award and determine that each of said parties shall by their deed of relinquishment to the other relinquish all adverse claim to that portion of said land which is hereby awarded to said Glapcock and that said Glapcock relinquish by deed all claim to that moiety of the land which is hereby awarded to John F. Nobles and the said John F. Nobles shall relinquish by deed all claim to that moiety of the land which is hereby awarded to said Glapcock and we further award and determine that each party pay his own costs incurred in said suit and that the expenses of surveying & dividing of said land between the parties be equally borne between the said parties ——

Given under our hands & seals this 23 day of September 1844

James Webb (seal)
B. Gillespie (seal)
Edmd Bourland (seal)

Fall Term AD 1845 .652.

It is ordered by the Court that all cases both Civil and Criminal be continued generally until the next term of the District Court

For want of time and a List of the Jurisdictions of the County, it was ordered that the Clerk and Sheriff in the presence of the same Justices of the peace in and for the County of Travis, proceed to draw according to Law thirty two good and lawful men to be and appear at the next Term of the District Court, and that the Clerk keep a Venire Facias for the same & further ordered that the Court adjourn until the next regular term thereof

R E B Baylor
Judge

Be it Remembered that on this the 21st day of
August in the year of our Lord one thousand eight hun-
dred and forty six the following named persons
were drawn by B F Bassford Clerk of the District court in
and for B. Mc Gill Clerk of the county court for the county
Brandis in the presence of R C Dunn a Justice
of the Peace in and for said county to serve as
Jurors for the next term of said Court (to wit)

William Leftwich	19	Abner Matthews
Francis Kelley	10	Jos H Bacon +
J Chandler +	21	Oliver Buckman +
Jon Beck +	22	Henderson Upchurch +
James Cole	23	Josephus Thornton
James Edmondson	24	Alfred Smith
Samuel Wilson	25	R Tyler
Thos Marshall +	27	Thos Rose +
W. H. Thompson +	28	E P Houston
Robert Stewart +	29	B H Butler
James Harriel +	30	Horace Baker
Washington Robinson +	31	William D Thomas
John G Matthews	32	James Pearce
James Boyce	33	R C Hamilton +
James Watson	34	Harvey Smith +
Nicholas B Carthur	35	William Baker
Austin Moore +	36	James Donnell
George J Glascock		

B F Bassford Clerk D. C. J. C.

R. C. Dunn J. P. 33 A B M Gee C M County Court D. C.

District Court for Travis County

Fall Term A.D. 1846 commenced its sessions at the capital October 5th A.D. 1846 present in court The Hon. William E. Jones Judge of the second Judicial District, B.B. Bransford Clerk and James Matthews Sheriff. The following persons duly drawn according to law and summoned by the Sheriff, the following persons summoned on said venire appeared to their names, (said)

Francis Kelly
James Cole
James Edmonston
Samuel Wilcox
James Manor
John J. Mathews
James Dorell
James Boyce
James F. Johnson
Nicholas Mc Arthy
George John Glascock
Edmund Matthews
Josephus Hornsby
Alfred Smith
Reuben Tyler
E.P. Houston
B.F. Batts
Horace Baker
William D. Thomas
James Cassner

On motion Francis Kelly James Edmonston James Dorell, James F. Johnson and Reuben Tyler were excused from serving as Jurors

The court then ordered a venire commanding the Sheriff to summon twenty four free holders or house holders good and lawful men of the county of Travis to be and appear before this court at three of the clock Post meridian to serve as Jurors

On motion of James Webb esqr, that Alexander Lance be admitted to practice as an attorney and counsellor at law within this State, the custom examination being satisfied that the said Lance is a person of good character for moral principles honorable deportment and that the said Lance having produced the necessary certificates of his having learned his profession as aforesaid by the supreme court of the state of Ohio and that it is his intention to become a permanent citizen of this state; It is therefore ordered that the said Lance be taken by the oath required by law to be

Fall Term 1841

Whereupon Licensed to practice as an Attorney & Counsellor at Law and Solicitor in Chancery in any of the Courts of Record in this State.

The Court then adjourned till three o'clock P.M.

Clock P.M.

The Court met pursuant to adjournment and the Clerk returned to the Sheriff being a true list of the following persons ~~summoned~~ drawn to serve as Jurors to this term,

J M Gray Esqr	B Pollock
Wm Cantrell	C C Browning
John Edwards	O C Rice
Owen O'Brian	John Hackenberger
William Cockburn	Metz
J C Jamnehill	C Helcot
Edward Scales	Wm Bassett
James Capt	Thomas Freeman
Wm P Shook	& James Chandler
James Hart	

On motion the following named persons were excused from serving as Jurors (to wit)
William McCutchan, James Hart & Pollock
Jno Boyce, and James Garner & James Cate

The following persons were then called and sworn as Grand Jurors (to wit)

James Mann	Horatio Baker
John G Mathews	Wm T Thomas
Nicholas McArthur	Thomas Freeman
George D Glascock	Edward Scales
Abner Mathews	James Capt
Joseph Abernathy	John Hackenberger
Alfred Smith	J C Jamnehill
Thomas Rowe	& J M Gray Esqr
C F Houston	
B H Betts	

The Court then appointed Abner Mathews to be the Foreman of the Grand Jury who was sworn accordingly, the other Jurors having been sworn according to law were charged by the Court in relation to the duties after which they retired to consider on their ~~duties~~ presentments and the Sheriff being ordered to wait upon them three ~~being~~ of the Solicitors attorney

The Court appointed John G Chalmers esq. Solicitor Attorney pro tem.

Fall Term A.D 1846

1846.

The following causes were then called and stood [illegible] Owen Chairs, J C Rice, John Edwards H F Hays
[illegible] Burdett C Wilcox C C Browning William Cleland, H H Doty [illegible] Martin Moore
the court then called the civil docket on which
the following orders were made viz, to wit,

Edmund Russel
vs
J J Robinson } The court orders that R Bailey Admr
Administrator of Russel be made a party plaintiff.

Reuben Edwards
vs
Mary Ann B Jones } Continued

Thomas Lloyd Smith
vs
Moses Moore } settled as per agreement & the
file

A McDonald
vs
Polsters Administrator } dismissed by Plaintiff

Jno B Jones
vs
Frances H Ogden } Death of Plaintiff suggested and
Jno B Jones Administrator made
Plaintiff

James Power
vs
Richd Bee & Jones } On motion the Plaintiff has
leave to amend

Thos Burton
vs
George I Glascock } Continued

Albert G Kendall
vs
Martin Clark } Continued for service

Martin Heath acceptor
&c
vs
The heirs of Robert Boyce Dec'd } On motion Thomas
H Daniel appointed
Guardian ad litem
for the minor heirs and ~~that the cause be set for trial tomorrow~~

Henry Adams
&c
The heirs of Samuel Brandon } continued for alias citation
Dec'd issued to the county of Hart
as to Isaac Johnson and
Enoch Joseph and Pamela
Bostwick and Order of Publication
as to them

Fall term 1846

Ann J Woolridge
vs
William S Lazenau } Continued and cause to Galveston county ordered

Samuel Houston
vs
Abner & S H Mathews } Continued for service

Post & Cronican
vs
John M Swisher
acting Secretary of State } On motion Plaintiff has leave to amend his petition

The Court then adjourned until tomorrow morning at nine of the Clock

Tuesday morning October 6th 1846
Court met pursuant to adjournment, when the records of the preceding day were read
On motion John Wooldridge was excused from serving as a juror There not being a sufficient number of petit Jurors in attendance to constitute a panel, William Cohen, Elijah Mather and S.b. Jones were sworn as petit Jurors
John G Chalmers esq appeared in open court and took the oath prescribed by law as District Attorney pro tem
Alexander Lance appeared and took the oath prescribed by law as an Attorney and counsellor at law and Solicitor in Chancery
A petition of John R Wooldridge was filed praying to be admitted to practice as an Attorney and Counselor at law whereupon the court appointed B Gillespie Thos H Duval and J S Mayfield esqrs a committee and set as the day for examination Wednesday at half past eight O'clock
The court then called the civil docket when the following ordered was made to wit

Wayne Batton admr } Dismissed at plaintiffs cost
vs
Michael Haenen

Morgan C Hamilton } Set for trial on Friday
vs
Thos Pearl Rowlett
Jesse Burke

Fall Term AD 1846

Thos Ward etal vs Isaac A Blamey } Sermon at Defendants cost

Thos Ward etal vs Isaac A Blamey } Sermon at Defendants cost

Charles Raymond vs Sutton et al } Judgment entered by default The Plaintiff appearing by his Attorney & the Defendant being called answering not, it is considered & adjudged by the Court that the Plaintiff do recover according to the prayer of his petition unless the Defendant Sutton answer within the time prescribed by law

Solomon Coon Smith vs Cook & Hoggins } Judgment by default The Plaintiff appearing by his counsel & the Defendant being called answering not it is considered & adjudged by the Court that the Plaintiff do recover according to the prayer of this petition unless the Defendant plead & answer within the time prescribed by law

A Solomon vs Cook & Hoggins } Judgment by Default The plaintiff appearing by his counsel & the Defendant being called answering not it is considered & adjudged by the Court that the Plaintiff do recover according to the prayer of his petition unless the Defendant plead & answer within the time prescribed by law

James Powell vs Anson Jones President } Continued

James Powell vs Republic of Texas } Continued

William R Smith vs Samuel Whiting } Continued for service

Albert G Hemblet vs Martin Clark } Continued for service

Allen Pike vs James A Nixon } Judgment Nihil entered by default The plaintiff appearing by his counsel & the Defendant being called answering not, it is considered & adjudged by the Court that the Plaintiff do recover according to the prayer of his petition unless the Defendant plead & answer within the time prescribed by law

On motion the Court orders that Thursday be set as the day for taking up the Demurral Docket

Nathan Morris Marcy Ann Morris Executrix of the last will & testament of Boyce Dec'd } This cause came on for trial upon the bill exhibited and testimony whereupon the jury returned the following verdict to wit We the jury find the matters set forth in the bill complained of in consideration whereof it is ordered and decreed by the Court that James Mathews of Harris county be & he is hereby made special commissioner in Chancery to make and execute with all convenient speed unto the said Marcy Ann Morris executrix as aforesaid in fee simple conveyance to the said Marcy Ann Morris all the estate either in law or in equity which the said Nathan Boyce had in the premises in the said bill and exhibits mentioned

sickness the said Matthews within the time above limited
deliver to the Clerk of this Court for the use of the said Mayo trustee
and to it is further ordered that the complainants pay one
half of the cost of this suit and that the defendants pay the other
half of the costs of this suit within ninety days and upon default
of that execution issue therefor as upon judgments at law

Wm D Haidy
vs.
James P Hector } Judgment entered as confessed The plaintiff appearing by his counsel and the defendant being called in open Court to come and plead answer or demur to the bill of complaint filed herein but failing so to do it is considered by the Court that the plaintiff do recover according to the prayer of his petition unless the defendant shall appear within the time prescribed by law

The Chancery Docket being called the following orders were made (to wit)

Rees Oldham
vs. } Continued
James Buck

Amos Sims
vs.
R Caldwell et al } Dismissed by plaintiff

Wm P Orr
vs.
Wm R McClure } Continued
Suggestion of James A Fortune Commissioner of Sevier Co
Death filed by consent of the Counsel of the Docket

Bartlet Sims
vs. } Continued
Thos W. Ward

Jonathan Barnes
vs. } Continued
Sam Houston

James Cole
vs. } Continued by consent
Benjamin Trout

Rowland Craig
vs. } Continued
James R Jones
Wm R Reading Executor

John R Sloan
vs. } Continued for argument
Isaac Talley

Court adjourned until tomorrow
morning at half past nine o'clock

Fall Term AD 1846

Wednesday Morning October 7th 1846 .350.

Court met pursuant to adjournment
James B Poage appeared in court & took the oath pre-
scribed by law as an attorney and counselor at law and
solicitor in Chancery

John R Rootsbridge appeared in court and was examined
by B Gillespie J J Mayfield and Thos K Duval expounders
duly appointed upon his petition to be admitted to practice
as an attorney and counselor at law

The list of petit Jurors being called Wm P Thos R Pettibone
Gustavus H Jones made default whereupon J M Russell W M Luckett
James Wayland were summoned & impanneled as petit jurors

Ira Brigham, Adm
vs } Johnson, Adm Executor of Gentry
Poulan & Brien } made party Plaintiff cause after-
wards dismissed

Fannehill & Smith
vs } Order of the 8th of October set
Moses Rood } aside bail & dismissed each
party paying his own costs
And Etc.

A Underwood
vs } Continued for service
H Y Cottell

Thos Hall et al
vs } Dismissed at Defendants costs
W W Thompson

James H Edrington
vs } Continued by Defendant
Col H Scott

Thomas Hall et al
vs } Dismissed at Pltfs
King H Thompson } cost

Samuel Kirker
vs } Continued by consent
Samuel Whitney

Isaac H Johnson
vs } Continued by Defendant
Dorcas Holden

Salem A.D. 1846

N. F. Jones Adm'r John R. Jones vs Frances H. Cogdell et al	Continued and alias Pluries citation to dft person in County ordered
James Powers vs Anson Jones Pres't.	Continued
James Scott et al vs A. M. Jackson	Continued by consent
James Cole vs Michael Zeller	Continued for service of the Certiorari
A. McDonald vs William Glock	Judgment entered by confession of Defendant for one hundred and twenty seven dollars and ninety cents with leave the balance of the debt and interest
Browning & Hale vs N. M. Shepherd	Continued for service
James Webb vs George J. Glascock	The plaintiff attorney on the Defendant being called answering not, it is considered and adjudged by the Court that the plaintiff do recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law
David G. Burnet for the use of Stephen Whitney et al vs H. C. Morton acting Gov. of the State	Continued on alias Citation ordered

Fall Term AD 1846

852

Philo Golden for the use of George Golden
vs
Jn Darley

The Plaintiff appearing by his counsel and the Defendant being called answering not it is considered and adjudged by the court that the Plaintiff do recover according to the Prayer of his petition unless the Defendant file and answer with the time prescribed by law

John Hahenberger
vs
Henry Downs

The Plaintiff appearing by his counsel and the Defendant being called answering not it is considered and adjudged by the court that the Plaintiff do recover according to the prayer of his petition against the Defendant if he file an answer within the time prescribed by law

Harvey Smith
vs
Wilcox

Continued on affidavit of Plaintiff Motion of Plaintiff Attorney

The Chancery Docket was called and the order made

Charles B Stewart
vs
Commissioners of the Gen Ho

Continued

Joseph In Society
vs
Commissioners of the Gen Land Office

Upon Motion of Counsel of Society made Plaintiff and cause Continued

Jno Harrison
vs
Wm Cook & Orson

The Plaintiff appearing by his counsel and the Defendant being called answering not it is considered and adjudged by the court that the Plaintiff do recover according to the prayer of his petition against the Defendant if he file an answer within the time prescribed by law

Thomas McFarley Executor
vs
Darley

The Plaintiff appearing by his counsel and the Defendant being called answering not it is considered and adjudged by the court that the Plaintiff do recover according to the prayer of his petition against the Defendant if he file an answer within the time prescribed by law

Fall term A D 1846

Harmon
vs
Whitney
} Condemn'd by
Plaintiff

Silas Caldwell Exr &c
of Col Caldwell Dec'd
vs
Jeremiah Denman
} On the day the last
the Complainant
by his Counsel presents
a decree in the cause
agreed upon by said Parties and moves the
Court that the same be recorded and entered
now as for the last term of this Court which
is so ordered and entered of record as follows

In this cause the death of said Caldwell
being suggested to the Court and thereupon
came James M Randolph and produced
Letters of Administration from the Probate
Court of Fanning County in this State at
June Term him as the Administrator with the
will annexed of said James Caldwell Dec'd on his
motion said suit was revived in his name
as such and the said cause coming on now for
hearing and trial and the same was heard ex parte
on the part of the Plaintiffs Defendants and
upon the Bill Exhibits and Proofs being
had by the Court and a trial by Jury having
waived the Court doth order and decree that
said Complainant James M Randolph Adm
inistrator as aforesaid do have and recover of
said Defendants the sum of twelve hundred
Dollars and cloth further decree that said mort
gaged premises set forth in said bill to wit the
East lot on Congress Avenue in the City of
Austin known as half of Lot No 6 and block
No 60 with the South half
with all the buildings and improvement
thereon and hereto before known as Traders Row
and at one time used as grocery stand by said
Jeremiah Denman be sold to pay said sum so
this decree and costs in and it further appearing
to the Court that at the last term of the
District Court for this County that a decree
was made in these premises which by Consent
of the parties Plaintiff and Defendants is
now opened and this decree made & rendered in
in the place thereof By Galvin for Pl Webb for Defts
Court adjourned for the term

Thursday Morning October 8th 1846

The court met pursuant to adjournment
The list of petit jurors being called for the following
answered to their names to wit
John Edwards, Wm P Holt William Burrel H H Smith,
S S Jones, William Coburn E S Barker & E Brown
John Meyer & Martin Moore
The following were sworn to complete the panel
of petit jurors William Pouncy Samuel Hagsmith
John Scrambler John Tankersley Wm H Womack
On motion H H Smith Wm Coburn & Wilcox & Owen
were excused from serving as petit jurors

A petition was filed by John T Clark praying to be admitted to
practice as an attorney and counsellor at law, whereupon
the court appointed James Webb & Parker and Lee esqrs
a committee and fixed on the day for his examination
Tuesday the 13th of the present month

In calling the criminal docket the following
orders were made

The State of Texas } Continued
vs
George Burrel }

State of Texas } Continued
vs
John Tebbe }

State of Texas } Continued and alias ordered to Washington County
vs
Washington Scott }

State of Texas } Continued and alias ordered
vs
William Henry }

State of Texas } Continued and alias ordered
vs
William Fox }

State of Texas } Continued and alias ordered to Washington
vs
David H Mitchell } County

State of Texas
vs
James McClusseen
Thomas Reed

In these cases the State appears by District Attorney John G Chalmers esq and the Defendant

Thomas Reed who on hearing the endictment read pleaded not guilty Thereupon the following Jurors were sworn according to law to try the issue joined between the State and Defendant to wit M C Reed John Edwards Wm S Thorp, William Burdit, A H Jetty A Clones William Cohuen E S Harper A E Brown, John Belgeire William Powney and Martin Moore who after hearing the pleas with the witnesses and the charge of the court returned a verdict of not Guilty — Whereupon it is ordered by the Court that Defendant Reed be discharged and that he be continued as to the Defendant O'Hara.

State of Texas
Martin Moore } In these cases the State
Henry Blevins } appears by the District
Attorney John G Chalmers esq District Attorney pro tem
and the Defendant Martin Moore in his own
proper person who on hearing the endictment
read pleads not guilty whereupon the following
Jurors were sworn according to law to try
the issue joined between the State and
the Defendant to wit William Cohuen
Elijah Harper, Wm S Thorp, John Edwards
A Clones, Wm Burdit John McGuire Barnes
Wayland Samuel Hightsmith John J Grumbly
John Lankhagen, Wm H Jamison all
good and lawful men of the county of
Travis who after hearing the pleas with
the witnesses returned a verdict of not guilty
Thereupon it is ordered by the court that Defendant
Martin Moore be discharged and that the case is
continued as to Henry Blevins and that an alias
issue

Falls Term AD 1846 356.

State of Texas } Continued and alias ordered
vs
John Roberts }

State of Texas } Continued and alias ordered
vs to Washington County
Jack Roberts }

State of Texas } Continued and alias ordered
vs to Washington County
Jack Roberts }

State of Texas } Continued and alias ordered
vs
Shirley }

State of Texas } Continued and alias ordered
vs
George Davis }

State of Texas } Continued and alias capias
vs ordered
Matthew Taylor }

State of Texas } Continued and capias
vs to Hays County
John Roberts }

State of Texas } Continued
vs
James P Henderson }

State of Texas } Dismissed
vs
Pleasant C Watson }

State of Texas } Dismissed
vs
Pleasant C Watson }

State of Texas } Dismissed
vs
P C Watson }

State of Texas } Indictment quashed
vs
Alfred Smith }

Fall Term 1846

Friday Morning October 9th 1846

Court met pursuit to adjournment
The following Jurors were called on sworn
according to law in the trial of criminal cases
for the day to wit William Burdett
William Locklear John Edwards Elijah
Harper & H Powney Everton Williams
Allen & Elmer James Bruce Matthew Hil
burger John McQueen Jackson Thompson
& M Jackett & Chandler all good
and lawful men of the county of Davie
who after hearing the Indictment read
witnesses returned and informed the court that
they could not agree upon their verdict
Whereupon they were by the Public State Juror be
withdrawn and that the cause be continued until the
next term of this court

State of Jesus
vs
Thomas Collins } In this cause the
parties respective to
State by Attorney
John G Chalmers
and the Defendant in person
who on hearing the indictment pleaded not
guilty whereupon the following Jurors were
duly sworn according to law to try the issue
joined between the State and the Defendant
to wit William Burdett, William Locklear
John Edwards ~~Elijah Harper~~, H Powney
David Overton Williams Allen
James Bruce Matthias Hilburger
John McQueen Jackson Thompson
& M Jackett & Chandler all good
and lawful men of the county of Davie
who after hearing the Indictment read
witnesses returned and informed the court that
they could not agree upon their verdict
Whereupon they were by the Public State Juror be
withdrawn and that the cause be continued until the
next term of this court

State of Texas } Contempt on attachment
vs } & Scire facias
Pruitt Hall }

State of Texas } Rule presented to Court
vs } & rule dismissed
William Gibson }
George Thompson }
Calvin Coatney } as to Gibson

State of Texas } In this cause the parties appear
vs } the State by Attorney Pleh
Simeon Coatney } Shalmer Gray and the Defe
in his own proper person who on hearing the
indictment read pleads not Guilty whereupon
the following jurors were sworn according
law to try the issue joined between the Stat
and the Defendant to wit William Burdett
William Cockburn Calvin Coatney Elza Hast
H Rooney Jarrel Preston William Patton Sr
James Gray Burrell Jno Walker Wellborn
who after hearing the pleadings & evidence
returns a verdict as follows Guilty in manner
order by the court that the Defendant be
discharged

In vacation Record of all the following proceedings had
Geo. C. Hatch & Antonio de la Garza Comm.

Under W. Raymond } In the cause of the parties Plaintiff
vs } by their attorneys came the parties
Julian H } and the Defendants came not but made default
Cooper } and submitted their cause to the Court
upon the summons returned duly executed
William Burdett, William Cockburn, John Cal
vin Coatney, Jarrel Preston, S. C. Somerville, Thom
as Hall, Wellborn Nelson, Wellborn Nelson Thom
as Hall, Wellborn Nelson, Wellborn Nelson Thom
as Hall, Wellborn Nelson, Wellborn Nelson

Hall Com. Oct 1844

859.

B. J. Gregson & Co. vs. Hall Valley Co.

} In this cause the parties by their attorneys submitted the cause to the Court upon the pleadings, that the plaintiff recover of the defendant the sum of one hundred and twenty five dollars & fifty cents & costs & that execution issue &c.

Hammond & Cook vs. Huggins

} In this cause came the plaintiff by his counsel on Saturday the second day of this term and the defendant although legally summoned came not to answer said complaint but made default and on Thursday the fifth day of said term came the plaintiff by his attorney & said defendant being now called came not but made default whereupon the Court proceeded to hear the proofs & allegations of the parties & it appearing to the Court that said plaintiff is entitled to recover of the defendant the balance due upon the note sued upon in the sum of two hundred & fifty nine dollars principal & the further sum of seventy two dollars & fifty cents interest & it is therefore considered by the Court that said plaintiff recover of said defendant the sum of three hundred & thirty one dollars & fifty cents & costs in this behalf expended & that execution issue &c.

Hammond & Smith vs. Cook & Huggins

} On this cause coming on to be heard & tried by the Court upon the pleadings & the proofs & allegations of the parties & it appearing to the Court that the defendant although legally summoned came not to answer the plaintiffs petition but made default & it appearing to the Court that said plaintiffs have sustained damages by reason of the premises to the amount of one hundred & fifty dollars & it appearing to the Court that the defendant being again called came not but was still in default on motion of the plaintiffs it is ordered & adjudged that

thereupon came a jury of good and lawful men to wit William Cathcart & William Bussell &c

Edwards Elijah Harbert & H Pearce & Johnston
William Adams & Adams & Thomas Dunnaway
Hezekiah Holloway jr Hezekiah Williams John Ingram
and Jackson Thompson good and lawful men of said
County who being elected tried and sworn well and
truly to find the issues and matters in dispute between
said parties plaintiff & defendant upon their oaths
do say they find for the plaintiff & assess their damages
upon to twelve hundred and ninety dollars and ninety
two cents it is therefore considered by the court that the
said plaintiff do have and recover of the said defendant
the said sum of twelve hundred and ninety
two dollars and ninety two cents the damages by the
jury aforesaid assessed & all costs in this behalf expended
&c

William P Hailey } Plaintiff came & gave bond & security
James P Hector } for costs & cause removed

On the chancery docket the following orders
were made

Michael Zeller } Ordered that the plaintiff
James C Weir } on thursday come &c & plaintiff
by his attorney came & thereupon it is ordered
by the court that the plaintiff
defendant recover of the plaintiff all his costs & that
he have execution & that execution issue therefor
Court adjourned until tomorrow morning
at nine o'clock

October 6th 1846

Tuesday morning Court met pursuant
to adjournment The following were summoned
to attend as jurors to wit Isaac Brock Hezekiah
Williams Hezekiah Holloway jr Hezekiah Holloway
Wm Burdett
William Adams & Adams Jonathan Williams Hezekiah Holloway jr John Ingram
William Cathcart Peter Edwards John Thompson H Johnston
Allen Peters } On the motion came the plaintiff
& P Chase } by his attorney & thereupon it is ordered
by the court that the defendant
make his appearance here at this term & answer the
complaint & that unless he do so on thursday the first

Fall Term AD 1846

of said Term to wit on Saturday thereof cayain come the
plaintiff by his attorney and said defendants being regularly called
came not but still made default. It is now therefore considered &
adjudged by the court that the said Judgment by Default
made final and that said Plaintiff do have and recover
of said Defendant the sum of five hundred and fourteen
dollars and fourteen cents it being the amount of the
an indebtedness upon the notes and order sued upon
and the costs in this behalf expended for which execu-
tion shall issue

Court adjourned until Monday
morning at half past eight of the clock

Monday morning 12th Oct 46

Court met pursuant to adjournment when
the following were called as petit Jurors to wit
John Edwards, Jackson Thompson, A. H. Pouncy,
Samuel H. Blish, N. P. Short, Elijah Hasper, Wm
Bratton, George Bratton, James Bruney, David
Creston, William Allen, S. C. Jones
who being returned and impanneled
sworn and two not further business
before them and were discharged by the court

State of Texas
vs
Fortune Nelson

In this cause the parties
appeared by their counsel
and submitted the cause
to a jury to wit

John Houston Presidents
John Edwards, Jackson Thompson, A. H. Pouncy, Samuel
H. Blish, N. P. Short, Elijah Hasper, Wm Bratton, George
Bratton, James Bruney, Samuel Creston, William Allen,
& S. C. Jones all good and lawful men of the county of Travis
who after hearing the evidence of two witnesses
on the part of the plaintiff and other evidence in
writing the court adjourned until tomorrow morning
at half past eight of the clock

Tuesday the second day of the court the following
bill of indictment was found by the grand
jurors of the county of Travis, to wit, on ~~the~~
~~the~~ present ~~the~~ ~~the~~ ~~the~~

Fall Term AD 1816

802.

State of Texas } unlawful
vs } Gambling
V. J. Blake et
Thomas Rice

State of Texas } Betting at base
vs
James C. Hogshead

State of Texas } Betting at base
vs
Henry Scott

The State of Texas } Betting at base
vs
Noah Bailey

State of Texas } Betting at base
vs
James M. Henderson

State of Texas } Larceny
vs
Thomas Hood

State of Texas } Assault & battery
vs
Sebastian Glascock

State of Texas } Assault & battery
vs
William Gentry

State of Texas } Keeping and exhibiting
vs a faro bank
Enoch Gilmore

State of Texas } Keeping and exhibiting
vs a faro bank
Thomas Gilmore

State of Texas } Betting at two
vs
Joshua Holoday

State of Texas } Keeping a faro bank
vs
Isaac Harris

Tuesday Morning October 13th 1846

Court met pursuant to adjournment
& motion the examination of John J Clark
was postponed until to morrow morning at
half past eight of the clock

It is remembered that on Tuesday the 13th of
October in the Year of 1846 the Committee appointed
for the examination of John R Woolridge
upon his petition praying to be admitted to
practice as an attorney and Counsellor at
law made the following report
State of Iowa } We the undersigned a
County of Davis } committee appointed to
examine into the legal qualifications
of John R Woolridge any applicant for ad-
mission to the bar having made such exam-
ination in open court as is required by law
and finding the said applicant well qualified
to assume the duties of the profession do hereby
concur in recommending that he be licensed
by the Court to practice as an attorney and
counsellor at law in the different District
and Inferior courts of this State

B Gillespie
Thos H Sloan
J S Mayfield

And the said John R Woolridge having
also produced a certificate of the county Clerk
for the County of Davis under the seal thereof
certifying that the said Woolridge has
been a citizen of this State exceeding six months
that he is twenty one years of age, and that
he bears a good reputation for moral
character and honorable deportment
The Court therefore order that the said John
R Woolridge on taking the oath required by
law be admitted and licensed to practice
as an attorney and counsellor at law in the
different District and Inferior courts of this State

Ordered accordingly } Continued
P B Cook
Benjamin Grayson
James Hall
George W Glasscock } Continued by consent

James Perry creditor of
Stephen Preston
vs
Sam. Houston

Peredelcto

In this cause the parties again appeared by their Counsel and the jury previously empanneled and sworn according to law in open court to their names, and the cause was again submitted to them who after hearing the parties with their witnesses returned the following verdict (to wit)

We the jury find that the plaintiff has complied with his contract, we confirm to him the land titled and that selected, we find him entitled to one league more or less worth twenty five cents per acre

Wherefore it is considered by the court that the finding of the jury be confirmed and that the plaintiff do have and recover of the state of Texas the lands selected and surveyed by him as premium bounty set forth in his petition by exhibits of field notes and plat filed in the cause to wit one league south of Sam Grimes mouth of Salt Fork one league east of the Navasota to mouth and one league south and adjoining the lands of Moses Bane & Sol Coleman and north of the lands of Col Austin and Thomas Shelton also four leagues on the east side of Brazos creek north of the Gregorio Bonnin plat of leagues Nos 5, 9, 10, 11, bounded on the east by John Brooks, James Perry, & James Porter and surveyed by Samuel Swenington and others also one other league situate on both sides of the Gregorio adjoining the Robertson the west and A Rockledge on the north west side of said lands having been surveyed by R Eckerman as appears by his certificate to said field notes also one other league on the east side of the Colorado above and adjoining the town of Bastrop Beginning at the lower corner of Isaac Rowes survey on the margin of the Colorado river Thence north westerly course along the line of Rowes survey 1111 varas to a corner on said line Thence at right angles with said Rowes line a south westerly course 1320 varas to the upper line of said survey Thence North westerly in the line of the Bastrop grant to the river Thence up the river with its meanders to the place of beginning Also four sit labors situated above the town of

See Page (362)

John Wakenburgh } Fall Term 1846
vs
Henry Raines } In this cause the parties appeared by their attorneys and the cause was submitted to a jury to wit, William Cockburn Foreman, J. Swisher, George Paine, Joseph Burnheart, C. Pelcot, David Cotton, John Edwards, A. P. Pouncy, James Musgrove, E. Brownan, John Grayham, all good and lawful men of the county of Travis who being empanneled and sworn according to law after hearing the parties with their witnesses and the charge of the court returned the following verdict We the jurors find for the plaintiff $89.00 cents costs, Austin October 14th 1846

William Cockburn
Foreman

It is therefore considered and adjudged by the the court that the plaintiff do have and recover of the defendant the said sum of ninety five dollars and all costs in this behalf expended and that execution issue therefor

James H. Perry Executor } In this cause the parties
vs } appeared by their counsel
Stephen Austin & John Williams
Sam Maverick Plaintiff
and the cause was submitted to a jury to wit
William Cockburn Foreman, J. Swisher,
George Paine, Joseph Burnheart, C. Pelcot, Thomas
Cottin, David Cotton, John Edwards, A. P. Pouncy
James Musgrove, E. Brown, all good
and lawful men of the county of Travis who
being empanneled and sworn according to law
after hearing the parties with their witnesses
returned the following verdict to wit
We the jury find for the defendant
It is therefore considered and adjudged by the
court that the Defendant have and recover of
the plaintiff all costs in this behalf expended
and that execution issue therefor

Joseph H. Smith } Empaneled
vs
Sam Gentry Sheriff }

Joseph H. Bloomer } Empaneled
vs
Sam Gentry Sheriff }

Fall Term AD 1846

Thursday morning October 15th 1846

Court met pursuant to adjournment

B66

The committee appointed to examine Wm S. Black made the following report to the Hon. the Judge of the Judicial Dist. Court The undersigned having been appointed a committee to examine into the qualifications of Wm S. Black as Attorney at law for admission at the bar having made the examination according to the requirements of the Statute do hereby recommend said Black for admission and licence

James Webb
Jos H. Lee
Committee

And the said Black having produced the certificates required by law and submitted to public examination as Counsellor at law in the Court of this State in order to be licensed as such and having paid the county required by law

Philip Selden for the use of Geo Selden
vs
Wm Dooley

} Jan 1846 In this cause the parties appear by their counsel and a jury to wit Samuel H Black Alexander Black Abram A Black George W Glasscock Wm Graham Thomas Glasscock Jesse Rountree A W Powers John Redmond Wm Cartes John Harrell and Jesse Carter all good and lawful men of the county of Travis who being empannelled and sworn according to law after hearing the evidence and the arguments of counsel retired to consider their verdict and returned into open Court the following verdict to wit We the Jury find for the plaintiff the sum of ninety one dollars and sixty two cents & W W Washington foreman Whereupon counsel for the plaintiff moved the Court that the plaintiff have execution of the defendant the said sum of ninety one dollars and sixty two cents and all costs in this behalf expended and that execution issue therefor

Horatio Groome
vs
The State

} In this cause the parties appear by their Attorneys and the cause was submitted to a jury to wit Samuel H Black Alexander Black Abram A Black George W Glasscock Thomas Glasscock Jesse Rountree A W Powers John Redmond Wm Cartes John Harrell and Jesse Carter all good and lawful men of the county of Travis who being first legally empannelled and sworn to try the issue joined between the plaintiff and the State returned the following verdict to wit We the Jury find for the plaintiff one dollar

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Hon Lewis H Hartington Chairman

We the Jury find that the plaintiff was called in the county to serve a volunteer between the first day of March and the first day of May AD 1836 that he received an honorable discharge as Lieutenant Colonel of Infantry on the first day of March 1837 that he was the head of a family in the United States at the time and that his family was not introduced into the country prior to the first day of January 1836 We pray that he may recover to him the amount of Land to which he is entitled

John Edwards
Foreman

Whereupon it is considered & adjudged by the Court that the Plaintiff do recover of the State One Thousand Acres of Land & that he execute deed therefor - The Plaintiff gives notice of appeal to the Supreme Court -

Abel Heavy
vs
Samuel Swasey & others

In this cause at a former Term of this Court the defendants in the original bill now coming up to be heard upon the bill answer and exhibits therein the Court has thought proper to order and direct that the complainant for the use and benefit of Enoch Hayden give credit in the trial deed the balance of said note amounting to be ascertained by said Commissioner as set forth in said bill the sum of seven hundred and thirty six dollars with ten per cent interest from the fourth of March 1839 being four hundred and seven dollars & ninety cents on which said balance that payment from accredit said note that negro woman Phillis has been sold in satisfaction of said note, it is now ordered adjudged and decreed that the other negro man Bailiff named in said deed be sold by the Sheriff under the mortgage as to him be executed and the balance if any not raised by the sale of said negro be paid by said Swasey to whom the execution may issue

H H Haynes
Wm P Rodgers
Solicitors for Plaintiff

Samuel Clark & McGlois
Jesse Houston Benedict
S C Tannehill
Asbel Smith
Solicitors for Defendants

Ordered by Court
Set for Hearing on Saturday

San Felipe de Austin known in the plat of said town as Nos. 3. 4. 5. 14. 16. 17. 19 Also one other tract of five labors situate on the east bank of the Brazos below the town of San Felipe de Austin bounded on the north by Johnson Hunters ~~labor~~ labor on the east by Spring or Bons creek on the south by the Brazos River and on the west by Labors Nos 20. 21. 22. Also one league of land situate on the west margin of the San Jacinto river below and adjoining a league of land granted to Stanley White so as to include the front on the river between said Whites and a league granted to Hunter & run the said back so as to make out the complement of one league of land Two leagues of land situate on Dickinsons creek and Galveston bay above and adjoining a league of land granted to Amos Edwards on the West by Galveston bay and on the west by a quarter of a league claimed by Crosby and running so as to include two leagues of land Also three labors south and adjoining a three labor tract of said S. F. Austin on Galveston bay on Bolivar Point One other labor fronting on the Gulf of Mexico and adjoining a labor of S. F. Austins on the east side of the San Bernard River at its mouth and one labor on fronting on the Gulf of Mexico and a labor of said Austins known as the ground labor and about four miles west of the town of Quintana, for a more full and perfect description of said land is town in the field notes filed as exhibits in said case and all the title of the State of Texas to said lands is divested out of said State and is hereby vested in the heirs and representatives of the said Stephen F. Austin deceased, and the injunction heretofore granted restraining all persons from entering or surveying any of the above described lands and the Commissioner General of the land office from issuing Patents on the same be and the same is now made perpetual, and it is further ordered that the Plaintiff will have and recover of the State of Texas ten leagues of land or the sum of eleven thousand and seventy dollars the value thereof And that the Plaintiff as Exr of Defendants the costs in this behalf expended

The Defendant asks an appeal to the supreme court which is granted

Fall Term AD 1846

Summons / Samuel Norton } continued by Consent
The Commissioners of Titus Co. }

James Fowler }
Thos W Ward Comm of Titus Co } Motion to dissolve injunction abd bond
& Jesse Burke }
et al Suit at law made Pattie Defendant
on ~~or~~ continued on motion of ~~Defendant~~
the plaintiff

S. F. Perry Exr of S. F. Austin }
& Sam C Williams }
vs
Sam Hampton Pratt } On motion of
Plaintiffs by their Atty & upon the
pleadings filed & after hearing the
premises, It is considered by the
Court that a new trial be allowed
& awarded in this case & that
the same be reinstated for trial
&c.

Thos W Ward Comm } It is agreed by Counsel
of State } & ordered by Court that the hearing
of this case be transferred
to Washington & it is hereby ordered
& if the present Term is not
held there, then to the first ~~Regular~~ Court
Transmit all the papers

State of Texas }
vs } Dismissed
William T Haley }

Morgan C Hamilton }
vs } Pratt & Barker
Thos W Ward Comm } suggested on Calvin
& Jesse Burke } Barker Administrator
et al Suit at law made Pattie Defendant on Calvin Barker
on ~~or~~ continued on motion of ~~Defendant~~
the plaintiff

Wm C. Francis
vs
Rd. Wm Ward Constable

The parties appeared by Counsel when the Defendant moved for leave to file an amended answer, which was granted by the Court and was filed — The counsel for the Defendant then moved the Court to dissolve the injunction which was refused by the Court — to which opinion of the Court the Defendant excepted & prayed an appeal to the Supreme Court — & filed his bill of Exceptions in term of the law. —

Isaac Cuney
vs
Stephen M. Hale
John W Harrison
vs
Norlin & O'Brien

By agreement of Counsel these two causes are submitted to the decision of the presiding Judge, who may certify his decision of each of them to the clerk of the District Court within thirty days, which decision is to have the force of a judgment rendered in Court —

W. C. Francis
vs
The State of Texas

Petition for and bill of Exceptions

This day came the State by John G. Goldman District Attorney for and prosecuting & came Gillespie an attorney appointed to act with the District attorney and the plaintiff William C Francis in person and thereupon came a jury of good and lawful men to wit Reynolds Nichols and others who being duly elected and sworn to speak the truth upon their oath say we the jury find the allegations in the petition to be true & find for the plaintiff
The Evidence considered by the Court that the plaintiff William C Francis came into Court at the term of this cause & filed his petition and that the clerk issued Francis a subpoena in the cause

Fall Term A.D 1846

Samuel K Blish
v
Samuel Hustit

This day came the Complainant by his Counsel, and it being made to appear to the satisfaction of the Court that all the papers described in Complainants petition, and for the possession of which the suit was brought, have been deposited by the defendant in the custody of the Clerk of this Court, to wit, Patent No 42, for 1280 acres of land, lying in Fannin County, issued to said Complainant from the General Land Office of Texas, and dated 17th Nov. 1845 Patent No 52 for 1280 acres, lying also in Fannin County, issued to Complainant from the Genl Land office aforesaid, and dated 21st Nov. 1845 - A transfer by Wm M. Christian to said Complainant for 320 acres, granted to said Christian by the Board of Land Commissioners of Bastrop County, and lastly the duplicate Certificate for one third of a league of land, granted to Complainant as his head right by the Board of Land Commissioners of Travis County - And it further appearing that said defendant has filed no answer in this case, it is therefore ordered by the Court that unless an answer is filed to said petition in sixty days from the date hereof, the Complainant, bill will be taken as confessed, and final judgment rendered at the next term, and if no answer is filed as aforesaid, the Clerk of this Court will deliver to said Complainant all the papers above mentioned, or such part thereof as may not be claimed by defendant in his answer, in case the same shall be put in, and that this cause, by consent of parties, be continued until the next term of this Court.

James Powers
"
Joseph S Smith
Henry Smith petitioners

In Chancery
On motion it is ordered that the County Surveyor of Refugio County make a resurvey of all the lands in controversy claimed in this Complainants bill which are lying in said County of Refugio and return a plat thereof to the next term of this Court after such resurvey to said Defendants or their attorneys at least thirty days notice of the time of commencing said resurveys

Wm. W. Dancy
A. Savary

For reasons appearing satisfactory to the Court & by consent of parties it is ordered that the Decree heretofore rendered in this case be set aside and the case reinstated on the Docket & continued until the next Term of the Court —

Thos. Ward et al
Moore & Blessing

Tho. Ward et al
King & Thompson

Tho. Ward et al
W. W. Thompson

Tho. Ward et al
Moore & Blessing

The District Attorney comes into Court & moves to set aside the order dismissing these cases & reinstate them on the Docket, and it is ordered by the Court that said motion be continued for hearing & decision at the next term of the Court —

It is ordered by the Court that a fine of Ten dollars be imposed on all Defaulting Jurors of the Original Panel drawn for the present term of the Court, accepting those who were excused by the Court, and that Scire Facias do issue to each of them returnable to the next term of the Court.

It is ordered that all causes not otherwise disposed of at this term of the Court be continued until the next term —

~~It is ordered that the Court do now adjourn Sine die~~

Sam Houston
Abner & J H Matthews

It is ordered that the continuance of this cause heretofore made at this term of the Court be set aside & the Defendants come into Court in their own proper persons, to wit Abner Matthews & J. H. Matthews, & confess judgment to the Plaintiff for the Sum of Five hundred & thirty two dollars, principal and the further sum of Two hundred & twenty six dollars & forty cents interest up to judgment, ~~with interest~~ and it is considered & adjudged that the plaintiff do recover

Fall Term Anno Domini 1846

If the said defendants the said sum and costs of suit for which execution may issue - The plaintiff dismisses his said suit as the Administrators of James Smith -

It is ordered that the clerk do issue certificates of service to all Sheriffs, Bailiffs & Jurors for their services at the present term of the court -

It is ordered that the Court do now adjourn sine die

William E. Jones
District Judge of the
Second Judicial District

5. Be it remembered that on this the 1th day of February A.D. 1847 the following named persons were drawn by B. J. Bassford Clerk of the District Court of the county of Travis and State of Texas and Ashford B. McGill Clerk of the county court of said county in presence of William H. Cushney a justice of the peace in and for said county to serve as jurors at the next term of the District Court of said county to wit

1	Martin A. Love	19	Martin Camer
2	Pouncey	20	Jacob Rynard
3	Aaron Burleson	21	James Hamilton
4	A. H. Cook	22	P. F. Bowman
5	Wm G. Strawn	23	A. M. Luckell
6	A. E. Brown	24	J. L. S. Strode
7	Alexander Hamilton	25	J. Walsh
8	Wm S. Wallace	26	Wm H. Hornsby
9	Wm Mockford	27	Abner Scott
10	John Hamilton	28	A. H. Bowls
11	M. M. Parkerson	29	Edward Leiders
12	Wm O'Connell	30	Joseph Fuhs
13	J. M. Strain	31	Wm Allen
14	Reuben Hornsby [illegible]	32	Eli Shepherd
15	A. J. Harrell	33	J. J. Manor
16	E. J. Hagger	34	Samuel Haglet
17	J. C. Pennehill	35	J. J. Puckell
18	Thos A. Moore	36	John Farrah Jr

B. J. Bassford Clerk of the District Court of Travis County

A. D. McGill C. R. County Court Travis County

W. H. Cushney J. P. & E.

Grand Jury

District Court Spring Term 1847

Commence its Sessions on Monday the fifteenth day of March A.D. 1847 Present James H. Mathews Sheriff & B.F. Barton Clerk The Honorable Wm E. Jones Judge of said court being absent the Sheriff adjourned the court until Tuesday morning at ten O'clock

Tuesday Morning March 16th A.D. 1847
Court met pursuant to adjournment present the Hon: Wm E. Jones Judge of the second Judicial District, James H. Mathews Sheriff and B.F. Barton Clerk

The Sheriff returned into court the following named persons as summoned according to law upon the original venered To wit

1	Martin A. Love	17	Thos. A. Moore
2	A. W. Pouncy	18	Martin Casner
3	Aaron Burlison	19	Jacob Rynard
4	A. H. Cook	20	James Hamilton
5	Wm G. Strawn	21	P. F. Bowman
6	A. E. Brown	22	N. M. Lucket
7	Alexander Hamilton	23	T. H. S. Strode
8	Wm Mockford	24	D. Walsh
9	John Hamilton	25	Wm W. Hornsby
10	M. M. Parkerson	26	Abner Scott
11	John Hamilton	27	A. H. Bowles
12	Wm Oconnell	28	Edward Seiders
13	J. M. Strain	29	Joseph Duty
14	Reuben Hornsby	30	Wm Allen
15	A. J. Herrell	31	Eli Stephens
16	E. S. Harper	32	J. J. Maror
	J. C. Tannehill	33	Samuel Hazlett
			L. D. Puckett
			John Farrah

All good and lawful men of the county of Travis

The Sheriff called the venire, when the following answered to their names to wit

1	Aaron Burlison	4	Wm Oconnell
2	A. H. Cook	5	A. E. Brown
3	Martin Love	6	Wm G. Strawn

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7 J.C. Tannehill
8 Thos. A. Moore
9 Reuben Hornsby
10 Jacob Reynald
11 D. Walsh
12 N.M. Luckett
13 A.H. Pouncy
14 Alexander Hamilton
15 M.M. Parkerson
16 Thos. H. Stradt
17 Wm Hornsby
18 Samuel Hazlett
19 Joseph Duty
20 Abner Scott
21 J.M. Strain
22 Wm Allen
23 L.D. Puckett

On motion the following name persons were Excused from serving on the Jury to wit

A.J. Herrell
John Farrat
A.H. Bowles
Edward Seiders
M.M. Parkerson

From those still remaining summons and answering as aforesaid, the following name persons were regularly drawn, empanneled and sworn according to law, to serve as grand Jurors for the present Term of this court to wit

A.H. Cook
1 Aaron Burleson
2 A.H. Cook
3 Martin Love
4 Wm O'Connell
5 A.E. Brown
6 Wm G. Strawn
7 J.C. Tannehill
8 Thos. A. Moore
9 Reuben Hornsby
10 Jacob Reynald
11 D. Walsh
12 N.M. Luckett
13 Thos. Stradt
14 Wm Hornesby
15 Samuel Hazlet
16 Joseph Duty
17 Abner Scott

The court ~~appointed~~ ~~foreman, who was sworn accordingly~~

All good and lawful men of the county of Travis

The court then charged them in relation to their duties as grand Jurors as aforesaid as the law directs, after which ~~the retired~~ Abner H. Cook being previously appointed foreman by the court and sworn accordingly, and the others having been sworn as the law directs, they retired to enter upon their duties ~~assigned~~ under the charge of

T. B. Beck Liberty Sheriff

The Docket being called the following orders were made to wit, in the case of Area against Whiting No 34, continued for service

38 Samuel Heyhsmith
Moses Johnson Admr of Garrets
continued and alias process ordered to Calhoun County

39 R. H. Grimes
Moses Johnson Admr of Garrets } continued and alias process ordered to Calhoun County

40 David G. Burnet
Anderson Hutchinson } continued for service

41 Same
Louisa Burton } continued for service

42 A Area
J. W. Robinson } Answer filed

The court ordered Friday to be set for calling the criminal Docket for trial

The court adjourned until tomorrow morning at ten ~~nine~~ of the clock

M. C. Hamilton
The Commissioner of the Genl Land Office
& Jesse Burk } continued

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Wednesday morning March 17th 47

Court met pursuant to adjournment

The court appointed O Wilcox special bailiff to wait upon the grand Jury for the present term of the court

The following named person were sworn as petit jurors to wit

J. W. Pouncy, Alexander Hamilton, J. M. Strain Wm Allen L. D. Pucket W. D. Parris Wm Simpson George J Glascock Joel Miner Martin James James Carmer Thomas Rowe H Alexander Hamilton G J Glascock L D Pucket, J Miner, was excused from serving as a juror

On calling the Docket the following orders were made to wit,

In the case of

4 A. Underwood } continued on second plurias
H. G. Cutlett } order

11 Samuel Rickes
Sam Whiting } continued for service

12 James F Johnson } Set for the heal of
Joshua Holden } the Docket

13 Jno. Rice Jones } continued for service
Frances W Ogden

16 James Scott et al } Settled as per
& Wm Jackson } agreement filed
with clerk to be made the judgment of court
~~at the next term~~

17 James Cole vs Michael Gillen } cont. by Plaintiff
Brownrig & Hulch
M W Stephen } In this cause the plaintiff appearing by his counsel and the Deft being called answering not it is considered & adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Deft plead and answer within the time prescribed by law

Payne Burton Spring Term 1847

21 George I Glascock } In this case the plaintiff appearing by his attorney, and the Defendant being called according to law answering not, It is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Defendant plead an answer within the time prescribed by law

22 Wm B. Smith } Service made by
Sam Whiting } publication
In this case the plaintiff appearing by his counsel, and the Defendant being called as required by law answering not, It is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Defendant plead an answer within the time prescribed by law

23 Albert G Kimball } Service by pub-
Martin Clark } lication
In this case the plaintiff appearing by his Attorney, and the Defendant altho solemnly called answering not, It is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Defendant ~~appear~~ plead an answer within the time prescribed by law

24 Henry Adams
The heirs of Daniel continued for Browning Decease Service

25 James Webb } Ordered to the
George I Glascock } seal of the Docket

William D Hurley } In this cause no security for cost having been entered agreeable to the ~~Dismissal~~

J. P. Hector

28 ~~[illegible]~~ of security for costs
former order it is considered and adjudged by the court
the plaintiff recover his cost and execution issue

Harvey Smith }
G Wilcox } ordered to the
29 heal of the Dockett

34 Alexander Arcie }
Sam Whiting } Continued for service

Andrew Reill
35 Thos G Weston } In this cause the plaintiff appearing
and the Defendant being called answering
not it is considered and adjudged by
the court that the plaintiff recover
according to the prayer of his petition
unless the ~~[illegible]~~ Defendant plead &
answer within the time prescribed by
by law

Theodore Bissel }
40 Socrates Darling & } In this cause the ~~[illegible]~~ plaintiff
Tillman Weaver } appearing and the
Defendant being called answering not
it is considered and adjudged by the
court that the plaintiff recover of them
according to the prayer of his petition
unless the Defendant plead and answer
within the time prescribed by law

D. H. McDonald }
George W. Garrett } Continued for service

Joshua Holden }
C. F. King Admr } In this cause the plaintiff appearing
G. M. Dilson Dec by his counsel and
the Defendant being called answering not
it is considered and adjudged by the court

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that the plaintiffs recover of the Defendant according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law

43 S. F. King Admr. } Joshua Holden }

47 Smith & Adriance } James G. Sweeper } continued and alias process ordered

48 Hamilton White } George W. Glascock } In this cause the plaintiffs appearing and the Defendant being called answering not, it is considered and adjudged by the court that the ~~plaintiffs recover~~ Judgment of the Justice be affirmed unless the Defendant

50 John R. Wooldridge } Wight } continued on motion and affidavit of the Defendant

51 Tomas Wm Ware } Hamper } In this cause the plaintiffs appearing and the Defendant being called answering not, it is considered and adjudged by the court that the judgment of the Justice be affirmed unless

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Neman Chas
1 Farley & Jewett } Submitted to the court.

Moses Johnson Admr
of Garrett
7 The Commissioner of the Gen. Lo } Continued on motion

James Cole
8 Duggan & Ferrell } Continued by plaintiff

9 John H. Harrison
Nowlan & Obrian } Submitted to the Judge

16 Isaac Cormer et al Chambers 10. Nov 1846
Stephen M Hall } Bill for injunction in Travis Dist. Court

This cause coming on to be heard at the fall Term of the Dist. Court for Travis County, and the same having been argued by counsel and submitted to the court, and the agreement between the parties having been entered of record that the Judge shall certify his opinion to the clerk within thirty days and to be filed as the Judgment of the court in said cause, and the same having been duly considered, & decreed

It is considered ~~and~~ adjudged by ~~the~~ ~~court~~ that the injunction be made perpetual, and that the defendant be forever enjoined from further executing or enforcing the execution against the said plaintiff issued from the probate court of Bastrop County and complained of in said plaintiffs bill, and that the Judgment upon which said execution was founded be annulled and that the plaintiffs in this case do recover against the defendant their costs in this behalf expended, for which execution may issue. It is now ordered that this be made the Judgment of court

P. B. Cook
15 Benj. Grayson } Set to the Seal of the Docket

David F. Brown
The Commissioner of the Genl Land Office } Submitted to the Judge

George H. Barrett
James M Long trustee et al } Continued for service

Spring Term AD 1847

20 John R Slocumb
v
Farley } In this case the plaintiff appearing by his counsel and the Defendant being called answering not it is considered and adjudged by the court the plaintiff recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law

23 John R Slocumb
Owen Adrian Adm.r
of John Nowlan } In this case the plaintiff appearing by his counsel and the Defendant being called answering not it is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law

24 Ernst Kleberg
Cochrane & Forsyth } Continued for service

Hardy King et al
The Com Genl Land office
& Elexor Seving } Continued for service

Court adjourned until tomorrow morning at nine of the clock

Thursday morning March 18th A.D. 1847

Court met pursuant to adjournment

Upon calling the Docket the following orders were made to wit

1 Alexander Russel } In this cause the
Alexander Murchenson } Plaintiff appeared by his attorney and submitted to a nonsuit whereupon it is considered and adjudged by the court that the Defendant recover of the Plaintiff all costs in this behalf expended and that execution issue therefor

2 Haden Edwards } Continued
M. B. Lamar } afterwards on motion of Attorney Genl continuance set aside

10 James F. Edrington } Continued on
Cox & Scott } motion of the Defendant

12 James F. Johnson }
Joshua Holden } Continued by consent

14 James Powers }
Anson Jones President } Continued

James Powers }
The Republic of Texas } Continued

19 Austin & Williams } Continued by
Sam Houston President } Plaintiff

Ford & Cronican } Change of venue
John M. Swisher } from Fayette & ordered to be Placed on the Docket

3 Wm P. Orr } Plf has leave to
Frances R. McCure } amend his petition

17 A. Underwood } Judgment ni si set aside
H. G. Pallet } and case continued for Service

Spring Term AD 1847

29 Harry Smith } Continued
C. Wilcox }

31 J. C. Fannehill } Appeal Dismissed
~~Thomas Hill~~ Alfred Smith } It is therefore considered
and adjudged by the court that
the ~~Plaintiffs do be~~ Defendant do
have and recover of the Plaintiffs
all costs in this behalf expended
for which execution may issue

32 James F. Edrington }
Lucien L. Hare } Continued

John W. Harrison } Judgment by
Nowlan Craig & Obrian } Default set
aside and case continued for
service on Craig

David J. Brown } This case coming on to be
The Commissioner } heard & the same having been
of the Genl. Gen. Office } argued & submitted to the court by consent of Parties, upon
the bill & answers, and the premises being duly consid-
ered & understood, it is considered, adjudged & decreed
by the Court that the Injunction be dissolved and
the Bill dismissed, and that the Defendants do recover
of the Plaintiff the costs in this behalf expended for
which Execution may issue —

Court adjourned until to morrow
morning at nine of the Clock

Friday Morning March 19th 1858

Court met pursuant to adjournment
On calling the criminal docket the following orders were made to wit

1 The State of Texas } In this cause the
George W. Barrett } State appeared by its
counsel the Dist. Attorney Alexander
Green and it appearing ~~that~~ to the
court that no service was ~~to~~ made
in the case, on motion of the Dist
Attorney the court ordered the case
to be continued to the next term
of this court, and that a plurie
capias issue

2 The State of Texas } In this case
John Tibble } the State ap
peared by its
counsel and on motion the
court ordered the case continued
until the next term, and that an
alias capias issue

3 The State of Texas } In this case
Washington Secrets } the State appeared
by its counsel and on motion
the court ordered the case continued
and an alias capias was ordered to
the county of Fayette

4 The State of Texas } In this case
William Kenney } the State ap
peared by its counsel and on motion
the court ordered the case continued
until the next term of this court
and that a plurie's citation issue
against the Deft

5 The State of Texas } In this case
Wm Jeen } the State
appeared by its counsel and on
motion the court ordered the
case continued and that a plurie's
citation issue

Spring Term AD 1847

The State of Texas

6 David B. Underhill } In this case the State appeared by its counsel and on motion the court ordered the case continued until the next term of this court and that a Pluries citation issue

The State of Texas } In this case
7 James M. Oharrell } the court on motion of the first Attorney ordered a Nolle Prosequi

The State of Texas

8 Martin Moore & Henry Blessing } Selling goods without licence in this case the State appeared by its counsel the first Attorney Alexander Green Esq. and on motion the court ordered the case to be continued and Pluries citation issue against Henry Blessing

9 The State of Texas } Selling at Faro
John Roberts } In this case the State appearing by its counsel and it appearing that no service had been made On motion the court ordered the case continued until the next term and that a Pluries citation issue to the county of Harris

10 The State of Texas } In this case
Dick Dudley } the State appeared by its counsel and on motion the court ordered the case continued until the next term and that a Pluries citation issue to the county of W of Hasbeny Co. County

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The State of Texas }
11 James S Mayfield } Affray
" M Hunt } In this case the court ordered the indictment to be quashed

The State of Texas } Rubeny Barbaut
12 Jack Autres } [illegible] In this case the state appeared by its counsel and on motion the court ordered the cause continued until the next term and that a pluries citation issue to the County of Washington

The State of Texas } Rubeny Rowlett
13 " Sherley }
In this case the state appeared by its counsel and on motion the court ordered the cause continued until the next term of this court and that a pluries citation be issued

The State of Texas } In this case the
14 Wm Allen } parties appeared and on motion and affidavit of the defendant the court ordered the cause to be continued until the next term

The State of Texas }
15 Martin Moore & Henry Blessing }
Retailing Liquors without licence In this case the state appeared by its counsel the Dist Attorney and on his motion the cause was continued as to Moore and continued and alias ordered against Henry Blessing

Spring Term 1847

16 The State of Texas } Betting at Faro
George Davis
In this case the State appeared by its counsel and on motion the court ordered the case continued and an alias capias to be issued

17 The State of Texas } In this case
Reuben Chandler
the State appeared by its counsel and on motion the court ordered the case continued and alias capias issued

18 The State of Texas } In this case
J. P. Hector
the parties appeared by their counsel and motion of the Defendant the court ordered the case continued until the next term of this court

19 The State of Texas } In this case
Calmeal & Gibson
the parties appeared and on motion, the case was continued and pluries citation ordered against Gibson

20 The State of Texas } In this case the State
Benjamin F. Hill
appeared by its counsel and on motion the case was continued and an alias capias ordered

21 The State of Texas } In this case the
Thomas Collins
the parties appeared the State by its counsel the Dist. Attorney, and the Defendant in his own proper person whereupon the a Jury were empanneled R. D. McNally & eleven others and sworn as the law directs to try the issue hence between the State and the Deft After hearing the parties with their witnesses the Jury returned a verdict of mute guilty as follows, to the Jury find the Defendant not guilty

(Signed) R. D. McNally Foreman

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The State of Texas } Continue an alias
Nathan Taylor } order

The State of Texas } Keeping a hard
23 John Roberts } bank continue
an pluries citation order to the
county of Harris

The State of Texas } Affray
25 Hends Taylor & Roberts } continue an
alias order

The State of Texas } In this case
26 James P. Victor } the parties
appeared by their counsel and on
motion of the fift the case was
continued by order of the court

The State of Texas } Betting at Faro
27 Joshua Holden } ~~In~~ this case ~~the~~
~~State~~ ~~appeared by their counsel and~~
~~on motion~~ the cause was contin-
ued until the next term of this
court by order of the court

The State of Texas } Polle Proceed
29 John T. Blake & Thos Rice } entered as to
Blake an alias order to the county
of Bastrop against Rice

The State of Texas } On motion of
31 Henry Sublett } the fift; Allow-
ed this case was continued an
alias order

The State of Texas } Continued
32 Charles Kelley } an alias order
George C. Hatch } I this case
Antonio de la Garza }

Spring Term AD 1847

35 The State of Texas }
Thomas Ward Jen } In this can the parties appeared the State by its counsel the Dist: Attorney and Thomas Ward in his own proper person whereupon a jury to wit, R. D. McAnally & eleven others were impannelled and sworn as the law directs to try the issue joined between the State & the Defendant, who after hearing the parties with their witnesses returned the following verdict to wit We the jury find the Defendant not guilty

(Signed) R. D. McNally
Foreman

36 The State of Texas } In this can the
Wm Custard } parties appeared by their counsel and on motion of the Dist: Attorney, the case was continued

37 The State of Texas } Keeping and exhibiting a Pard Bank
Joseph Pelant }
Continued on motion of the Dist: Attorney and alias capias ordered to be issued

39 The State of Texas }
Joshua Holden } Betting at Pard
Continued on ~~motion of the Dist: Attorney~~ for reasons appearing satisfactory to the court

The State of Texas }
Area Farris } On motion of the Dist: Attorney this case was continued and an alias capias ordered to be issued

~~Court adjourned until~~

to

The Grand Jury came into Court there being a full & legal panel, present & returned into court the following bills of indictment, to wit,

Spring Term AD 1847

The State of Texas } For murder. 694.
Joshua Holden } "A True Bill" -

The State of Texas }
Alfred L Murry } Perjury -
"A true Bill"

The State of Texas } Assault & Bat-
Hugh M Lawson } tery with intent
to murder - "A true Bill" -

After which the grand Jury having no further business before them, were discharged by the court

The Court adjourned until to morrow morning at nine of the clock

Saturday morning March 20th 1847
Court met pursuant to adjournment

5 Thomas Ware et al } In this case the
Moore & Blessing } parties appeared by their counsel and submitted the case to the court whereupon the court overruled the motion of the District Attorney to set aside the Judgment of the last Term & reinstate the cause upon the Docket

6 Thomas Ware et al }
Wm W Thompson } In this case the parties appeared by their counsel and submitted the cause to the court, whereupon the court overruled the motion of the District Attorney, to set aside the Judgment rendered at the last Term of this court & reinstate the cause upon the Docket

Spring Term AD 1847

5 Thomas Ware et al
7 Kiney & Thompson } In this case the parties appeared by their counsel and submitted the cause to the court whereupon the court overruled the motion of the District Attorney to set aside the judgment rendered in this case at the last Term of this court & reinstate the case upon the Docket

8 Thomas Ware et al } In this case the
Moore & Blessing } parties appeared by their counsel and the cause was submitted to the court whereupon the court overruled the motion of the District Attorney to set aside the judgment rendered at the last term of this court and reinstate the cause upon the Docket

John Moran } continued on motion
John Hahnberger } & affidavit of the Defendant by the order of the court

James Powers
11 The Commissioner } In this case
of the Genl Jan Office et al } the parties appeared by their counsel and the Defendant Henry Smith moved the court to desolve the injunction which motion was continued by order of the court until the next Term

X The State of Texas } In this
T. Y. Smith & James Carmer } case the parties appeared by their counsel & a Nolle Prosequi was entered by order of the court as to Smith & the cause of ~~Smith~~ Carmer was submitted to a jury to wit,
A. R. Pouncey, W. D. Parris, Martin James
David Henry Parr, James Dowell
E. P. Hairston R. D. McCanally George
Davis Eli Shepherd C. C. Browning
Michael Cronican After hearing the

the parties with their wednesses the jury returned the following verdict to wit

We the jury find the defendant not guilty

Signed R. D. McAnally Foreman

The State of Texas } Betting at Faro
Joshua Holden } Misentry see page

The State of Texas }
John Beck } Scrifacias

In this cause the parties appeared, the state by its counsel, the District Attorney, and the defendant by his counsel, after hearing the parties the court exonerated the defendant from the judgment nisi rendered against him at the last term of this court for making default and failing to attend as a juror

The State of Texas } Scrifacias —
B. F. Chandler }

In this cause the parties appeared the by their counsel whereupon the court after hearing the parties exonerated the defendant from the judgment nisi rendered against him at the last term of this court for making default and failing to attend as a juror

The State of Texas } Scrifacias
Martin Moore } quashed by order of court and alias order returnable to the next term of this court

The State of Texas } Dismissed
James Warner
The State of Texas } Dismissed
Elias Marshall }

Spring Term AD 1847

The State of Texas } Scirefacias
Elias Marshall } Dismiss

The State of Texas } In this cause
William Leftwick } the parties
appeared by their counsel after
hearing them the court order-
ed the Judgment Nil Sc to be
set aside and exonerated the
rendered against him at the
last Term of this court for
making Default and failing to
attend said court and serve as a
Juror to be set aside

The State of Texas } In this cause
Robert Stewart } the State
appeared by its counsel, and on
motion of the Dist: Attorney the
court ordered the case to be contin-
ued and an alias Scirefacias to be is-
sued returnable to the next term
of this court

The State of Texas } Scirefacias
Oliver Buckman } Dismiss

The State of Texas } Scirefacias
Washington Anderson } In this cause
the parties appeared by their counsel
and submitted the cause to the
court after hearing the parties
the court ordered the Judgment Nil Sc
rendered against the Defendant at the
last term of this court to be set
aside

The State of Texas } Scirefacias
Henderson Upchurch } Dismiss

The State of Texas } Scirefacias
Thos R. Bacon }
In this case the parties appeared
and submitted the cause to the court
after hearing them the court ordered the
Judgment Nil Sc rendered against the Deft
[illegible]

Spring Term AD 1847

George C. Hatch } In this cause the Antonio de la Garza } lies appeared by their attorneys and in consequence of the Judge having been interested as counsel it is ordered by the court, the parties not agreeing upon a special judge, that the venue be changed to the county of Bexar. It is further ordered that the clerk make out a transcript of all the proceedings had in this court and deliver the same with all the original papers had in the case, to the plaintiffs attorney, or send them by some safe conveyance, directed to the District Clerk of Bexar County, ~~upon the payment of all costs that have accrued in this court~~

George C. Hatch } In this case the Antonio de la Garza } parties appeared by their counsel and in consequence of the Judge having been interested as counsel in the case, it is ordered by the court, the parties not agreeing upon a special Judge that the venue be changed to the county of Bexar. It is further ordered that the clerk make out a complete transcript of all the proceedings had in this court and deliver the same together with all the original papers to the plaintiffs attorney or send them by some safe conveyance, & directed to the clerk of the District Court of Bexar County, ~~on the payment of all cost which have accrued in this court~~

Spring Term Apl 1847

The State of Texas

Joshua Holden } Murder

In this case came the Dist: Attorney on behalf of the State, and the Defendant Joshua Holden, having been brought to the bar in the custody of the sheriff and the bill of indictment preferred against him by the grand jury of the said county for murder of Jas. G. Chase having been read to him, he pleaded thereto not guilty & prayed a trial by a jury of the countrey whereupon on motion of the District Attorney it is ordered by the court that the clerk do issue a venera facias directed to the sheriff of the said county ~~comm~~ returnable on Thursday next the 25th Instant commanding him to summon forty eight good and lawful men of said county to be and appear before the Hon: the Dist: Court for said county on thursday the 25th Inst: to be passed upon as jurors for the trial of said case. And it is further ordered by the court that thursday the 25th Inst be set for the trial of said case, and that the clerk cause the Defendant to be served with a copy of said indictment, the venera facias and a list of the jurors to be summoned as aforesaid thereon, at least two entire days before the day set apart for the trial of said cause

Court adjourned until monday morning at nine of the clock

Spring Term AD 1847

Monday Morning March 22 AD 1847 400.

The court met pursuant to adjournment
On calling the Docket the following orders were made to wit.

Haden Edwards
2 M. B. Lamar president of the Republic of Texas of the State of Texas } In this case the Attorney General Harris appeared on behalf of the ~~Pt~~ Defendants and the Plaintiff not appearing it is therefore considered and adjudged by the court that this case be dismissed for the want of a prosecutor and that the Plaintiff pay all costs in this behalf expended for which execution may issue

M. C. Hamilton
3 The Commissioner of the General Land office and Jesse Barker } In this case the parties appeared by their counsel and on motion and [illegible] of the Defendant, it ordered by the court that the venue be changed to the county of Austrop.
It is further ordered by the court that the clerk make out a transcript of all the proceedings had in this court, and deliver the same together with all the original papers had in the case to the plaintiffs Attorney, or send them by some safe conveyance to the clerk of the District court of Austrop County

20 McMullen & McGloin
Sam Houston president } In this case the parties appeared by their counsel, and on motion of the plaintiff the court ordered the case to be continued until the next term of this court

[illegible]
M. C. Hamilton } In this case the parties appeared by their attorneys the Defendant moved to dismiss the attachment for informality which motion is sustained by the court it is therefore ordered that the plaintiff [illegible] the attachment [illegible] the time of the Defendants appearing in this court and that the case proceed as in other cases

Spring Term AD 1847

21 Wayne Barton
vs
George I Glascock } In this case the parties appeared by their counsel and ~~on~~ ~~by~~ consented that the case be dismissed at the cost of the Defendant It is therefore considered and adjudged by the court that the Defendant pay all costs in this behalf expended and that execution issue therefor

25 James Webb
George I Glascock } In this case the parties appeared by their counsel and consented that the cause be continued to the next term of this court which continuance was ordered by the court

26 David G Burnet for the use of Stephen Whitney et al
A.C. Horton Acting Governor of the State of Texas } In this case the parties appeared appeared by their counsel and on motion of the plaintiff the court ordered the cause to be continued until the next term of this court

27 Ann T. Wooldridge
William L Cazneau } continued for service by order of court

Ford & Cronican
John M Swisher acting Secretary of State of the State of Texas } In this case the parties appeared & by consent of parties the court ordered the case to be continued until the next term of this court

35 Andrew Neill
Thomas G Westerd } In this case came the plaintiff by his Attorney on Wednesday the third day of this term and the Defendant actho legally summoned came not to answer said complaint but much

default and on this day the eighth day of said Term to wit on Monday the 22 day of March Inst: came the plaintiff again by his Attorney and the defendant being now again solemnly called comes not but still makes default

It is now therefore considered and adjudged by the court that the said judgment by default be made final and that the plaintiff do have & recover of the said defendant the amount due upon the note sued upon to wit, the sum of one hundred and one hundred & sixty one dollars and thirty eight cents ($161.38) debt and all costs in this behalf expended for which execution may issue

Theodore Bissel
vs Socrates Parlengs & J. Weaver } In this case the parties appeared by their counsel and consented to a continuance until the next term which is ordered by the court

Joshua Holden
vs C. F. King Admr of G. M. Polson Dec. } In this case the parties appeared and submitted the cause to the court and the same having been duly considered It is considered adjudged & decreed by the court the judgment by default be made final and that the injunction be perpetuated and that the defendant be forever enjoined from further executing or enforcing the execution against the said plaintiff constituted in the said plaintiffs bill and that the plaintiff do have and recover of the defendant all costs in this behalf expended for which an execution may issue

Charles F. King Admr
vs of G. M. Polson } In this case the parties appeared by
Joshua Holden

Spring Term AD 1847

their counsel and submitted the cause to the court, and the same having been duly considered it is adjudged and decreed by the court that the Scire facias be quashed and that the defendant do have and recover of the plaintiff all costs in this behalf expended for which an execution may issue

1 C. K. Reese Admr. James Burk } In this case the parties appeared by their counsel and on motion the cause was continued by order of the court

3 Wm P. Carr Wm R. McClure } In this case the plaintiff appeared by his counsel and and it appearing to the court that no legal service was made upon the defendant on motion the court ordered the case to be continued until the next term of this court for service

Charles B. Stewart The commissioner of the Genl Land office } In this case the parties appeared by their counsel and on motion the court ordered the case to be continued until the next term of this court

Succession of Jamerd Norton The commissioner of the General Land office } In this case the parties appeared by their counsel & on motion the court ordered the cause to be continued until the next term of this court

Jose Manuel Banys Sam Houston President } In this case the defendant appeared by his counsel the Attorney General, & the court ordered the case to be continued to the next term

11 John H. Fancy trustee of Savory } In this cause the parties appear by their counsel and on motion the court orders the cause to be continued

12 Wm H. Murray The heirs of Thomas L. Jones } In this cause the parties appear by their counsel and on motion the court orders the cause to be continued until the next term

13 Hammon Whiting } In this cause the parties appear by their counsel and on motion the court orders the cause to be continued until the next term of this court

15 P. B. Cook Benj. Grayson } In this cause the parties appear by their counsel and on motion the court orders the cause to be continued until the next term of this court

John R. Slocumb Owen Obrian Admr of John Nowlan Jr } In this cause the ~~parties~~ plaintiff appear by ~~their~~ his counsel and on motion ~~of the Jeff~~ ~~plaintiff~~ the Interlocutory judgment by default was set aside and the cause continued by order of the court for service

John Twohig The Commissioner of Gentlan office } In the Owings appears in court by his attorney and prays to be made a party defendant whereupon the court orders that the said Owings be made a party defendant to this bill

Spring Term AD 1847

5. Thomas Wm Hare
In W. Slamper

In this cause the parties appeared and submitted the cause to a jury to wit
A. H. Pouncy, Wm Allen, J. M. Strain, J. H. Thompson, Harvey Smith John Crayton A. W. Bowles, Jos. Duncan E. J. Hairston, Joseph Thompson R. D. McCallally & Benjamin Grambles who after hearing the parties with their witnesses returned the following verdict, to wit,

We the Jurors find for the plaintiff a verdict of six dollars and twenty eight cents

Signed R. D. McCallally Foreman

It is therefore considered and adjudged by the court that the plaintiff do have and recover the said sum of six dollars and twenty eight cents of the defendant and all costs expended in this court, except as heretofore ordered for which an execution may issue

Also it is further ordered by the court

Court adjourned until tomorrow morning at nine of the clock

Spring Term A.D. 1847

Tuesday Morning March 23d A.D. 1847. 406.

Court met pursuant to adjournment

A. Ann Graham }
B. Bassford } In this cause the parties appeared and submitted their cause to the judge and the same being duly considered it is considered adjudged by the court that the judgment of the court be affirmed and that the plaintiff in the court below have and recover of the defendant and his securities the [illegible] of [illegible] five dollars debt [illegible] being the [illegible] amount of judgment in the court below with ten percent damages to be added [illegible] costs in both courts in the behalf expended for which [illegible] may issue

Wednesday Morning March 24th A.D. 1847

Court met pursuant to adjournment

A. Area }
Joseph H. Robinson } In this cause the parties appeared and on motion the cause was continued by order of the court

John Twohig }
The Commissioner of the General Land Office } Application for a mandamus
& John C. Awings }

This day came the parties by their attorneys to wit the said John Twohig by James Webb Esquire, the said Thomas Wm Ward bound by John H. Harris Esqr the Atty General of the State and the said John C. Awings by Barry Gillespie Esqr and the said cause having been fully argued, heard and considered upon the pleadings & hebits and testimony filed in said cause, it is the opinion of the court that the said John Twohig is entitled to recover the patents for the land claimed in his petition & it is therefore ordered adjudged & decreed that the mandamus prayed for in said petition against the said Thomas Wm Ward Commissioner of the General Land Office of the State of Texas be awarded and made peremptory commanding him forthwith to issue patents to said John Twohig as assignee, for the lands surveyed under the military land warrants number 345 issued to Bill Collins for eight hundred acres of land, and number 1133 issued

Spring Term AD 1847

7. to said Bela Collins for four hundred and eighty acres of land, and it is further ordered, adjudged and decreed that the defendant John C Owings pay the costs of this suit and for which execution may issue - And the defendant John C Owings prayed an appeal to the supreme court, which is granted

The Heirs of Ficknor
The State of Texas } Land claim

~~We the Jury~~ In this case the parties appeared by their counsel and submitted the cause to a Jury to wit A. R. Pouncey, Wm Allen, James Thompson Joseph Thompson, Martin James, Harvey Smith, John Croaton, James Farrell Jackson Thompson, James Cole, M. N. Stamper, and John Mathews

After hearing the parties with their witnesses and the charge of the court, returned the following verdict to wit, We the Jury find the following facts as proved in this case - viz that Isaac Fichner emigrated to Texas in December 1835, that he brought a company of troops with him and entered into the ~~service~~ army of Texas with his company in January 1836 that that he remained in the service under the command of Col Fannin until he was taken prisoner at the battle of the Collette on 19th March 1836, & was massacred at Gelia on the 27th of March 1836 by the Mexicans that the said Isaac Fichner was at that time a married man & the head of a family, and that the plaintiffs are his heirs, that his said family did not emigrate with him to Texas, but remained in Montgomery Alabama, where they have since continued to reside - If under the circumstances the law entitled the said Isaac Fichner to a league and labor of land as a citizen of the country, then we find for the plaintiffs and that they are entitled to a certificate for one league and one labor of land, but if the said Isaac Fichner was under the constitu

tion and laws of the country entitled to only one third of league of land, then we find for the plaintiff, and that they recover a certificate for one third of a league of land, and we pray the judgment of the court upon the law of the case

Whereupon it is considered and adjudged by the court that the plaintiff do recover of the state one third of a league of land and that a certificate do issue therefor — the plaintiff gives notice of an appeal to the supreme court

The State of Texas } Appearance Bond
Alfred L. Murray } In this cause the State appeared by its counsel ~~the~~ Mo. A. Green Esq — the District Attorney and the Defendant the said Alfred L. Murray and his securities S. C. Jones & E. P. Hawston although solemnly called as the law directs came not It is therefore ordered

D. D. Basford
J. M. Graham } Appeal from Justices court by Injunction & Cutcheon

In this case came the parties by their Attorneys, and having waived the Jury, & submitted the case to the court, and the testimony being heard & arguments of counsel, it is considered & adjudged by the court that the Plaintiff Basford do recover of the Defendant Graham the sum of forty five dollars & costs of suit and ten per cent damages for which execution may issue.

Court adjourned until tomorrow morning at eight of the Clock

Spring Term AD 1847

Thursday morning March 25th 1847

A Area } In this cause the par-
J. W. Robertson } ties appeared by their
counsel and on motion of the Defen-
dant the court ordered the cause
continued until the next term of
this court

The State of Texas } Indictment for
Joshua Holden } murder

In this cause came John A.
Green Esq. Dist: Attorney of the second
Judicial District of the State of Texas,
on behalf of the state, and the Defend-
ant Joshua Holden, having been brought
to the bar in the custody of the Sheriff.
The said Dist: Attorney moved the court
on his affidavit filed to continue the
cause until the next Term of this
court After hearing the argument
of counsel, the motion was sustained
and the court ordered the cause to
be continued until the next term of
this court whereupon the prisoner was
remanded into the custody of the Sheriff

This day personally appeared in open
court J. W. Robertson Thomas Freeman
Thomas Ware Sen, James P. Johnson,
J. H. Raymond Thos. C. Collins Fr. A.
Moore and John Elgin, witnesses on
the part of the state, in the case of the
State of Texas against Joshua Holden
on the charge of Murder and sever-
ally acknowledged themselves to owe
and be indebted to the State of Texas,
in the penal sum of one thousand
dollars to be levied of their goods an-
chattels, lands and tenements, to be void
however; if they severally make their
personal attendance at the next Term of the
District court for said county of Travis, then
& there to testify in said cause, and not to
depart without leave of the court

Geory W. Glascock
Thos Wm Ward Com=
Genl Land office

} In this case the parties appeared and the cause was continued by order of the court

The Heirs of Techner
The State of Texas

} In this case the parties appeared and the cause was continued by order of the court

It is ordered by the court that all causes not otherwise disposed of be continued until the next term of this court

It is ordered that the court do now adjourn sine die

William E. Jones
District Judge of the
2d Judl. Dist

11. Fall Term Anno Domini 1847

Be it known that on the 17th day of Augst AD 1847, there was drawn by B D Basford clerk of the District Court, and Ashford B McGill clerk of the County Court for the County of Travis in the presence of Wm H Cushney Justice of the Peace in and for said County, the following persons to serve as jurors at the District Court for said Travis County at its fall Term 1847.

1 E. N. Wilson
2 R C Flanegan
3 Elisha Prewitt
4 M D Taylor
5 J W Whitaker
6 H McClure
7 John W Baker
8 Edwd Ore
9 Thos H Jones
10 Mathew Brown
11 Jno B Holland
12 Louis Minnelle
13 Geo A Davis
14 Horatio Groomes
15 Micheal Zeller
16 Richmond Townsend
17 W A Young
18 B F Johnson
19 Geo Golden
20 Joshua Bennett
21 Daniel C Shelf
22 Wm Bratton
23 E O Connor
24 Isaac Boyce
25 E S Whitfield
26 Claybourne Kyle
27 James Owen
28 C C Cushman
29 Chas Walker
30 Archd Martin
31 S L Johnson
32 James Cunningham
33 R G Parris
34 Jno Warrenbarger
35 David Connor
36 Leander Brown

B D Bassford Clerk of D. C. T. C.

A B McGill
Clk C C Travis County

W H Cushney J. P. T. C.

Fall Term A.D. 1847

Be it remembered that there was begun and holden at the city of Austin in the county of Travis a District court on Monday the 4th day of October A.D. 1847 present J. H. Mathews Sheriff and B. F. Bussford Clk The Hon Wm E. Jones Judge of said court not being present the Sheriff adjourned the court until ten of the clock to morrow morning

Tuesday morning Oct 5th A.D. 1847 Court met pursuant to adjournment present in court the Honorable William E. Jones Judge James H. Mathews Sheriff & B. F. Bussford Clerk The venire previously drawn according to law being ~~read~~ called by the Sheriff the following persons answered to their names

1	William M. Wilson			
2	R. E. Flanagan	11	Joshua Bennett	On motion the
3	M. D. Taylor	12	Daniel C. Shelf	~~following were [illegible]~~
4	J. H. Whitaker	13	Wm Bratton	Wm M. Wilson
5	John H. Baker	14	Isaac Boyce	Elisha Prewitt
6	Thos H. Jones	15	E. P. Whitfield	C. M. McCure
7	Mathew Brown		Claybourne Kyle	Edward Cole
8	John R. Holland		C. C. Cushman	John R. Holland
9	George A. Davis		Charles Walker	James Bennett
10	Michael Giller		James Cunningham	Notatio Grooms
			John Wakenbarger	Michael Giller
			David Connor	W. A. Davis
			Leander Brown	B. F. Johnson
				George Golden
				Wm Bratton
				Eugene Connor
				Isaac Boyce

The court then ordered a special venire commanding the Sheriff to summon nineteen freeholders or house holders good and lawful men of the county of Travis to be and appear forthwith to serve as jurors on which the Sheriff returned the following as having been summoned to wit,

1	Wm Stamper	6	James Cole
2	Alfred Smith	7	Louis Horst
3	Jacques G. Swasher	8	J. G. Mathews
4	Thos Freeman	9	Edward Sieders
5	Newell Beardett	10	Benj Piper

G. B. McCloskey 17 Wm O'Connell
James F. Johnson 18 George Hancock
Lamar Moore 19 M. A. Hamilton
Thos Collins
George J Glascock
Isaac Purson

On motion Louis Hoost, J. F. Johnson Thos Collins, Wm O'Connell & George Hancock were excused from serving as jurors

The court then called the civil docket and made the following orders

Jno R. Jones } On motion of counsel
Frances H. Ogden } for plaintiff ~~the~~
it is ordered by the court that the plaintiff has leave to amend his petition and the cause be continued for service

James Powers } On motion this cause
The State of Texas } continued by consent
by order of the court

James Powers } On motion this
Anson Jones President } cause is ordered
to be continued by consent of parties

James Scott et al } continued & order of
A. M. Jackson } last term rendered

~~Court adjourned until tomorrow morning at 9 of the clock~~

Fall Term Anno Domini 1847

The following summoned on the original venire were excused by the court to wit

R. E. Flanigan	Eugene C Connor
John W. Baker	Isaac Boyce
John R. Holland	James Owens
George A. Davis	David Connor &
Michael Zeller	Leander Brown
Daniel C Shelp	

The court appointed Claybore Kyle as foreman of the Grand Jury and he was sworn accordingly. The following were sworn as Grand Jurors

1	Wm M. Wilson		
	Thos H. Jones	10	John Wahenberger
2	M. D. Taylor	11	Thos Freeman
3	J. W. Whitaker	12	Newell Burditt
	C. M. ~~McClure~~	13	Benj Piper
+	Joshua Bennett	14	G. B. McCloskey
4	Mathew Brown	15	J. G. Mathews
	Louis Merrill	16	Claybourne Kyle
5	William Brutton		foreman
6	E. P. Whitfield		
7	C C Cushman		
8	Charles Walker		
9	James Cunningham		

The court then charged the Grand Jury in relation to their duties after which they retired to consider of their presentments

The court then adjourned until tomorrow mooning at nine of the clock

Full Term A.D. 1847. 4th

Wednesday morning October 6th A.D. 1847 Court met pursuant to adjournment On reading the minutes of the preceeding day it appeared to the court that the names of Thos H Jones and Joshua Bennet had been entered upon the record as grand jurors by mistake which was ordered to be corrected

On motion Mr C Hamilton was excused from serving as a petit juror

The court then proceeded to call the docket for trial of causes and the following proceedings were had (to wit)

No 1 A. Underwood } Service by publication
H. G. Callett } In this cause the plaintiff appearing by his Attorney, and the defendant altho solemnly called answering not it is considered & adjudged by the court that the plaintiff recover according to the prayer of his petition unless the defendant plead and answer within the time prescribed by law & the case stand continued until the next term of the court

3 Samuel Ricker
Samuel Whiting } On motion of the clerk it is ordered by the court that this cause be dismissed unless the plaintiff give security for cost on or before the first day of the next term and that the cause be continued

Face Term Apl 1847

Wednesday morning Fall Term Oct 6th 1847

James F. Johnson }
Joshua Holden } In this cause the parties appeared by their counsel and the cause was submitted to a jury (to wit,
1 Alfred Smith 2 J. G. Swesher 3 James Cole 4 H. Sears
5 ~~H. H. Stamper~~ 6 H. Baker 7 Philip Golden
7 James Ince 8 John Herrell 9 Daniel French
10 Wm Castor 11 James Murray & George H. Glascock

After hearing the parties with their witnesses the jury returned the following ~~ver~~ verdict (to wit) We the jury find for the plaintiff three hundred and forty nine dollars and ninety cents with stay of Execution ninety days

(Signed) James G. Swesher foreman

It is therefore considered and adjudged by the court that the plaintiff do have and recover of the defendant the said sum of three hundred and forty nine dollars and ninety cents and all costs in this behalf expended and that at the expiration of ninety days Execution issue therefor

13 Wm R. Smith }
Samuel Whiting }

In this cause the plaintiff appeared by his counsel and the defendant altho solemnly called answering not but still making default it is therefore considered and adjudged by the court that the preliminary judgment rendered at the last term of this court now be made final and that the plaintiff do have and recover of the defendant the sum of four thousand six hundred and forty six dollars & sixteen cents ($4646.16) ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ and all costs in this behalf expended and that execution issue therefor

Fall Term Apl 1847
Wednesday Oct 6th A.D. 1847 . 418.

15. Henry Adams
The heirs of Daniel Browning deceased } In this cause the plaintiff appeared by his attorney and on motion the cause was continued for service

18 David G Burnett for the use of Stephen Whitney et al
The State of Texas } In this cause the parties appeared and by consent the court ordered the cause to be continued until the next term

18 Ann T. Wooldridge
William L Cazneau } Served by publication
In this case the plaintiff appeared by her counsel and the defendant altho solemnly called answering not it is considered and adjudged by the court that the plaintiff recover according to the prayer of her petition unless the defendant plead and answer within the time prescribed by law & the case stand continued to the next term

23 Alexander Area
Samuel Whiting } Served by publication
In this cause the plaintiff appeared by his counsel and the defendant altho. solemnly called answering not but making default it is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the defendant plead and answer within the time prescribed by law and the case stand continued to the next term

24 Samuel Hayesmith
Moses Johnson Admr of Garrett Dec } In this cause the plaintiff appeared by his counsel & the cause continued for service

Fall Term A.D. 1847
Wednesday October 6th A.D. 1847

R. H. Grimes
25 Moses Johnson } In this cause the plaintiff appeared by his
Adams of Garrity } attorney and on motion the cause
was continued for service

Theodore Bessel
26 Darling & Weaver } In this cause the
parties appeared and the court ordered
the cause to be continued

27 J. H. McDonald } Served by publication
~~Sam Whiting~~ } In this cause
George W. Burnett
the plaintiff appeared by his counsel
and the defendant altho solemnly called
answering not it is considered and adjudged
by the court that the plaintiff recover
according to the prayer of his petition un-
less the defendant plead and answer
within the time prescribed by law
and the case stand continued to the next term

28 David G. Burnett } Served by publication
Anderson & Hutchinson } In this cause
the plaintiff appeared by his counsel
and the defendant altho solemnly called
answering not it is considered and ad-
judged by the court that the plaintiff
recover according to the prayer of his
petition unless the defendant plead &
answer within the time prescribed by
law & the case stand continued to the next term

29 David G. Burnet } Served by publi-
Louisa Burton } cation
In this cause the
plaintiff appeared by his counsel &
the deft altho solemnly called answering
not it is considered and adjudged by the
court that the plaintiff recover accor-
ding to the prayer of his petition unless
the defendant plead and answer within the
time prescribed by law & cause continued

Face Term Apl 1847
October 6th A.D. 1847 .426.

Smith & Adrianne
32 James G. Swesher } In this cause the plaintiff appeared by his counsel and the defendant altho solemn by called answering not it is considered and adjudged by the court that the plaintiff do have and recover according to the prayer of his petition unless the deft plead and answer within the time prescribed by law

33 Hamilton White
33 George W. Glascock } In this case the parties appeared by their counsel and submitted the cause to a jury (to wit) ~~Alfred~~ ~~Smith~~ J. G. Swesher
3 James Cole 4 W. Sours 5 W. Baker 6 Philip Golden
7 James Sree 8 John Hewitt 9 Dan French
10 Wm Cedar 11 J. P. Murray 12 Wm Johnson
Thos H. Duval

After hearing the parties with their witnesses the jury returned the following verdict (to wit)
We the jury find for the plaintiff White and assess the damages at seventy five dollars
(signed) James G. Swesher
Foreman
It is therefore considered and adjudged by the court that the plaintiff do have and recover of the defendant the sum of seventy five dollars and all cost in this behalf expended and that execution issue therefor

35 John R. Wooldridge
Lyman Wright } In this cause the parties appeared and on motion of the counsel of deft the cause was dismissed at the cost of the defendant

Fall Term A.D. 1847 Oct 6th 47

William P. Orr } Served by publication
William R. McClure } In this cause the plaintiff appeared by his counsel and the Deft altho solemnly called answering not it is considered and adjudged by the court that the plaintiff do recover accordeness to to the prayer of his petition unless the defendant plead and answer within the time prescribed by law and that the case be continued

52 Jno R. Slocumb }
J. M. Turley } In this cause the plaintiff appeared by his counsel and the Defendant altho solemnly called answering not it is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law

53 Ernst Kleberg surveyor }
Partner } Served by publication
Cochrane and Forsyth }

In this cause the plaintiff appeared by his counsel and the Defendant altho solemnly called answering not it is considered and adjudged by the court that the plaintiff do have an recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law and can continue

John M. McCalla }
George B. Jones } Served by publication

And now comes the Plaintiff by his Attorney, & the Defendant not appearing, although called, & no answer being filed, It is considered by the Court that the Plaintiff have & recover of the Defendant according to the prayer of his petition, unless the the Defendant appear & plead, or shew cause to the contrary within the time prescribed by law & that the cause stand continued untill the next Term of this Court

Wilhelmine Ellmendorff
vs
Carl Ellmendorff

This cause having by the consent of parties filed among the papers of the cause, been removed from the District Court of Comal County to the District Court of this County, It is ordered by the Court, that the same be placed on the Docket

James P. Henderson Govr
Boyce & others } continued for service

82 James F. Johnson
W. J. & M. H. Stamper } In this cause the plaintiff appeared by his counsel and the Deft altho solemnly called answering not it is considered and adjudged by the court that the plaintiff recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law

84 S. P. Bert
Deanah Gillitan } In this case the plaintiff appeared by his counsel and the Defendant altho solemnly called answering not it is considered and adjudged by the court that the plaintiff do recover according to the prayer of his petition unless the Defendant plead and answer within the time prescribed by law

85 James M. Alexander
John S. Fort &
S. P. Ross }

16.

Fall Term A.D. 1847 Oct. 6th

Henry McIlroy et al
Daniel French et al } Continued for service

J. B. Bacon
Thos Osborne } In this cause the plaintiff appeared by his counsel and the defnt at the solemnly called answering not it is considered and adjudged by the court that the ~~plaintiff do have and~~ Judgment of the court below be confirmed unless the Defendant plead and answer within the time prescribed by law

The Grand Jury into court then bring a full and legal paid presentation returned a bill against David Chandler for the murder of negro man Claybourne, signed a true Bill

Claybourne Kyle foreman

By order of court Friday was set for calling the criminal docket

Court adjourned until tomorrow morning at nine of the clock

Thursday Morning Court met pursuant to adjournment

2 James F. Edrington
Cox & Scott } In this cause the parties appeared by their counsel and submitted the cause to a jury all of whom were good and lawful men of the county of Texas sworn according to law

1 James G. Swisher 2 Alfred Smith 3 James Cole 4 William Cleaton 5 John Herrell 6 William Sowers 7 H. Baker 8 James Murray 9 Wm H. Slaughter 10 Sol L. Johnson 11 J. Strain 12 Samuel Hazelette

After hearing the parties with their witnesses the jury returned the following verdict [illegible]

We the jurors find a verdict for the plaintiff [illegible] for one hundred dollars [illegible] [illegible] James G. Swisher [illegible]

It is therefore considered & adjudged by the court that the plaintiff recover of the defendant the said sum of one hundred dollars and that execution issue therefor

Fall Term Ad 1847

Thursday Oct 7th 1847

9 James Cole } In this cause the parties
Michael Zeller } appeared and on motion of
counsel of defendant the case was dismissed
by order of court

Auden & Williams
The State of Texas } In this cause the parties
appeared and on motion the plaintiff has
leave to amend

32 George H. Glascock
Hamilton White } In this cause the
parties appeared and on motion of plaintiff
the court granted a new trial and ordered
the cause to be continued to the next
term.

36 C. R. Rice Admr In this cause the par
James Burk ties appeared and on
motion the cause was ordered to be
continued until the next term

38 Joseph F. Smith
Com Genl Land office } In this cause the parties
appeared and the court ordered the case
to be continued until the next term

40 Joseph Plumer
Com Genl Ld office In this case the par
ties appeared by their counsel and ~~on~~
~~mot~~ the court ordered the cause to be
continued

41 Jonathan Bangs
Sam Houston President } continued

 October 7th A.D. 1847

Hammond } In this cause the parties ap-
48 Whiting } peared and the cause was
continued by consent

P. B. Cook
49 Benj Grayson In this cause the parties ap-
peared by consent and submitted the cause to the court
upon the papers to be examined in
vacation and continued to the next term

50 James Power In this cause the par-
The Com Genl Land Office } ties appeared and
and the cause continued

Samuel H. Blish } Death of Blish suggested
53 Sam Hazelett } and order for Sci Facias to
the counts of Bastrop to Noel M. Bain
Admr of Blish and the cause continued

The State of Texas } Murder
David Chandler }

In this cause came John A. Green Dist
Attorney of the Second Judicial District of the
State of Texas on behalf of the State, and
the Defendant David Chandler, having
been brought to the bar in the custody of
the Sheriff and the bill of Indictment pre-
ferred against him by the Grand Jurors of
the county of Travis for the murder of Claus-
borne a negro man, having been read to
him he pleaded thereto not guilty and prayed
a trial by a jury of the country whereupon
on motion of the District Attorney it is ordered
by the court, that the clerk do issue a venire
facias directed to the Sheriff of the said county
returnable on Tuesday next the 12th day
of October 1847 commanding him to summon
forty eight good and lawful men of said
county to be and appear before the said
Dist court on the said twelfth of October
Instant to be passed upon as jurors for the
trial of said cause and it is further
ordered by the court that Tuesday

the 12th Instant be set for the trial of said cause and that the clerk cause the defendant to be served with a copy of the indictment aforesaid, the venire facias and a list of the jurors to be summoned as aforesaid thereon, at least two entire days before the day set apart for the trial of said cause

Court adjourned until tomorrow morning at half past nine of the clock.

Friday Morning Oct 8th 1847

Court met pursuant to adjournment

Edward Sieders was arrived in a fine of five dollars for ~~absent~~ non attendance as a juror fine afterwards remitted by the court

S. P. Birt
Deanah Gilliland } In this cause the parties appeared and the cause was continued by consent

State of Texas
George W. Barret } In this cause the state appeared by its counsel the Dist. Attorney and on his motion the court ordered the cause to be continued and a second pluries to issue

2 The State of Texas
John Tibble } Dismissed

3 State of Texas
Washington Secrets } In this cause the State appeared by its counsel the District Attorney and on his motion the cause was continued and a pluries capias ordered to the county of Travis

Fall Term AD 1847
127. Friday Morning October 8th 1847

4 State of Texas } In this cause the state
William Kenny } appeared by its Attorney
and a Nolle Pross was entered by order
of the court

5 The State of Texas }
William Dean } In this cause the state ~~parties~~
appeared by its counsel the Dist: Atty
and on his motion the cause was continued
and a pluries capias ordered to Travis County

6 State of Texas }
David B. Underhill } In this cause the State ap-
peared by its counsel the District attorney
and on his motion the cause was continued
by the court and alias process ordered to
Travis County

9 The State of Texas }
John Roberts } In this cause the state
appeared by its counsel John A Green Esq
Dist Attorney and on his motion the
cause was continued and pluries process
ordered to the County of Travis

10 State of Texas }
Jack Autry } In this cause the state app-
eared by its counsel the Dist: Attorney
and on his motion the cause was continued
and a 2d pluries ordered to the County of Travis

11 The State of Texas }
Jack Autry } In this cause the state
appeared by its counsel and on ~~his~~ motion
the cause was continued and 2d pluries
ordered to the County of Travis

The State of Texas }
Shirley } In this cause the
state appeared by its counsel and
on motion the cause was continued
and a second pluries ordered to Travis County

Fall Term Apl 1847 Oct 5th
Friday Morning

State of Texas
17 Reuben Chandler } In this cause the parties appeared by their counsel and on motion of the District attorney the cause was continued

State of Texas
16 George Davis } This cause was dismissed on motion of the Dist. Atty

The State of Texas
William Allen } In this cause the parties appeared the state by its counsel J. A. Green Esq Dist. Atty and the Defendant in his own proper person and pleaded guilty and submitted the cause to a jury to wit James G. Swesher 1 George Golden 2 James Hall 3 George H. Glascock 4 John Herrell 5 William Sowers 6 H. Baker 7 B. Collins 8 Edward Seeders 9 B. Sam Naplet ~~[illegible]~~ 10 S. L. Johnson and J. Strain all good and lawful men of the county of Travis duly sworn according to law after hearing the parties with their witnesses the following verdict to wit, we the jury fine the defendant one dollar & cost of suit & is therefore considered and adjudged by the court that the defendant pay to the State the sum of one dollar and all costs in this behalf expended ~~[illegible]~~

The State of Texas
19 Cabmeal & Gibson } In this case the state appeared by its counsel and on motion the ~~court~~ a Nolle pros was ordered by the court

State of Texas
20 Benj. F. Hill } In this cause the state appeared by its counsel the Dist. Atty and on motion the cause was continued and pluries ordered

State of Texas } In this cause the state appeared by its counsel and a Nol pros was ordered by the court

Fall Term AD 1847

Feb 8th 1847

23 The State of Texas } In this cause the state
John Roberts } appeared by its counsel
and on motion the cause was continued
and a pluries capias ordered to Travis County

24 The State of Texas }
J. P. Henderson } continued

25 The State of Texas
James Taylor & John Roberts } In this cause the
State appeared by its counsel and on
motion the cause was continued and
alias process ordered against Taylor & Roberts

27 The State of Texas }
Joshua Holden } In this cause the state
appeared by its counsel and on motion
the cause was continued and alias process
ordered

28 The State of Texas }
Henry Bunning } In this cause the
state appeared by its counsel J. A. Green Esq.
Dist. Atty for the 2d Judicial District and
the Defendant being solemnly called an-
swering not but making Default, it
is ordered by the court that the bond for
his appearance be forfeited and the cause
continued and that alias process issue

29 The State of Texas }
Thomas Rice }
In this cause the state ap-
peared by its counsel and on motion
the cause was continued and pluries
ordered to Travis County

30 The State of Texas }
Samuel Heybsmith } continued

32 The State of Texas }
Charles Bailey } continued and pluries
ordered

33 State of Texas } continued
J. P. Henderson }

October 8th 1847 Fall Term 1847. 430.

35 The State of Texas } Assault & battery
Le bedalan Glascock } In this cause the parties appeared by their counsel and submitted the cause to a jury (the left pleading guilty) (to wit)
1 James G. Swesher 2 Goren Golden 3 James Hall 4th George H. Glascock 5 John Norrell 6 William Sowers 7 B Collins 8 B. ~~Collins~~ 9 Reuben Chandler ~~10~~ 11 S. S. Johnson 11 J Strain 12 Samuel Hazelet all good & lawful men of the county of Travis duly elected and sworn according to law who after hearing the parties with their witnesses retained the following verdict to wit We the jury find the defendant and dol cost and cost of suit (signed) James G Swesher fore man
It is therefore considered and adjudged by the court that the defendant pay the state the sum of one dollar and costs of suit and that execution issue to the county of Bastrop therefor

37 The State of Texas }
Joseph Pilant } In this case the state appeared by its counsel and in motion the cause was continued and plaries capias ordered to the county of Travis

39 The State of Texas }
Joshua Holden } In this cause the state appeared by its counsel and the cause was continued and alias ordered

40 The State of Texas }
Ana Harris } In this case the state appeared by its counsel and the cause was continued and alias ordered

41 The State of Texas } Murder
Joshua Holden } In this cause the state appeared by its counsel and the cause was continued and alias capias ordered

The State of Texas }
Hugh M Lawlin } In this cause the state appeared and the cause was continued & capias ordered

October 8th 1847

State of Texas } Selling goods without licence
Moore & Blessing } In this cause the State appeared by its counsel and on motion of Nolle Pros was ordered as to Blessing

~~[illegible]~~

The State of Texas }
Henry Blessing } Indictment for Betting at Faro

In this case came John A Green Esq. District Attorney for the 2d Judicial Dist. of said State in this behalf and the Defendant being called came not, and it appearing to the court that the said Henry Blessing as principal & Zeller Michael as his Security had executed their bond payable to the Governor of the State of Texas and his successors in office in the sum of dollars each conditioned that the said Henry Blessing do make his personal appearance at this term of the court to answer the charge of betting at Faro made in said indictment against him. Whereupon the said ~~Indictment~~ Henry Blessing was solemnly called three times to answer the charge in said indictment and the said Henry Blessing came not but made default, and the said Zeller Michael was also solemnly called three times and required to bring with him the body of the said Henry Blessing which the said Zeller failed to do. Wherefore it is considered by the court that the said bond of the said Henry Blessing and the said Zeller Michael be forfeited, and that the Governor of the State of Texas recover of the said Henry Blessing the sum of and of the said Zeller the sum of the amount of their said bond, and that Scire Facias issue to each of them returnable to the next term of this court to shew cause why the Judgment herein rendered shall not be made final against them. It is further ordered that the case be continued and that a [illegible] issue against said Blessing returnable to the next term of this court

Court adjourned until to mor- 462.
morning at nine of the Clock.
~~Stuart~~

Saturday morning October 9th 1847

Court met pursuant to adjournment.

15 The State of Texas } Selling liquors
vs } without licence
Moore & Blessing }

In this cause the State appeared by its counsel and on motion the cause was continued as to Moore and an alias Capias ordered as to Henry Blessing

The State of Texas } Assault and
James P. Hector } battery with
intent to kill

In this cause the State appeared by its counsel and the Defendant in his own proper person and submitted the cause to a jury (to wit)

R. D. McDonally, Daniel French, George Golden, Samuel Stone, James Manor, S. L. Johnson, John Herrell, George W. Glascock, B. Collins, Sowers, J. G. Swisher & Michael Cronican all good and lawful men of the county of Travis duly drawn and sworn according to law After hearing the parties with their witnesses the Jury returned the following verdict (to wit) We the Jury find the Defendant guilty of of an assault & battery and assess the fine at one dollar (Sigma, Pg. Foster foreman.

It is therefore considered & adjudged by the court that the ~~Plaint~~ Defendant pay to the State of Texas the said sum of

October 9th A.D. 1849

of one dollar and all costs in this behalf expended for which execution may issue

The State of Texas } Bond given
James P. Victor } before Justice
Assault & battery with intent to kill In this cause the parties appeared by their counsel and on motion a Nolle prosequi was ordered by the court

The State of Texas } Assault and
William Rustard } Battery
In this cause came the Dist: Attorney who prosecutes for the State in this behalf as well as the Defendant in his own proper person — and upon motion of the District Attorney and good cause shown to the court it is ordered by the court that this cause stand continued until the next term of this court

It further appearing to the court that one George Habermicht had been regularly summoned to attend at this term of the court as a witness in behalf of the State and the said Habermicht being solemnly called and appearing not It is therefore ordered by the court that the said Habermicht be fined in the sum of ten dollars for his non appearance and that Scire facias issue to him returnable to the next term of this court to shew cause if any he have why the fine herein entered against him shall not be made final

Court adjourned until tomorrow morning at nine o'clock

Fall Term AD 1847
Saturday October 11th A.D. 1847 464.

Court met pursuant to adjournment

17 State of Texas } Reuben Chandler } In this cause the parties appeared and the court ordered the continuance set aside and the indictment to be quashed

24 State of Texas } J. P. Henderson } Indictment quashed

33 State of Texas } J. P. Henderson } Continuance set aside and indictment quashed

Samuel Ricker } Sam Whiting } In this cause the plaintiff appeared by his attorney and on his motion the cause was continued for service

11 Brownrigg & Hatch } M. M. Shepherd } In this cause the parties appeared and submitted the cause to the court

14 James Webb } George T. Glascock } This cause having been previously submitted to B. Gilespie Esq. by consent of parties and his award therein being this day filed and agreed by the parties to be made the judgment of the court

It is therefore considered and adjudged by the court that the plaintiff do have and recover of the Defendant the sum of forty four dollars and seventy five cents the amount awarded by the said Gilespie and all costs in this behalf expended for which execution may issue

50 W. D. McCloud } C. Wilcox } In this cause the parties appeared by their counsel and on motion Defendant the court ordered the appeal to be dismissed & the a Precedendo awarded to the court below

Fall Term AD 1867 Oct 11th 1867

Wilhelmine Ellmendorff
vs
Carl Ellmendorff } Suit for divorce

p. 93 This cause coming on to be heard, the Plaintiff appeared by her Attorney and there came a jury of twelve good & lawful men, viz, Blaiborne Kyle, James G. Swisher, James Cole, George B. McCleskey, Philip Golden, G. G. Browning, Thomas Ward, Sol. L. Johnson, Collin Forbes, William Long, B. Collins and Daniel French, who being duly elected, tried & sworn returned the following Verdict into Court "We, the "jury find for the Plaintiff; affirming the material "allegations of the Plaintiff, in relation to the charges made "by the Plaintiff against the Defendant as to the cruel treat- "ment, outrages & excesses committed by the Defendant on the "Plaintiff; the same being of such a nature, as to render their "future living together insupportable".

G. Kyle. Foreman.

It is therefore ordered considered & decreed by the Court, that the Plaintiff, Wilhelmine Ellmendorff be and she same is hereby divorced by separation from the bonds of matri- mony from the Defendant Carl Ellmendorff, and that the Plaintiff recover of the Defendants all the costs of this suit in her behalf expended, & that Execution may issue thereon.

Fall Term twelfth A.D. 1847

Thursday, October Seventh A. D. 1847. 346

The court met pursuant to Adjournment.

Wilhelmine Ellmendorff

vs application for a division of common property

Carl Ellmendorff

And now comes the Plaintiff by her Attorney & moves the Court for a division of the common property, And it appearing to the Court that the parties have agreed upon an amicable division of the property, owned jointly between them, as well as the custody of the children mentioned in the Bill of the plaintiff, which agreement is filed among the papers of the cause, and is in the following words, to wit:

The State of Texas
County of Travis In the District Court.

Wilhelmine Ellmendorff

vs Suit for divorce &c &c

Carl Ellmendorff

The Plaintiff having suit pending for a divorce from the Bonds of matrimony now for a division of the common property, & having obtained such a decree, the parties have agreed that the following division & settlement should take place -

I. That the Defendant is to retain all the personal property & real estate now owned by him in any manner, or to which he may have any claim free from all further control, or claim of the Plaintiff with the exception of the Lot situated in the town of New Braunfels, County & State aforesaid, being Lot, Number thirty one, on Seguin Street of said town -

II. That the said town Lot, with all the personal property now in possession of the Plaintiff shall be settled upon the child of the said parties, mentioned in the petition of the plaintiff, called Ann.

III. It is agreed between the parties, that the personal property in possession of the Plaintiff, shall be valued at, & it is hereby declared that the same is of the value of Five Hundred Dollars, lawful money of the United States of America.

IV. It is agreed that the said Plaintiff is to retain the custody & controll of the said child, Ann & the child which may hereafter be born. & that the funds arising from the rent of said Lot & the improvements thereon situated, with the Five hundred Dollars shall be applied to the support & education of the said child, mentioned in the Bill, under the controll, & direction of such person & persons, as may be appointed its guardian by the proper judicial tribunals of the country.

V. It is agreed, that as soon as any guardian or guardians shall be appointed over the said infant child, Carl, the above mentioned town Lot shall be placed at the his disposal, as well as the funds above mentioned shall be paid over to the said Guardian

VI It is agreed, that the Agreement previously entered into between the said parties, & filed as part of the answer of the said defendant, shall be declared null & void as far as it conflicts with this agreement.

In Testimony whereof the said parties do hereunto set their hands & affix their seals (using scrolls instead of seals)

Witnesses
Justus Kellner.
Augustus Fischer

Wilhelmine Ellmendorff. (Seal)
C. Ellmendorff (Seal)

It is further agreed, that George Klappenbach Esq. & Mr Theodore Huertking are to be the Guardians of the child Carl mentioned in the foregoing Agreement.

Witness the hands & seals of the said parties using scrolls, instead of seals.

Witnesses
Augustus Fischer
Justus Kellner.

Wilhelmine Ellmendorff (Seal)
C. Ellmendorff (Seal)

The State of Texas
County of Travis

Personally appeared before me, Joseph Lee, a Notary Public duly commissioned to act in & for the County of Travis, Augustus Fischer, well known to me, who being duly sworn deposes & saieth, that he well personally present, when Wilhelmine Ellmendorff & Carl Ellmendorff signed, sealed & delivered the above two Documents & that they ~~[illegible]~~ desired him to attest the same as a subscribing witness. In Testimony whereof I do hereunto set my hand & affix the seal of my office this eleventh Day of October in the year of our Lord, One Thousand Eight Hundred and forty seven.

Seal

Joseph Lee.
Notary Public Travis County

It is therefore ordered, considered & decreed by the Court that the same be made & ~~the~~ it is hereby made the judgement and decree of this Court.

Saturday October 12th 1847. 188.

~~Tuesday October 12th A.D. 1847~~
~~Court met pursuant to adjournment~~

Austin & Williams
The State of Texas } In this cause the parties appeared by their counsel and submitted the cause to a jury (to wit)
Claybourn Kyle 1 James G. Sweeper 2 James Cole 3 George B. McCloskey 4 George Golden 5 C.C. Browning 6 Thomas Ward 7 J. L. Johnson 8 Collin Forbes 9 William Combs 10 B Collins and 11 Daniel French 12 all good and lawful men of the counties of Travis elected and sworn according to law
After hearing the parties with their witnesses the Jury retired to consider of their verdict but afterwards returned and informed the court that they could not agree Whereupon by agreement of parties the court dismissed the Jury from the further consideration of the cause and awarded a new trial and the cause continued until the next term of this court

George W. Glascock
The Com of Genl Ld office } In this cause the parties appeared by their counsel and on motion and affidavit of the Defendant filed the court ordered the cause continued until the next term of this court

Re Succession of James Norton dec
The Com of the Genl Land office } In this cause the parties appeared by their counsel and submitted the cause to the court after hearing the same the court sustained the demurrer of the defendant and order the cause to be dismissed at the cost of the plaintiff

Fall Term AD 1847

Whereupon the plaintiff moves for an appeal to the supreme court which is granted by the court

A Townsend
The Commissioner of the Genl Land Office } In this cause the parties appeared by their counsel and submitted the cause to the court After hearing the parties with witnesses it is considered and adjudged by the court that the mandamus nisi be made peremptory and that the clerk do issue the same according to the prayer of the plaintiffs petition and that the plaintiff pay the cost of this suit

Wednesday October 13th 1847

Court met pursuant to adjournment

The State of Texas
David Chandler } In this cause the State appeared by its counsel John A Green Esq Dist Attorney for the 2d Judicial Dist and Augustus Fisher and the defendant in his own proper person and submitted the cause to a jury to wit

1 Edward Sidors
2 William F. Thomas
3 David Ephright
4 Horace Baker
5 John W. Darlington
6 John Edwards
7 John P. Bunning
8 Josephus Scotte
9 Jacob Einard
10 Abner Scotte
11 John Hamilton
12 George Scotte

~~Lie~~ good and lawful men of the county of Travis, being duly

elected, tried and sworn according to law and having heard the testimony the further progress of the cause was postponed until tomorrow at 8 night of the clock and the jury retired by order of court under the charge of the Deputy Sheriff of the Clerk. Court adjourned till tomorrow at 8 Thursday morning Oct 14th 47

Court met pursuant to adjournment

The State of Texas } Murder
David Chandler

In this cause the parties again appeared as of yesterday and again proceeded with the cause before the aforesaid Jury After the hearing the argument of the counsel in the ~~said~~ cause and the charge of the court the Jury returned the following verdict to wit

We the Jury find the accused guilty of manslaughter We the Jury also agree upon imprisonment for the term of one year of the accused

(Signed) John Edwards
Foreman

Whereupon it is ordered and adjudged by the Court that the Defendant David Chandler be by the Sheriff taken and confined in the common jail of Travis County for the space of one year according to the finding of the jury without Bail or mainprize and that he fee the pay the costs of this prosecution in this behalf expended for which execution may issue

Notice in arrest of Judgment

In this cause the accused comes into court and suggests that no judgment can be rendered against them upon the finding of the jury because the decease is alledged in the indictment to be a slave and the disprove the allegation in the indictment that the act charged was done with malice and now moves the court to set aside and arrest the same and for other and good causes

(Signed) J. Chandler

Friday October 15th A.D. 1847

Court met pursuant to adjournment

James Cole
Thos H. Duggan } In this cause the parties appeared and submitted the cause to a jury to wit

1 Noel Minor 2 Snee 3 James Murray
4 B. Collins 5 Mathew Brown 6 George W. Glascock 7 George Golden 8 ~~George Golden~~ 9 George B. McCloskey 9 James Wall 10 John Horan 11 J. L. Johnson an William Bratton all good and lawful men of the county of Travis duly elected tried and sworn according to law After hearing the parties with their witnesses the jury returned the following verdict to wit we the jury find in favor of the plaintiff the amount claimed in the original petition, six hundred and twenty dollars and 79 cents with lawful interest from May 1839 signed George Golden foreman It is therefore considered & adjudged by the court that the plaintiff do have and recover of the Defendant the said sum of six hundred and twenty dollars & 79 cents & two hundred fifty six interest thereon & all costs in this behalf expended for which execution may issue

Smith & Adriance
James G. Swisher } In this cause the parties appeared and by agreement of parties it is ordered and adjudged by the court that the plaintiffs do have and recover of the Defendant the sum of nine hundred and fifty eight dollars and ten cents ($958.10) and all costs in this behalf expended for which execution may issue

30 Alexander Area
Jos W. Robenson } In this cause the parties appeared and by agreement of parties it is ordered and adjudged by the court that the plaintiff do have and recover of the Defendant the sum of two hundred and sixty nine dollars ($269) and all costs in this behalf expended for which execution may issue

October 15th 1847

John Hoover
34 John Hahenbarger } In this cause the parties appeared by their counsel and submitted the cause to the court. After hearing the parties with their witnesses the court ordered the appeal from the Justice to be dismissed and that a procedendo be awarded to the court below

Charles B. Stewart
40 Com Genl Land office } In this cause the parties appeared the parties appeared and by agreement the court ordered the cause to be continued

Moses Johnson Admr of Garrett
41 The Comr Genl Land office } In this cause the parties appeared and by consent the court ordered the cause to be continued

John M. Harrison
45 Nowland & Obrian } In this cause the plaintiff appeared and on motion of the plaintiff the court ordered the cause to be continued to the next term

John R. Slocumb
54 Nowland & Obrian } In this cause the parties appeared & the cause was continued by consent

Fall Term AD 1847

40. October 15th A.D. 1847

~~Brownrigg~~ Hatch } served by publication
~~W. M.~~ Shepherd } in this cause the pl.

Richard J. Brownrigg }
Samuel J. Hatch } Decree on original bill
William M Shepherd }

Be it remembered that in this case coming on to be heard ex parte, after due service by publication according to law, no appearance or answer being made at the return term or the present term of this court after hearing the bill of the plaintiffs Brownrigg & Hatch against the said William M Shepherd, and it appearing to the court that the said Defendant is a non resident, and the said plaintiffs adduced and presented to the court the bond of him said Shepherd as set forth in their bill. It is therefore adjudged ordered and decreed that all the interest that he the said William M. Shepherd had & held in and to the said certificates set forth in their bill and contained in said Defendants bond as before stated presented and shewn to the court, and all the land that may be secured and ~~covered~~ by the same, be and the same is hereby divested out of the said Defendant William M Shepherd and vested in them said Brownrigg & Hatch to wit, the head right certificate of George W. Pol No. 3 for one league and labor of land, date 17th of March 1838 and Isaac N Morelands bounty claim for twelve hundred and eighty acres No 2762 date 4th of April 1838 Also Samuel Kellogg bounty claim for six hundred and forty acres No 1467 dated January 1st 1838,

also John Kelsigs bounty claim for six hundred and forty acres No 275 & 144.

dated 3rd of April 1838. Also Gaudeloupe De Las Santas bounty claim for six hundred and forty acres, No 1463 dated 1st of Jany 1838, also Charles L. Widjeons bounty claim for six hundred and forty acres No 1466 dated 1st of Jany 1838. Also John Miles bounty claim for six hundred and forty acres No. 1468, dated 1st of Jany 1838. Also Henry bounty claim for six hundred and forty acres No 1465 dated 1st of Jany 1838, be and the same is hereby vested out of him the said William M Shepherd and vested in them the said Brownrigg & Hatch and that the Defts pay the costs of this suit

McMullen & McGloin
The State of Texas } In this cause the parties appeared by their counsel and by agreement the cause was continued with the understanding that the depositions taken in the name of McMullen alone are to be read if no other legal objection to them exists except the absence of McGloin's name as a co plaintiff in the Commission & return

Noah M. Smithwick & wife
Sarah Duty et al } In this cause the ~~parties~~ plaintiff appeared and on motion the court ordered the cause to be continued for service

Lewis Sandus Pur
of Saml Sandus
Sr. State of Texas } In this cause the parties appeared by their counsel and on motion the demurrer was overruled and the cause continued for trial

 October 15th A.D. 1847

State of Texas
~~Martin~~ H. Blemney } In this cause the parties appeared by their counsel and on motion of Deft the court ordered the indictment to be quashed the forfeiture of the bond and continuance set aside

The State of Texas
Samuel Heyrmeth } In this cause the parties appeared by their counsel and on motion the court ordered the continuance set aside and a Nol prosequi to be entered

Saturday Morning Oct 16th 1847
Court met pursuant to adjournment

Be it remembered that on this the 16th day of October A.D. 1847 before me Wm E. Jones judge of the second judicial District of the State of Texas in open court appeared Andrew O. Noone who having produced satisfactory testimony of his good moral character and producing a licence to practice law in the State of Missouri, It is therefore ordered that a licence issue to him authorizing him to practice in the District and inferior courts of this State

Nathaniel Townsend
Corn Genl Land Office } In this cause came the Dist: Attorney and asks an appeal to the supreme court which is granted by the court and notice given to the Plaintiffs Attorney

John W. Fancy trustee
A Lavory } In this cause the
the parties appearing It is ordered by the
court that the Judgment and decree hereto-
fore rendered in this cause at the fall term
1846 be amended so as to release the sale
of the negro mentioned therein now in
the possession of the Deft A. McArthur
and that a Judgment be and the same is
hereby rendered for the sum set forth in
said claim against said Lavory for which
an execution may issue

The heirs of Wm Mason
The State of Texas } In this cause
the parties appeared by their counsel &
submitted the cause to a jury to wit
Wm G. Strawn, Thomas Collins
Sol L. Johnson, William Bratton
Daniel French Bratton Mathew
Brown G. B. McCloskey, B Collins Thomas
Ware J. J. Grumbles and
all good and lawful men of the
county of Travis duly elected, tried and
sworn after hearing the parties with
their witnesses the jury returned the
following verdict to wit
We the jury find for the plaintiff
one third of a league of land
It is therefore considered and
adjudged by the court that the
plaintiff do have and recover of the
defendant the State of Texas one
third of a league of land and that
a certificate issue therefor according to
law The Deft asks an appeal to the
supreme court which is granted and this
appeal by the parties that all the questions of law and fact arising in this case may
be taken to the supreme court without the necessity of a new trial being prayed for

Fox & Cronican
John M. Swisher acting } In this cause the
secretary of the State of } parties appeared
Texas } and submitted the
cause to the court after hearing the par-
ties with their witnesses It is con

47. sidered and adjudged by the court that the plaintiff has not supported his claim and that he pay the costs of this suit for which execution may issue

George W. Barrett by his Attorney Martin Moore } James W. Jones et al } In this cause the parties appeared and the court orders the same to be continued until the next term of this court

John R. Slocum } 59 J. M. Turley } continued by consent

Noah Smithwick & wife } Joseph Duty et al } In this cause the plaintiff asks leave to amend his petition which is ~~ordered~~ granted by the court

John E. Lenn } The State of Texas } In this cause the parties appeared and submitted the cause to a jury to wit 1 Wm Bratton 2 Dean Turner 3 Jesse G. B. Collins 5 J. S. Johnson 6 G. B. McCloskey 7 Wm G. Stewart 8 Bratton 9 Mathew Brown 10 Thos Hale 11 Thos Collins 12 J. J. Grumbles all good and lawful men of the county of Travis duly elected tried and sworn according to law After hearing the parties with their witnesses the jury returned the following verdict to wit We the jury find for the State

It is therefore considered and adjudged by the court that the Litt pay the costs of this suit for which execution may issue And the plaintiff gives notice of an appeal to the supreme court ~~which is granted~~

and it is agreed by the parties that all question of law and fact arising in this cause may be taken to the supreme court without the necessity of a new trial being asked for

M. B. Menall
James B. Shaw Constructor } In this cause the parties appeared and on hearing the cause the court orders that the peremptory mandamus be refused and the cause dismissed and that the plaintiff pay all costs in this suit for which execution may issue and the plaintiff moves for an appeal to the supreme court which is ordered on his complying with the requirements of the law and the clerk of this court is hereby ordered and required in the event of this cause being carried to the supreme court either by appeal or writ of error to send up with the records the original stock certificates now on file in the cause

Albert G. Kemble
Martin Clark } In this cause the plaintiff appeared by his counsel & produced the bond set forth in his petition and prayed judgment thereon which the court refused inasmuch as there was no evidence that the promissory note for which said bond was given had ever been paid The court therefore orders that the plaintiff pay the costs in this suit for which execution may issue

J. F. Johnson
W. J. & M. R. Hamer } In this cause the parties appeared and on motion of the debt the court ordered the cause to be continued

449. Face Form AD 1847

Augustine H. Gillam heir of George M. Gillam
The State of Texas } continued by order of court

Mary Minor heir of Dorey H. Minor
The State of Texas } continued by order of the court

61 J. B. Bacon
Thos Osborne } In this cause the parties appeared and by consent the court ordered the cause to be continued

63 The heirs of George Dyer
The State of Texas } continued by consent

64 The heirs of Jas M. Sherry
The State of Texas } continued by consent

65 John Murphy
The State of Texas } continued by consent

66 The heirs of N. B. Walters
The State of Texas } continued by consent

67 Anna Reeves
The State of Texas } continued by consent

68 Daniel J. Woods
The State of Texas } continued by consent

69 The heirs of W. H. Call } continued by
The State of Texas } consent

70 The heirs of T. S. Churchhill } continued by
The State of Texas } consent

71 The heirs of J. P. Kemble }
The State of Texas }

72 The heirs of J. Donoho }
The State of Texas }

73 The heirs of Robert Owen }
The State of Texas }

74 The heirs of H. Martin }
The State of Texas }

75 The heirs of Reese }
The State of Texas }

76 The heirs of J. L. Wilson }
The State of Texas }

77 The heirs of J. S. Brown }
The State of Texas }

78 The heirs of Goodman }
The State of Texas }

79 Charles Jack }
The State of Texas }

80 Elizabeth Mays }
The State of Texas }

District Court Fall Term 1847

The State of Texas
vs
David Chandler

In this case came the Defendant into open Court and acknowledged himself held and firmly bound unto ~~the Governor of~~ James Pinckney Henderson Governor of the State of Texas and his successors in office in the sum of two thousand dollars well and truly to be paid by the said Chandler his heirs and legal representatives but to be void on condition ~~that he appear at the next term of the District Court~~ the following condition — That whereas the said David Chandler has been convicted by a jury of the County of Travis at its present term for the crime of Manslaughter committed upon one Claiborne a negro man from which verdict and the judgement of the Court thereon the Defendant has appealed to the Supreme Court Now therefore if the said Chandler shall well and truly make his personal appearance at the next term of the District Court of Travis County and from term to term thereafter then and there to abide whatever judgement or decree the Supreme Court may render then this obligation to be void else to remain in full force and virtue — — And then also came into open Court James Baker Horatio Grooms Joseph W Robertson Edward Seiders and James Cole into open Court and acknowledged themselves jointly and severally held and firmly bound unto ~~the Governor of the~~ James Pinckney Henderson Governor of the State of Texas and his successors in office in the sum of two thousand dollars to be levied of their goods and Chattels lands and tenements, but to be void upon the following conditions

That whereas the above bound David Chandler has been convicted at the present term of the District Court of Travis County of the crime of Manslaughter committed upon one Claiborne a negro man — and whereas the said Chandler has prayed his appeal from the verdict of the Jury and Judgement of the Court rendered thereon to the Supreme Court of the State of Texas. Now therefore if the said David Chandler shall well and truly make his personal appearance at the next term of the District Court for Travis County then and there to continue from day to day and term to term thereafter and then and there abide by whatever Judgement or decree the Supreme Court may render in said case then this obligation to be void else to remain in full force and virtue — —

State Face } Term A.D. 1847 . 452

David Chandler } The Defendent now appears in open court and moves for a new trial in this case because of the misdirection of the presiding judge in his charge to the jury

First that the admissions or confessions of the accused to a witness was the highest character of ~~evidence~~ testimony to establish the guilt of the accused and upon such testimony the jury were authorized to convict

Second for failing & refusing to charge the jury as asked by the accused "that the relation between a white man and a slave is different from that between white men, that if the slave raises his hand against a white man the white man has then a right to use force sufficient to put down the opposition, and if the slave be unintentionally killed by the white, it is not the crime of murder or manslaughter" but the judge charged that it might be the crime of manslaughter under the circumstances of the case and that a white man could be guilty of the crime of manslaughter on the body of a slave And that if the white man was in the act of whipping or beating the deceased without authority and in a conflict the deceased was unintentionally ~~killed~~ or inadvertently killed that it would be manslaughter

Then the jury found contrary to law and evidence

(Signed) D Chandler by his Atty

Which motion the Court overruled, to which opinion of the Court the Deft excepted & filed his bill of Exceptions which was signed by the judge &c

Fall Term Ad 1847

440. October 15th A.D. 1847

~~Brownrigg~~ Hatch } served by publication
W. M. Shepherd } in this cause the pl.

Richard J. Brownrigg }
Samuel J. Hatch } Decree on original bill
William M Shepherd }

Be it remembered that in this case coming on to be heard ex parte, after due service by publication according to law, no appearance or answer being made at the return term or the present term of this court after hearing the bill of the plaintiffs Brownrigg & Hatch against the said William M Shepherd, and it appearing to the court that the said Defendant is a non resident, and the said plaintiffs adduced and presented to the court the bond of him said Shepherd as set forth in their bill. It is therefore adjudged ordered and decreed that all the interest that he the said William M. Shepherd had & held in and to the said certificates set forth in their bill and contained in said Defendants bond as before stated presented and shewn to the court, and all the land that may be secured and ~~covered~~ by the same, be and the same is hereby divested out of the said Defendant William M Shepherd and vested in them said Brownrigg & Hatch to wit, the head right certificate of George W. Pol No. 3 for one league and labor of land, date 17th of March 1838 and Isaac N Morelands bounty claim for twelve hundred and eighty acres No 2762 date 4th of April 1838 Also Samuel Pellegs bounty claim for six hundred and forty acres No 1467 dated January 1st 1838,

Fall Term AD 1847

State vs David Chandler &c
See this case after the motion for a new trial had been heard & refused the accused David Chandler then filed his motion in arrest of the Judgment" as follows.

" State vs David Chandler
"In this case the accused comes into Court & suggest that no judgment can or should be rendered against him upon the finding of the Jury. Because the deceased is alledged in the bill of Indictment to be a slave and the verdict disproves the allegation in said Indictment that the offence or act charged therein was done with malice. And now here moves the Court to arrest & set aside the Same
And for other & good causes appearing therein
D Chandler

And which motion also coming on to be heard the Same is also overruled
To which opinion of the Court overruling said motion and also for refusing a new trial the Defendant in open Court gives notice of an appeal to the Supreme Court of Texas which is granted & he thereupon entered into recognizance &

Face Term A.D. 1847

James Cole
vs
Thos. H. Duggan

In this case came the attorney for the Defendant who moved for a new trial as follows – The Defendant moves for a New trial because the Verdict of the Jury is contrary to Law and the Evidence adduced in the case – Signed Webb atto for Defendant – which said motion being heard by the Court the same is overruled & refused – to which the Defendant excepted & prayed an appeal to the Supreme court – and it is ordered that the Statement of facts & all & written testimony be sent up to the Supreme court –

It appearing to the court that the following persons were regularly summoned according to law to serve as jurors at the present term of the court on the original venire (to wit)
H. McClure Lewis Menelle Benj F. Johnson and R. G. Parris and that they failed to attend in obedience to said writ it is therefore ordered by the court that a fine of ten dollars be entered against each and that a scire facias issue to each of them to appear on the first day of the next term of this court to show cause why the said judgment ni si should not be made final

And it also appearing to the court that the following persons were summoned according to to law on a special venire commanding them to appear and serve as jurors at the present term of this court in the [illegible] Thos Stamper
Goat Smithwick Samuel Naylette

Thomas Puckett Francis M. Pack

Millard M Parkerson Alexander Hamilton William Wilkes and that they failed to attend in obedience to said writ it is therefore ordered by the court that each of them be amended in a fine of ten dollars and that a Sure facias do issue to each of them commanding them to appear before this court on the first day of the next term to shew cause why this judgment nisi shall not be made final

It is ordered do now adjourn

Sine Die

William E. Jones
District Judge of the
Second Judicial Dist.

457 Be it remembered that on this the 15th day of February A.D. 1847 the following names were drawn according to law to serve as Jurors at the next term of the Dist. court of Travis county, by B D Bassford Clerk of said Dist. court & A. B. McGill Clerk of the county court of said county in the presence of Wm H. Cushney a Justice of the peace in and for said county of Travis (to wit)

1 James Baker
2 Lewis Capt
3 Samuel Taylor
4 R. D. McAnelly
5 James P McKenney
6 W. C. Rager
7 Claybourne Osborn
8 John S Osborn
9 John Edwards
10 Blunt Clements
11 Daniel French
12 Wiley Bailey
13 Matthias Wilbarger
14 Lamar Moore
15 John F. Webber
16 Thomas Freeman
17 Jeremiah Gregg
18 R. T. Chandler
19 J. S. Dodd
20 W. B. Burdett
21 J. D. Dorey
22 Owen O'Brian
23 Andrew O. Noon
24 J. L. Roundtree
25 William Sowers
26 George W. Glascock
27 William Simpson
28 F. M. Nash
29 H. D. Edwards
30 Isaac Pierson
31 James M Swisher
32 John D. McLow
33 J. P. Banning
34 J. J. Grumbles
35 Isaac Harris
36 Henry Cheatham

B D Bassford Clerk
D. C. T. C.

A B McGill
Clk C C T C

W H Cushney
J. P. T. C.

District Court Spring Term 1848

Be it remembered that there was began and held at the City of Austin in the county of Travis a District Court on Monday the 20th day of March A.D. 1848 present J. H. Mathews Sheriff and A. H. Hopkins Dpy Clerk the Hon. Wm E. Jones Judge of said court not being present the Sheriff adjourned court untill ten Oclock to morrow morning

Tuesday the 21st day of March 1848
Court met pursuant to Adjournment present J. H. Mathews Sheriff & A. H. Hopkins D. Clerk the Hon. Judge of the Court not being present the Sheriff Adjourned Court untill ten Oclock to Morrow Morning

Wednesday the 22d of March 1848
Court met persuant to Adjournment present J. H. Mathews Sheriff & A. H. Hopkins D. Clerk the Hon. Judge of the court not being present the Sheriff Adjourned Court untill tomorrow Morning ten Oclock

Thursday March the 23d 1848
Court met pursuant to Adjournment present The Hon. William E. Jones Judge of the second judicial District J. H. Mathews Sheriff & ~~A. H. Hopkins~~ B. D. Bosford Clerk and John A Green Dist attorney

The Sheriff returned into court the venire facias whereby it appeared that he had Summoned the following Persons good and lawful Men of said county to serve as jurors at the present term of the court viz

1	Jas. Baker	13	Mathias Wilbarger	25	Wm Lowers
2	Lewis Capt ×	14	Lamar Moore ×	26	George W. Glass
3	Lemuel Taylor	15	John F. Webber ×	27	Wm Simpson ×
4	R. D. McAnnelly ×	16	Thos Freman ×	28	F. M. Nash ×
5	Jas P. McKenny ×	17	Jeremiah Gregg	29	H. D. Edwards
6	W. C. Rager ×	18	R. T. Chandler	30	Isaac Pierson
7	Clayboum Osburn	19	J. S. Dodd	31	Jos M Swisher
8	John S Osburn	20	W. B. Burdett ×	32	John D. McClou
9	John Edwards ×	21	J. D. Doxy	33	J. P. Banning ×
10	Blount Clements ×	22	Owen O'Brien ×	34	J. J. Grumbles
11	Daniel French ×	23	Andrew C. Horn	35	Isaac Harris
12	Wiley Bailey	24	J. L. Roundtree	36	H. Cheatham ×

of these so Summoned the following persons appeared in Obedience thereto all good and lawful Men of said county & were all

sworn to serve as grand jurors at the present term of the court in accordance with law (to wit) Lewis Capt Robt D. McC Jas R. McKinney Wm C. Rager. John Edwards Blo Clements Daniel French Lander Moore John F Webber Thos Freeman Wm B Burdett Owen O'Brien Wm Simpson F. M. Nash Jas M. Swisher J. R. Banning A. J. Grumbles Henry Cheatham

the court appointed Lamar Moore Foreman of the grand jury & having recd the charge of the court touching their duties they retired in charge of Malkyah Highsmith the Bailiff to consider of their presentments

The following persons were sworn to serve as petit jurors During the present term of the court (to wit) G. W. Glopcock, Wm Sowers C. C. Cash Geo B. McClusky Thos Osburn, John H. Slocomb John M. Swisher Samuel Hazel M. W. Stamper Charles Walker D. C. Cu David Coleman

On Motion the following persons were Excused from serving as jurors at the present term (to wit) William Lindsay, N. Boyce, Benjamin Grumbles Samuel Stone Jeremiah Gregg

The State of Texas v.s. B. F. Johnson } In this case the parties appeared & the Court ordered the fine to be remitted & Defendant to pay all Costs

The State of Texas v.s. Samuel Hazlet } In this case the parties appeared and the court ordered the fine to be remitted

The State of Texas v.s. Millard Parkison } In this cause the parties appeared and the court ordered the fine to be remitted

The State of Texas

Alexander Hamilton } In this cause the parties appeared and the court ordered the fine to be remitted

The State of Texas

Wm Wilkes } In this cause the parties appeared and the court ordered the fine ~~cause~~ to be ~~continued~~ remitted

John R. Jones

No 5 Plaintiff Frances W. Ogden } In this cause the ~~parties~~ appeared and on motion the cause was continued for service

James Scott et al v. J. M. Jackson } In this cause on motion of the clerk the court ordered the plaintiffs to give security for costs on or before the first day of the next term of this court

No 19 P. B. Cocke Benj Jackson } This cause was continued ~~by~~ under the former order of the court

Spring Term AD 1848

Friday March 24th 1848 court met pursuant to Adjournment present the Hon Wm E. Jones Judg J. H. Mathews Sheriff and B. S. Bapford Clerk

No 1 A. Underwood v.s. H. G. Collet — In this case comes the plaintiff by his attorney and the Defendant being solemly called come not but made Default it is therefore Ordered by the court that the Judgment Nisi rendered at the last term of this court be made final & that the plaintiff do have and recover the Sum of twenty seven & four hundred & Dollars and 33/100 together with his costs in this behalf Expended for which Execution May Issue

No 3 Samuel Ricker v.s. Samuel Whiting — In this case the plaintiff having failed to give Security for cost it is Ordered by the Court that this cause be Dismissed at plaintiff cost — for which Execution May Issue —

No 5 John R. Jones v.s. Frances Ogden — It is Ordered by the court that this cause be continued for Service

No 6 James Powers v.s. The State of Texas — Ordered by the Court that this cause be continued by consent of parties

No 7 James Powers v.s. Anson Jones President — It is Ordered by the court that this cause be continued by consent of Parties

No 8 Jos. Scott et al v.s. Alden A. M. Jackson — On Motion of the clerk it is Ordered that the plaintiff in this cause be ruled to give to give Security for cost whereupon came Geo W. Glasscock and Acknowledged himself bound as Security for all cost in this Suit

f° 11

f° 12

f° 15

f° 17

f° 21

f° 23

f° 24

Spring Term 1848

No 11 Austin and Williams
vs
The State of Texas } ~~In this cause~~ it is Ordered by the Court that this cause be continued by consent of parties

No 12 McMullen & McGlein
vs
The State of Texas } It is Ordered by the Court that this cause be continued by consent of parties

No 15 Henry Adams
vs
the Heirs of
Daniel Browning } It is Ordered by the court that this cause be continued for Service

No 17 David G Burnet
for the use of
Whiting & Co
vs
The State of Texas } It is Ordered that this cause be continued by consent of Parties

No 21 James H Edrington
vs
Susan L. Ward } In this cause comes the plaintiff by his attorney, and the defendant having been solemnly called came not but made default wherefore it is Ordered that plaintiff have Judgment against the said Defendant unless he appear & Answer in the time prescribed by Law

No 23 Alexander Area
vs
Samuel Whiting } It is ordered that this cause be continued by consent of parties

No 24 S. Highsmith
vs
Moses Johnson Admr
of the Estate of
J W Garrett Decd } ~~It is ordered by the court that this cause be continued by consent~~ In this cause comes the plaintiff by his attorney, & defendant being solemly called came not but made default wherefore it is ordered that plaintiff Judgment ~~Agreeing~~ to the prayer of his petition against the said Defendant unless he appear & Answer in the time prescribed by Law

No 25 R. H. Grimes
v.s.
Moses Johnson Admr
of the Estate of
J. W. Garrett Deest

In this cause comes the plaintiff by his attorney and the defendant being solemnly called comes not but makes default wherefore it is considered by the court that the said plaintiff have judgement of said defendant according to the prayer of his petition unless the defendant appear and answer within the time prescribed by law.

No 26 Theodore Bissell
vs.
Darling and Weaver

In this cause the plaintiff asks leave to amend his petition wherefore it is ordered that he have leave leave according to his prayer. and that the cause be continued until the next term of the court by consent of parties.

No 37. William P. Orr
vs
William R. McClure

In this cause comes the plaintiff by his attorney and the defendant being solemnly called comes not but makes default. wherefore it is ordered by the court that the judgement ni. si. rendered at the last term of this court be made final, and that the plaintiff do have and recover of the said defendant the sum of dollars and together with his costs in this behalf expended for which execution may issue

No 38 Joseph F. Smith
vs.
Commissioner of the
General Land Office

It is considered by the court that this cause be continued until the next term of the court

No 39 Joseph Plummer
vs.
The Commissioner
of the General Land
Office

It is considered by the court that this cause be continued ~~by the court~~ until the next term of the court

U. S. Circuit Court Spring Term 1844

464.

40 Charles B Stewart
vs
The Commissioner of the General Land office

It is considered by the court that this cause be continued until the next term of the court

44 Jonathan Bangs
vs
Sam Houston Pres.

It is considered by the court that this cause be continued until the next term of the court

47 William H Murray
vs
The Heirs of Thomas L. Jones

It is ordered by the court that this cause be dismissed.

49 P. B. Cocke
vs
Benjamin Grayson
of the court

It is ordered that this cause be continued under the order of the last term

50 James Powers
vs.
The Commissioner of the Genl Land Office et. al.

It is ordered that this cause be continued until the next term of the court

52 John R. Slocum
vs
I. M. Burley

In this cause comes the defendant by his Attorney and moves the court to dissolve the injunction & to dismiss the Bill of Complt whereupon it is submitted to the court upon the bill and answer

59 John M. McCalla
vs.
George B. Crews

In this cause comes the plaintiff by his attorney, and the defendant being solemnly called comes not but makes default. Whereupon it is considered by the court that the said judgment nisi rendered at the last term be made final and that the said plaintiff have and recover of said defendant the sum of dollars and cents together with his costs in this

District Court March Term 1848

behalf expended for which execution may issue

No 60 Jos. P. Henderson governor v. s. Boyce & others — In this cause came the plaintiff by his attorney and the Defendant being solemnly called came not but made default wherefore it is Ordered by the Court that the plaintiff have judgment against the said Defendants unless they appear and Answer in the time prescribed by law

No 84 S. P. Bent v. s. Deannah Gilliland — In this case the parties appeared by attorney and on Motion of the plaintiff attorney it is Ordered by the Court that this cause be continued

No 85 Jos. M. Alexander v. s. John S. Ford & S. P. Ross — In this cause it is Ordered by the court that this cause be continued for Service as to ford

No 87 Henry McElroy v. s. Daniel French — it is Ordered by the Court that this cause be continued for service and the Instance of the Clerk it Ordered by the court that the Defendant give Security for costs on or before first day of the next term of the court the plaintiffs attorney being present

No 91 J. B. Bacon v. s. Thos Osbourne — In this cause the parties appeared whereupon came the jurors of a Jury (to wit) Geo W Glasscock Wm Sowers C. C. Cushman Geo W. McClusky Leander Brown John R. Slocum John M. Swisher Thos Pucket D. C Cady David Coleman Charles Walker Wm G. Strauss all good and lawful men who being duly sworn well and true to try the Issue joined between the parties returned into court the following verdict (viz) we the jury find for the plaintiff twelve dollars it is therefore considered by the Court that the plaintiff have and recover the sum of twelve dollars of the Defendant in form aforesaid ~~according to the verdict of the jury~~ assessed and that the ~~Defendant~~ Plaintiff recover the cost in the court below Expended & that the ~~Defendant~~ Plaintiff have & recover of the said ~~Plaintiff~~ Defendant the cost in this court expended for which Execution may Issue the which [illegible]

District Court March Term 1848

It is Ordered by the court that Tuesday the 30th of March 1848 be set apart for the trial of Criminal Causes —

No 95 D. P. Burhyatt v. S. C. C. Cushman — In this cause came the parties and on Motion of the Defendant it is Ordered that this cause be continued

No 96 Timothy McKean v. S. M. Zillah — In this cause the Answer filed and Set for Wednesday the 29th March 1848 —

No 98 John G. Colison v. S. Newland McKinzie — It is Ordered by the Court that this cause be continued for Service

No 99 Isaac Harris v. S. The Heirs of Aaron Boyce — In this cause it is Ordered by the Court that I will be appointed Guardian Ad Litem of the Minor heirs of said Aaron Boyce

No 100 Henderson Monday v. S. William Bowers — In this cause came the plaintiff by attorney and the Defendant being solemnly called came not whereupon it is ordered by the court that the plaintiff have Judgment against said Defendant unless he appear and Answer in the time prescribed by law

No 101 A. L. M. Jackson v. S. Caroline E. Jackson — In this cause the plaintiff appeared by his Attorney & the Defendant being Solemnly called came not whereupon it is Ordered by the Court that the plaintiff have Judgment against the Defendant upon proof to be made unless he appear and Answer in the time prescribed by law —

District Court Spring Term 1848

No 102 H. W. Munro
v.s.
John Crater

In this cause the Defendant filed his Answer & on Motion it is Ordered by the court that the plaintiff be ruled to give security on or before the first day of the next term of this court

No 103 Cochran
administratrix
v.s.
John H. Webber

In this cause the plaintiff came by attorney and the Defendant being solemnly called came not whereupon it is Ordered by the court that the ~~cause be~~ plaintiff have judgment against the said Defendant unless he appear and answer in the time prescribed by law

No 106 Edward Dyer
v.s.
Thos. McGee

In this cause the plaintiff appeared by attorney and the Defendant being called came not but made Default whereupon it is Ordered by the court that the plaintiff have judgment against said Defendant unless he appear and answer in the time prescribed by law

No 108 B. M. Watson
v.s.
Samuel Stone

In this cause Duval appeared appeared for Defendant

No 109 The State of Texas
v.s.
Wm. M. McClure

In this cause the plaintiff appeared & the Defendant being solemnly called came not but made defaults whereupon it is ordered by the court that the plaintiff have judgment against said Defendant unless he appear and answer in the time prescribed by law

District Court. March Term 1848. 468

No 110 The Corporation of the city of Austin vs. Owen O'Brien } In this cause the plaintiff appeared by attorney and the Defendant being called came not but made default whereupon it is Ordered by the Court that the plaintiff have judgment against the said Defendant unless he appear and answer in the time prescribed by law

No 111 The State of Texas vs. F. M. Nash } In this cause the cost being paid it is ordered by the Court to be Dismissed

No 112 The State of Texas vs Owen O'Brian } In this cause the plaintiff appeared and the Defendant being solemnly called came not but made default whereupon it is Ordered by the court that the plaintiff have judgment against the said Defendant unless he appear and answer in the time prescribed by law

No 113 ~~The State of Texas vs Samuel Stu~~ ~~In this cause the plaintiff appeared by attorney and the Defendant being solemnly called came not but made default whereupon it is ordered by the Court that the plaintiff have judgment against said Defendant unless he appear and answer in the time prescribed by law~~

No 28. David G Burnet vs Anderson Hutchinson } This day came the plaintiff by his attorney, and the defendant being solemnly called, came not, and a Jury, to wit, C C Cushman, Geo B. McClusky, John M. Swisher, John R Selcomb, Saml Hazlet, Charles Walker, D C Cady, David Coleman, Thomas Pickel, Abner H Cook, P F Bowman and David Farr being sworn to enquire of damages in this suit, upon their oath do say that the plaintiff hath sustained damages, by reason of the defendant's non performance of his promise and assumption in the Petition mentioned, to Ninety five dollars and twenty two cents, besides his costs. Therefore it is considered by the Court that the plaintiff recover against the defendant his damages assessed as aforesaid, and his costs by him about his suit in this behalf expended.

District Court Spring Term 1848

Saturday Morning March the 25th 1848
Court Met pursuant to Adjournment present the Hon. William E. Jones Judge J. H. Mathews Sheriff and A. W. Hopkins Deputy Clerk Jno. A. Green Dist. atty whereupon the following proceedings were had (to wit)

No 103 Hamilton Whit
vs.
Geo. W. Glasscock

In this cause the parties appeared ~~by the~~ their attorneys whereupon came the jurors if a jury (to wit) C. C. Cushman, Geo. B. McCusky, John M. Swisher, John R. Slocomb Samuel Hazlet, Charles Walker D. C. Cady David Coleman Thos. Puckett Abner H. Cook P. F. Bowman David Farr all good and lawful men who being duely sworn according to law will and truely to try the Issue joined between the parties retired to consider of their verdict and having dispersed without rendering a verdict it is ordered by the court that a mistrial be awarded & case continued & on motion of the Defendants counsel ~~that~~ it is ordered by the court that the plaintiff by ruled to give security for costs on or before the first day of next court whereupon came W. B. Burdett and acknowledged himself bound for ~~said~~ all costs which has or may accrue in this cause

No 105 Hamilton Whit
vs.
Geo. W. ~~Glas~~ Glasscock

In this cause it is Ordered by the court that the Sheriff be fined Ten dollars for allowing the jury to disperse without leave of the court and that the jurors ~~to wit~~ respectively (to wit) C. C. Cushman, Geo. B. McCusky, John M. Swisher John R. Slocomb Samuel Hazlet, Charles Walker, D. C. Cady David Coleman, Thos Puckett Abner H. Cook, P. F. Bowman David Farr be fined five dollars, Each for dispersing without permission of the court —

District Court Monday March the 27th 1848.

No. 38 ~~David G. Burnet~~ vs. ~~Anderson Hutchison~~ } ~~In this cause the~~

Ordered by the Court that Court adjourned untill 10 Oclock Monday Morning next

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Monday, Morning March the 27th 1848
Court met pursuant to adjournment present the Hon. William E. Jones Judge, J. H. Mathews Sheriff, A. H. Hopkins Deputy Clerk and Jno. A. Green Dist. attorney whereupon the following proceedings were had (to wit)

Harvey Smith vs C. Wilcox } In this case comes the defendant and moves the court that this case be dismissed whereupon it is ordered by the court that the plaintiff's suit be dismissed, and ~~at that~~ the plaintiff pay the costs of this suit for which execution may issue

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David G. Burnet vs Louisa Barton } This day came the plaintiff by his attorney and the defendant being solemnly called, came not, and a jury, to wit, John M. Swisher, C C Cushman, George B. McCluskey, John R Slocomb, Charles Walker, David Coleman, Abner H Cook, P. F. Bowman, David Farr, ~~C C Browning, Alfred Smith~~ Leander Brown, Samuel Stone, Geo W. Glasscock, being sworn diligently to enquire of damages in this suit, upon their oath do say that the plaintiff hath sustained damages by reason of the defendant's non performance of the promises and assumptions in the plaintiff's petition mentioned, to two hundred and ninety dollars, fifty two cents, besides his costs — Therefore it is considered by the Court that the plaintiff recover against the defendant his damages assessed as aforesaid, and his costs by him in this behalf expended. for which Execution may issue

District Court Monday March 27th 1848

No 19 Harvey Smith
v.s.
O. Willcox } In this cause came the parties By their attorneys & on Motion of defendants counsel it is Ordered by the court that this cause be dismissed at the cost of the plaintiff for which Execution May Issue

No 53 Samuel H. Blish
v.s.
Samuel Hazlet } In this cause came the Defendant & on Motion N. W. Bain Administrator of the Estate of Blish was made plaintiff & this cause Ordered to be continued by consent of parties untill the next term of this court

No 57 John M McCalla
George Jones } In this cause the parties appeared by their counsel and on motion the court ordered the Judgment finally default set aside and the cause continued until the next Term of this court

No 61 Noah M Smithwick
& wife
vs
Joseph Dutey et al } continued

District Court March Term 1848

~~P. Bird~~
~~Deanah Gittilam~~

Henry Jones
George J Hancock } In this cause the parties appeared by their counsel and on motion of the plaintiff the court orders the cause to be continued to the next term of this court

Isaac Harris
The Pursuit law of
Aaron Boyce

District Court March Term 1848

The Grand Jury came into Court ~~and returned~~ then being a full and legal panel present and returned the following bills of indictment and presentment to wit.—

~~The Grand Jury returned into court the following bills of indictment to wit~~

The State of Texas } Betting at Faro Bank
Wm. J. Stamper } A true Bill — "Lamar Moore Foreman"

The State of Texas } Betting at a Faro ~~Bank~~
Charles Railey } bank
A true Bill "Lamar Moore Foreman"

The State of Texas } Betting at a
Martin W. Stamper } Faro Bank
A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a Faro Bank
John Connor } bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a Faro Bank
Jeremiah W. Robertson } Bank — A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a Faro Bank
Jeremiah Robertson } Bank — A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a Faro ~~Bank~~
Alexander Allen } Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a Faro Bank
Michael Butcher } bank, A presentment by the Grand Jury

The State of Texas } Betting at a Faro ~~Bank~~
Adolphus Sterne } bank A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a Faro Bank
James W. Henderson } Bank A true Bill
Lamar Moore
Foreman

District Court March Term 1848

The State of Texas } Betting at a Faro
James Willie } Bank a true Bill
James Moore Foreman

The State of Texas } Betting at a
McRea } Faro Bank a true Bill
James Moore Foreman

The State of Texas } Betting at a
Dooley } Faro Bank
a true Bill
James Moore Foreman

The State of Texas } Betting at a
Wm B. Stewart } Faro Bank a true
Bill James Moore Foreman

The State of Texas } Betting at a
Benj F. Tankesley } Faro Bank
a true Bill
James Moore Foreman

The State of Texas } Betting at a Faro
Michael Burcher } Bank a true Bill
James Moore Foreman

The State of Texas }
Lee Gray } Assault & Battery
a true Bill James Moore
Foreman

The State of Texas } Betting at a Faro
Henry Lewis } Bank a true Bill James Moore
Foreman

The State of Texas } Betting at a
Abel F. Cunningham } Faro Bank
a true Bill
James Moore
Foreman

The State of Texas } Exhibiting a
Pitcock } Faro Bank
a presentment by the
Grand Jury

The State of Texas } Betting at a Faro
Peter Renfro } Bank a Presentment

The State of Texas } Exhibiting a
Hamilton } Faro Bank
~~a presentment~~ by the Grand Jury

The State of Texas } Exhibiting a Faro
Joseph Walker } Bank a presentment by
the Grand Jury

The State of Texas } Betting at a Faro
~~John H. [illegible]~~ } Bank a true Bill
John H Greer
James Moore Foreman

District Court March Term 1848

The State of Texas } Exhibiting a Faro
Raveley Autrey } Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a Faro
Robert Williamson } Bank A true Bill Lamar Moore
Foreman

The State of Texas } Exhibiting a
Abram Taylor } Faro Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a
Everett H. Scott } Faro Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a
Raines } Faro Bank "A presentment
by the Grand Jury"

The State of Texas } Exhibiting a
Wm R. Young } Faro Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a
Garza } Faro Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a
Wm B. Underhill } Faro Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a
William T. Brown } Faro Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Betting at a Faro
Frances Hatch } Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a Faro
Elliot } Bank A true Bill. Lamar Moore
Foreman

The State of Texas } Assault & Battery
Millard M. Parkinson } A true Bill Lamar Moore
Foreman

The State of Texas } Assault with in-
Millard M. Parkinson } tent to Kill A true Bill
Lamar Moore Foreman

Exhibiting a Faro Bank

The State of Texas } ~~Assault with~~
William R. Allen } ~~intent to Kill~~
A true Bill Lamar Moore
Fo...

District Court March Term 1848

The State of Texas } Exhibiting a
William J. Wilburn } Faro Bank
A true Bill Lamar Moore
Foreman

The State of Texas } Betting at a
Rawley Autrey } Faro Bank
A true Bill Lamar Moore
Foreman

The State of Texas } Betting at a
William M. Ahron } Faro Bank
A true Bill Lamar Moore
Foreman

The State of Texas } Betting at a
Robert H. Wynne } Faro Bank A true
Bill Lamar Moore Foreman

The State of Texas } Betting at a
James Denison } Faro Bank A true Bill
Lamar Moore Foreman

The State of Texas } Betting at a
Josiah Drew } Faro Bank
A true Bill Lamar Moore
Foreman

The State of Texas } Betting at a
Jack Dalk's } Faro Bank A
true Bill Lamar Moore Foreman

The State of Texas } Betting at a Faro Bank
Thomas J. Jennings } A true Bill Lamar Moore Foreman

The State of Texas } Betting at a Faro
Jerome B. McCowen } Bank A true Bill
Lamar Moore
Foreman

The State of Texas } Exhibiting a Faro bank
Thomas Carlisle } A true Bill Lamar Moore Foreman

The State of Texas } Betting at a Faro
Wm C. Edwards } Bank A true bill
Lamar Moore Foreman

The State of Texas } Exhibiting a
Raphael Garza } Faro Bank
A true Bill Lamar Moore
Foreman

The State of Texas } Betting at a
Jimmie W. Eddy } Faro Bank
A true Bill Lamar Moore
Foreman

District Court March the 27th 1848

The State of Texas } Betting at a Faro Bank
Wm T. Saddler } a true Bill Lamar Moore Foreman

The State of Texas } Betting at a
Winkler } Faro Bank a true
Bill Lamar Moore Foreman

The State of Texas } Betting at a
James T. Mayfield } Faro Bank a true
Bill Lamar Moore Foreman
Court adjourned until tomorrow morning at
eight o'clock

X

Tuesday Morning March the 28th 1848
Court Met pursuant to Adjournment present
the Hon. William E. Jones Judge J. W.
Mathews Sheriff B. L. Bapford Clerk, John A.
Green &c. whereupon the following proceedings
were had (to wit)

Henry Adams }
The heirs of Daniel } In this cause the par
Browning dream } ties appeared by their
counsel and on motion the court ordered
the continuance to be set aside and by
consent the Defendant has until the ~~next~~
first day of the next term to file his
defence and the cause continued by con-
sent

The heirs of George Dyer } In this cause
The State of Texas } the parties ap
peared by their counsel and submitted the
cause to the court on demurrer. After
the arguments of the counsel it is agreed
by the parties the decision of the cause
be held up until the next term of this
court

2 The State of Texas } Assault & Battery with
George W. Barret } intent to kill

In this case the State appeared by its counsel and a Nolle prosequi was ordered by the court on motion of the Dist: Atty

3 The State of Texas } Betting at Faro
Washington Secrets }

In this cause the state appeared by its counsel and a Nolle prosequi was ordered by the court on motion of the Dist: Atty

5 The State of Texas } Keeping a Faro Bank
William Dean }

In this cause the State appeared by its counsel and a Nolle prosequi was ordered by the court on motion of the Dist: Atty

6 The State of Texas } Keeping a Faro Bank
David E. Underhill

In this cause the State appeared by its counsel and a Nolle prosequi was ordered by the court on motion of the Dist: Atty

9 The State of Texas } Betting at Faro
John Roberts }

In this cause the State appeared by its counsel and a Nolle prosequi was ordered by the court on motion of the Dist: Atty

10 The State of Texas } Betting at Rowlette
Dock Autry }

In this cause the state appeared by its counsel and on motion the court ordered capturies capias and the cause continued until the next term of this court

District Court March the 28th 1848

12 The State of Texas } Keeping a Faro Bank
Dock Autry }
In this cause the State appeared by its counsel and on motion the court ordered a plurias capias and the cause continued

13 The State of Texas } Keeping a Rowlette
Shirley }
In this cause the ~~parties~~ State appeared by its counsel and a Nolle prosequi was ordered by the court on motion of the Dist Atty

20 The State of Texas } Betting at Faro
Benjamin F. Hill } In this cause the parties appeared by counsel and on motion the court ordered the indictment to be quashed

23 The State of Texas } Keeping a Faro Bank
John Roberts }
In this cause the State appeared by its counsel and suggested the death of the Deft whereupon the court ordered a Nolle Prosequi to be entered on motion of the Dist. Atty

The State of Texas } Betting at Faro
Joshua Holden } In this cause the ~~parties~~ State appeared by its counsel and on motion the court ordered a plurias capias and the cause continued

The State of Texas } Unlawful gambling
John T. Blake and }
29 Thomas Rice } In this cause the ~~cause was~~ State appeared by its counsel and on motion the cause was continued as to Rice and capias ordered to the county of Bastrop

The State of Texas } Assault and Battery
William Custure }

In this case the state appeared by its counsel and a Nolle Prosequi was ordered by the court on motion of the Dist: Atty

The State of Texas } Betting at Faro
Henry Sublet }

In this cause the State appeared by its counsel and on motion the court ordered the indictment to be quashed

The State of Texas } Keeping and exhibiting a
37 Joseph Pilant } Faro Bank

In this cause the State appeared by its counsel and on motion of the Dist Atty a Nolle Prosequi was ordered by the court on motion of the Dist: Atty

The State of Texas } Betting at Faro
39 Joshua Holden }

In this cause the State appeared by its counsel and on motion a Pluries capias was ordered by the court and the case continued

40 The State of Texas } Keeping a Faro Bank
Ana Harris }

In this cause the State appeared by its counsel and the death of the Defendant being suggested the court ordered a Nolle Prosequi to be entered on motion of the Dist: Atty

41 The State of Texas } Murder
Joshua Holden }

In this cause the State appeared by its counsel and on motion the court ordered a capias to issue and the cause to be continued until the next term of this court

District Court March the 28th 1848

42 The State of Texas } Assault and Battery
Hugh N Swishon, with intent to kill
In this cause the ~~parties~~ State appeared by its counsel and on motion the court ordered a pluries capias to the county of Bastrop and the case to be continued

The State of Texas } selling Liquors
Martin Moore & } without licence
Henry Blessing }
In this cause the ~~parties~~ District attorney and also came the Defendant Martin Moore in his own proper person ~~appeared~~ and submitted the cause to a Jury to wit John M Swisher and eleven others after hearing the parties with their witnesses the Jury returned the following verdict to wit
We the Jury find the Defendant not Guilty
Seymour & John M Swisher
Foreman

Isaac Harris
V.S.
The Heirs at Law of
Aaron Boyce } This cause came on for trial upon the Bill Answer Exhibit & testimony and the parties appearing by their attorneys and the facts at Issue being submitted to a Jury of good & lawful Men (to wit) John M. Swisher. David Farr Geo. B. McCusky C. C. Cushman, David Coleman C. C. Browning. Wm Hotchkiss, Joseph Duty, Samuel Stone John Stone William J Stamper George W. Glosscock
who being duly sworn According to law they returned the following verdict to wit we the Jury find that the allegations set forth in plaintiffs petition are true whereupon it is Ordered adjudged & decreed by the Court that the said plaintiff Isaac Harris have & receive of the Defendants Mark Moss and Maryann Moss his wife Isaac Boyce Stephen Boyce

District Court March 28th 1848.

Elizabith Boyce Elvira Boyce Malvena Boyce Aaron Boyce, William Boyce, and John Boyce in fee simple the real Estate as set forth in the said plaintiffs petition and described as follows to wit a Survey for Isaac Harris out of a Lager of land Granted to Aaron H. Boyce Beginning on the center of the N. W. Boundary line 200 varas on the East side of the west fork of Gilliands Creek at a Mound of Stone & dirt thence south 60° East 500 varrahs to another Mound of Stone & dirt, thence South 30° West 607 varas to Gilliands Creek thence North 30° West 85 varas with said creek thence South 30° West 695 varras to a Mound for the South East corner thence North 60° West 1130 varas to a Mound for the Southwest corner thence North 30° East 1291 varas to the place of beginning containing one hundred Acres

It being hirby Ordered Adjudged & decred that the said plaintiff, Isaac Harris his heirs and assigns have and hold the aforesaid premises with the appurtenances & that this Decree have the force and effect of a Deed of conveyance to the said plaintiff his heirs & assigns conveying in fee simple all the right title and Interest of the said Defendants in and to the premises aforesaid as well as all the Right Title and Interest of the said Aaron H. Boyce had at the time of his Death and it is Decred that the Clerk of this Court Issue and Deliver to the plaintiff a certified Copy of this Decree as a Muniment of title and it is Ordered and Decred that the plaintiff pay all Cost of this suit within Thirty days or that Execution May Issue as at Law

Martha J. Orr Administratrix
of Wm L Orr and
Thos King
vs.
William R. McCurry

In Chancery

It appearing to the Satisfaction of the court that process in this case was duly served by publication According to

March 29th 1848

Law on the Defendant Wm H. McClure previous to the fall term 1847 of this court and the said Defendant Wm. Solemnly called not appearing to Answer the Bill of the complainant at said fall term 1847 a Judgment by Default nisi was then & there rendered against him for want of Answer to said Bill & the said Defendant was then & there Ordered to Answer the same on or before the first day of the present term of this court or said Judgment by Default would be made final, and the matters and things contained in said complainants Bill be taken as confessed and decreed Accordingly - and the said cause coming on to be heard now at the present term of this court the said Defendant Wm Solemnly called again failed to appear & Answer said Bill wherefore said Judgment by Default was made final, and the Matters & things in said Bill taken as ~~confessed~~ & it appearing to the Court that after the Commencement of this suit the said Thos A. King Duely transfered to the said William S. Orr then in life all his right title & Interest in & to all of the lots of land mentioned in said Bill & the subject of controversy, in this suit & that the said Martha J. Orr as Administratrix of the estate of said William S. Orr is now the only party plaintiff in Interest in said suit, it is therefore Ordered Adjudged & decreed that the said Martha J. Orr as Administratrix aforesaid, recover from the said William H. McClure all his undivided Interest in to lots Number five, Six, Seven & Eight in Block No Seventy, in the City of Austin as described in said Complainants Bill & that the clerk of this Court Make and Execute to said Martha J. Orr, Administratrix aforesaid, a good & sufficient Deed for all of said McClure right title & Interest in & to said lots, & it is further Ordered Adjudged & Decreed that the complainant recover her costs in this behalf Expended & for which Execution may Issue

Wednesday Morning March the 29th 1848

Court Met pursuant to Adjournment present the Hon. William E. Jones Judge J. H. Mathis Sheriff B. D. Bosford clerk John A. Green District atty whereupon the following proceedings were had (to wit)

No 55 Ernest Kleburg surviving partner &c.
v.s.
J. H. Cochran &
T. H. W. Forsyth

In this cause comes the plaintiff by his attorney & the Defendant although Solemnly called come not but makes default and the said cause having been duly continued from the fall term of said court and being again duly called and the Defendants not appearing then final Default is entered now on this fifth day after the opening of the present Session of said court the cause came on to be heard & the court having duly inspected the said Instrument made to petitioner by the said Cochrane the same is decreed to be a Morgage & it is considered by the court the same be foreclosed & that the petitioner recover of the said John H. Cochrane the sum of fiftyfive dollars with interest on the same from the 19th day of March 1842 untill paid together with his costs in this behalf Expended and that an Execution Issue to the Sheriff to sell the said premises in the said Morgage discribed for cash without appraisment and that a further Execution Issue if necessary as prescribed by ~~Law~~ Statute

And it is further Adjudged & Decreed that the said Thos. H. W. Forsyth be Divested of the title to said Land & that the same be adjudged & decreed to the purchaser under the sale by virtue of said Mortgage so far as the said Forsyth & his heirs are concerned & that the title be quieted in such purchaser & that the petitioner have his full costs out of said fund if the same be sufficient

The State of Texas
County of Travis

No 101
Alden A. M. Jackson
v.s.
Caroline E. Jackson

In the District Court Spring Term 1848

And now at this day that is to say on the twenty ninth day of March in the year of our Lord one thousand Eight hundred and forty Eight before the Hon. William E. Jones Judge &c. comes the said Alden A. M. Jackson the plaintiff in the said petition by Alfred Grimes his attorney and the said Caroline E. Jackson though called comes not but makes Default and it appearing from the records that the said defendant had been duely cited to appear and answer to the petition of the said plaintiff & a jury of twelve good & lawful men having been duely empaneled & sworn to try said cause and true verdict give according to Evidence (to wit) Geo. W. Glasscock, C. C. Cushman George B. McClusky John M. Swisher David Coleman David Farr, C. C. Browning, Samuel Stone John R. Slocomb, Leander Brown, Frances Deitrich and John Stone, returned the following verdict (to wit) We the jury find that the allegations alledged in the within petition are true Signed Jno M. Swisher Foreman

whereupon it is considered Adjuded and Decreed by the court upon the aforesaid verdict of the jury affirming all the Material Allegations in the plaintiff petition that the bonds of Matrimony heretofore subsisting between the said plaintiff Alden A. M. Jackson and the said Defendant Caroline E. Jackson be & the same are hereby ~~dissolved~~ forever Annulled & dissolved & that a divorce from said bands of Matrimony be & the same is hereby adjudged & decreed in favor of the said Alden A. M. Jackson. It is further ordered that Caroline E. Jackson Clarence Jackson & James Jackson children of the said parties be placed under the care of & guardianship of the said Alden A. M. Jackson

It is further ordered by the court that the said Caroline E. Jackson retain a certain female slave named Amy and dispose of her as he may deem necessary or proper.

it is further Ordered by the court that the plaintiff pay all costs in this suit Expended for which Execution may Issue

22 George Glascock } In this cause the parties appeared as the cause continued by consent
The Commissioner of the Genl Land office }

36 C. R. Reese Adms } In this cause the parties appeared and on motion the court the cause to be continued
James Burk }

56 Hardy King et al } In this cause the parties appeared by consent the court ordered the cause to be continued
The Com Genl Ld office et al. }

James P. Henderson } In this cause the plaintiff appeared by counsel the parties appeared and ~~by consent~~ on his motion the court ordered the cause to be continued until the next term of this court
Boyce & others }

Henderson Monday } In this cause the parties appeared and on motion the court ordered the cause to be continued
Wm Bowers }

Cochrane Adms } In this cause the parties appeared and on motion the plaintiff has leave to amend and that the writ be quashed and that an alias issue and the cause be continued to the next term
John Fr Webber }

Edward Dyer } In this cause the parties appeared and the plaintiff submits to a nonsuit
Thos McGee }

53 The State of Texas } Exhibiting a
Michael Burcher } Faro Bank

In this cause the parties appeared and on motion and affidavit of the defendant the court ordered the cause to be continued to the next term

34 The State of Texas } Bettering at a
Wm J Stamper } Faro Bank

In this cause came John A. Green Esq. District Attorney for the Second Judicial District on behalf of the State and the Defendant in his own proper person

On hearing the indictment read the Defendant plead a guilty to the charges therein. Whereupon ~~was~~ a Jury was called by order of the court to ~~assess determine fix~~ ~~the~~ assess ~~amount~~ of the fine to be imposed to wit John M. Swisher G. W. Glascock. C. C. Cushman George B. McCloskey David Coleman David Farr C. C. Browning Joseph Bowman Duty Samuel Stone ~~John Stone~~ Leander Brown Frances Dietrich & John R. Slocomb

all good and lawful men of the county of Travis, duly elected tried & sworn according to law

After hearing the parties & the charge of the court the Jury returned the following verdict to wit. We the Jury assess the fine at twenty dollars and recommend the defendant to the mercy of the court

(Signed) John M. Swisher
Foreman

Whereupon it is considered by the court that the State of Texas recover of the defendant the sum of twenty Dollars the amount of fine assessed as aforesaid together with all costs in this behalf expended for which execution may issue

The State of Texas } Betting at a Sub
35 Martin W. Stamper } Bank

In this cause the State appeared by its counsel and the Deft in his own proper person and pleaded not guilty to the charges set forth in the indictment and moved for a continuance ~~which~~ on whereupon the court orders the cause to be continued to the next term

The State of Texas }
36 John Connor } In this cause the State appeared by its counsel and the Defendant in his own proper person and pleaded not guilty whereupon on motion and affidavit of the Deft the court orders the cause to be continued to the next term

The State of Texas } Exhibiting a
Jeremiah H. Robertson } Faro Bank

In this cause the State appeared by its counsel the Dist. Attorney and the Deft in his own proper person and pleaded not guilty and ask for a continuance whereupon the court on the affidavit of the Deft orders the cause to be continued to to the next term

The State of Texas } Betting at a
Jeremiah Robertson } Faro Bank

In this cause the State appeared by its counsel the Dist. Atty and the Deft in his own proper person and pleaded not guilty and moves for a continuance to the next term which on the affidavit of the defendant is ordered by the court

District March the 30th 1848

The State of Texas } Betting at a Faro Bank Thursday
Alexander Allen }

In this cause the State appeared by its counsel the Dist: Attorney and the Defendant in his own proper person on hearing the indictment read the Defendant pleaded not guilty and filed an affidavit for a continuance whereupon the court orders the cause to be continued to the next term of the court

The State of Texas } Betting at a Faro
Charles Reilly } Bank

In this cause the State appeared by its counsel the Dist: Attorney and the Deft by his counsel and pleads privilege from arrest as a member of the Legislature of the State of Texas which plea is sustained by the court and the defendant discharged and an alias ordered and the cause continued to the next term of this court

Court adjourned until tomorrow morning at half past eight o'clock

Spring Term Anno Domini 1848 ~~490~~

Thursday ~~Friday~~ Morning March 30th 1848
Court Met pursuant to Adjournment present the Hon. William E. Jones Judge Jos H. Mathews Sheriff B.D. Bapard Clerk and John A. Green Dist atty &c. whereupon the following proceedings were had (to wit)

R. S. Grimes
25 Moses Johnson, In this cause the Admr of Garrety parties appeared by their counsel and by consent of parties the court ordered the cause to be continued

Sam L. Highsmith
26 Moses Johnson Admr of Garrety } In this cause the parties appeared by their counsel and by consent of parties the court ordered the cause to be continued to the next term of this court

Hammond
Sam Whitlines } In this cause the parties appeared & by consent the court ordered the cause to be continued to the next term of this court

John R. Slocomb
Farley } In this cause the parties appeared and on motion the court orders the injunction to be dissolved and bill to stand over as an original bill, to which opinion of the court the Deft excepts and the cause continued by consent with the agreement that neither party shall be forced to trial at the next term

District Court

Thursday March 30th 1848

John R. Slocomb
54 Owen Obrian
Admr of the estate of
John Nowlan dec.

In this cause the parties appeared by their counsel and submitted the cause to a jury. to wit George W. Glanock, C.C. Cushman, George B. McCloskey, John M. Swisher, David Coleman, David Farr, Matthias Wilbarger, Benj. Piper, C.C. Browning, Samuel Stone, P. F. Bowman, Frances Deitrich

All good and lawful men of the county of Travis duly elected and sworn according to law after hearing the parties with their witnesses the jury returned the following verdict

We the Jury find for the plaintiff the sum of five hundred dollars (Signed) John M. Swisher
Foreman

It is therefore considered and adjudged by the court that the plaintiff recover of the defendant the sum of five hundred dollars &c at cost in this behalf expended for which an execution may issue

The Corporation of the city of Austin
112 Owen Obrian

In this cause the parties appeared and the rule for security for costs not being complied with the court ordered the cause to be continued to the next term of this court

James F. Edrington
Susan L. Rose

In this cause the parties appeared and the plaintiff submits to a non suit

District Court March 31st 1848. 492

Friday Morning March 31st 1848
Court Met pursuant to adjournment present the Hon. William E. Jones Judge. J. H. Mathews Sheriff B. D. Bassford Clerk &c. whereupon the following proceedings were had (viz)

James Scott et al } In this cause the
Alden A. M. Jackson } parties appeared by their counsel and on motion the court ordered the continuance set aside and Judgment to be rendered on agreement filed (to wit)

L. C. Stanley for the use of }
James Scott } Travis District
Alden A. M. Jackson } Court

It is hereby agreed by the attorneys in the above state case that Judgment be rendered against the Defendant in favor of the plaintiff for two hundred and seventy four dollars and thirty three cents with interest from the eighteenth day of September A.D. 1839 as being equivalent for eight hundred and twenty in the note for the recovery of which this suit was brought, and that the remaining one hundred and seventy seven dollars stand as the individual interest of the said L. C. Stanley not being considered as in litigation in this suit And it is further agreed that upon the said Alden A. M. Jackson executing and delivering to the said Scott or his Attorney a good and sufficient title in fee simple to three hundred & twenty acres of land (patented before the making of this agreement) before the next term of this court, then & in that event the said Scott is to give to the said Jackson a full receipt and acquittance against this Judgment, but upon his failing so to do then execution is to issue and it is further agreed that the said Defendant pay the costs of this suit

496. Spring Term AD 1848

but it is further understood that no execution is to issue upon this Judgment before the next term of this court and if the said Jackson denies the correctness of the agreement spoken of above then the said Judgment is to be opened and set aside and said case stand for trial as tho this Judgment had not been entered

George H. Burrit
St James M. Longdon } In this cause the parties appeared and submitted the cause to the court whereupon the court orders the injunction to be dissolved and bill to be dismissed and the plaintiff to pay all costs in this behalf expended for which an execution may issue

Timothy McKane
M Zeller } In this cause the parties appeared and on motion & affidavit of the Defendant the court ordered the cause to be continued to the next term of this court

H. W. Munroe
John Clinton } In this cause the parties appeared and submitted the cause to a jury to wit 1 John M. Swisher 2 C. C. Cushman 3 David Colman 4 David Kaor 5 C. C. Browning 6 Leander Brown 7 Mathias Hebbedyer 8 Samuel Stone 9 John Hovan 10 Jeremiah Robinson 11 Timothy McKane 12 Hugh Smythwick All good and lawful men of the county of Travis duly elected and sworn according to law After hearing the parties with their witnesses the Jury returned the following verdict (to wit) We the Jury find for the plaintiff the sum of three hundred & three dollars & 33/100 signed

Jno McWester Foreman

It is therefore considered and adjudged by the court that the plaintiff do have and recover of the defendant the sum of three hundred & three dollars and three cents (30303) and all costs in this behalf expended for which an execution may issue Whereupon the defendant gave notice of an appeal to the supreme court

Morgan C. Hamilton
The Comr of the Genl Land office & the Admr of J Barker } And now at this day came the parties by their Attorneys and a Jury being waived, and the cause being submitted to the court, and the court having heard the testimony and the matters and things contained in the petition of the plaintiff & the answers of the defendant, and because it appears to the court that there is no reason or just cause why the commissioner of the Genl Land office has not issued to the said plaintiff a patent for the lands claimed by him in his said petition, it is therefore ordered adjudged & decreed that a peremptory mandamus issue from this court commanding & directing George W. Smythe Esq the commissioner of the General Land office to issue to said Hamilton plaintiff in this cause a patent for the land mentioned in his said petition

James F. Johnson
William Jane
M. H. Slumber } In this cause the parties appeared and a Jury being waived the cause was submitted to the court whereupon it is considered and adjudged by the court that the plaintiff do have and recover of the defendants the sum of

Saturday April 1st 1848

two hundred dollars and

all costs in this behalf expended for which an execution may issue to which opinion of the court the defendant excepts and gives notice of an appeal to the supreme court

Court adjourned until tomorrow morning at half past eight of the clock

Saturday morning April 1st 1848
Court met pursuant to adjournment present as before

107 Morgan Cryer & Mildred Cryer v.s. Joseph Duty et al — In this cause it is ordered by the Court that the plaintiffs have leave to Amend their Petition so as to Make other parties and that the Defendants who have Answered be permitted to withdraw their Answer without any prejudice to their rights & that they be permited to Answer after parties are fully Made & Cause continued

115 John Chinneworth v.s. Thos. Whitehead — It is Ordered by the court that this cause be continued for Service

116 John Chinneworth v.s. Thos. Whitehead — It is Ordered by the Court that this cause be continued for service

Saturday the 1st day of April 1848. 496.

41 The State of Texas vs. Adolphus Storm — On Motion of Dist atty it is Ordered by court that this cause be continued & Capias Ordered to Nacogdoches County

42 State of Texas vs. James W. Henderson — On Motion of the Dist atty it is Ordered by the court that this cause be continued and Capias be Ordered to Harris County

43 State of Texas vs. James Wilkes — On Motion of the District atty it is Ordered by the court that this cause be continued & capias be Ordered to Washington County

44 State of Texas vs. McKee — On Motion of the Dist atty it is Ordered by the Court that this cause be continued & Capias be Ordered to Colorado County

45 State of Texas vs. Cooley — On Motion of Dist atty it is Ordered by the Court that this cause be continued & Capias Ordered

46 State of Texas vs. Wm H. Stewart — On Motion of Dist atty it is Ordered by Court that this cause be continued and Capias Ordered to Gonzales County

47 State of Texas vs. Benjamin F Yankely — On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Ordered to Harris County

Saturday April the 1st 1848

48 State of Texas v.s. Rowly Autry — On Motion of the Dist atty it is Ordered by the court that this Cause be continued & Capias Ordered to Washington County

49 State of Texas v.s. Hamilton — On Motion of the Dist atty it is Ordered by court that this cause be continued and Capias Ordered to

50 State of Texas v.s. Peter Renfro — On Motion of Dist atty it is Ordered by the court that this cause be continued & Capias Ordered

51 State of Texas v.s. Putoff — On Motion of the Dist atty it is Ordered by court that this cause be continued and Capias Ordered

52 State of Texas v.s. Abel S. Cunningham — On Motion of Dist atty it is Ordered by the court that this cause be continued & Capias Ordered to Victoria County

53 State of Texas v.s. Henry Lewis — On Motion of Dist atty it is Ordered by court that this cause be continued and Capias Ordered

54 State of Texas v.s. Michael Burcher — On Motion of Dist atty it Ordered by court that this cause be continued & Capias be Ordered

55 State of Texas v.s. Lee Gray — On Motion of Dist atty it is Ordered by court that this cause be continued & Capias Ordered

Saturday April the 1st 1848. 498.

56 State of Texas
vs
Robert Williamson
On Motion of Dist atty it is ordered by court that this cause be continued and capias ordered to Washington County

57 State of Texas
vs
Abram Waylor
On Motion of the Dist atty it is Ordered by the court that this cause be continued & capias Ordered

58 State of Texas
vs
Everett H. Lott
On Motion of the Dist atty it is Ordered by the court that this cause be continued and Capias ordered to Washington

59 State of Texas
vs
Wm R. Young
On Motion of the Dist atty it is Ordered by the court that this cause be continued and Capias Ordered

60 State of Texas
vs
Hains
On Motion of the Dist atty it is Ordered by court that this cause be continued & Capias Ordered

61 State of Texas
vs
William H. Brown
On Motion of Dist atty it is Ordered by court that this cause be continued & Capias Ordered

62 State of Texas
vs
Garcia
On Motion of the Dist atty it is Ordered by court that this cause be continued & capias Ordered to Bexar

63 State of Texas
vs
Wm B Underhill
On Motion of the Dist atty it is Ordered by court that this cause be continued & Capias Ordered to Washington County

Saturday April the 1st 1848

64 State of Texas
vs.
Millard M. Parkison
On Motion of the Dist atty it is Ordered by Court that this cause be Continued and Capias Ordered

65 State of Texas
vs.
Eliot
On Motion of the Dist atty it is Ordered by Court that this cause be Continued & Capias Ordered

66 State of Texas
vs.
Francis Hatch
On Motion of the Dist atty it is Ordered that this cause be continued & Capias Ordered to Montgomery Co.

67 State of Texas
vs.
Wm S Williams
On Motion of the Dist Atty it is Ordered that this cause be continued & Capias Ordered

68 State of Texas
vs.
Wm R. Allen
On Motion of the Dist atty it is Ordered by court that this cause be continued & Capias Ordered to Washington County

69 State of Texas
vs.
Millard M. Parkison
On Motion of the Dist atty it is Ordered that this cause be continued & Capias Ordered

70 State of Texas
vs.
Wm. McAbron
On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Ordered

71 State of Texas
vs.
Rowley Autry
On Motion of the Dist atty it is Ordered by the court that this cause be Continued & that Capias be Ordered to Washington county

Saturday. April the 1st 1848. 500.

72 State of Texas
v.s.
Josiah Drew
On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Ordered to Harris county

73 State of Texas
v.s.
James Denison
On Motion of the Dist atty it is Ordered by court that this cause be continued & Capias Ordered to Matagorda County

74 State of Texas
v.s.
Robert H. Wynne
On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Ordered to Galveston county

75 State of Texas
v.s.
Thomas J. Jennings
On Motion of the Dist atty it is Ordered by the court that this cause be continued and Capias Ordered to Nacogdoches county

76 State of Texas
v.s.
Jack Davis
On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Ordered to Liberty County

77 State of Texas
v.s.
Wm C. Edward
On Motion of the Dist atty it is ordered by the court that this cause be continued & Capias to San Augustine County

78 State of Texas
v.s.
Joseph Walker
On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Ordered

Saturday April the 1st 1848

79 State of Texas
v.s.
John A Greer
On Motion of the Dist atty it is Ordered by the Court that this cause be continued ~~and Capias be Ordered to~~

80 State of Texas
v.s.
Charles S. Mayfield
On Motion of the Dist atty it is Ordered by the Court that this cause be continued

81 State of Texas
v.s.
Wm T. Sadler
On Motion of the Dist atty it is Ordered by the Court that this cause be continued & Capias Ordered to Houston County

82 State of Texas
v.s.
Zimra Wm Eddy
On Motion of the Dist atty it is Ordered by the court that this be continued & capias be Ordered ~~to~~

83 State of Texas
v.s.
Winkler
On Motion of the Dist atty it is ordered by court that this cause be continued & that Capias Issue ~~to~~

84 State of Texas
v.s.
Thos Colifer
On Motion of the Dist atty it is Ordered by the Court that this cause be continued & Capias Issue

85 State of Texas
v.s.
Jerom B. McCown
On Motion of the Dist atty it is Ordered by the court that this cause be continued & that Capias Issue to Montgomery County

86 State of Texas
v.s.
Raphael Garcia
On Motion of the Dist atty it is Ordered by the court that this cause be continued & Capias Issue to Baxar County

Saturday April 1st 1848

108 B. M. Watson Assn Wm Williams to the use of W. H. Grant
V.S.
Samuel Stone } In this cause the parties appeared by their attorneys and the fact at Issue being Submitted to a Jury of twelve good & lawful Men (to wit) John M. Swisher Foreman N. M. Lucket Geo B. McClusky, Benjamin Piper Jeremiah Robertson, Leander Brown Timothy McKean, Freeman B. Beck, J. H. Whitaker John R. Wooldridge David Coleman David Farr who being duely Sworn According to Law returned the following verdict (to wit) we the Jury find for the Defendant ~~believing~~ believing the consideration to have been the Duress. it is therefore considered adjudged and decreed that the defendant recover his costs in his said suit expended in the Court below and also in this Court. for which execution may issue,
And the said plaintiff by his attorney moves the court for a new trial which was overruled by the Court. whereupon the plaintiff prays an appeal to the Supreme Court which is granted upon the said ~~plaintiff~~ plaintiffs entering into bond with security according to law, &c.

M. C. Hamilton
V.S.
Commissioner Gen
& Jesse Barker } In this cause the parties Litagant by their attorney come and Suggest to the court that they are in no default in this controversy that the whole controversy & costs have arisen in consequence of the Acts of Thos. William Ward the Commissioner General of the Land office and now Move that he be Taxed with the costs & that a judgment Nisi be entered against him & he cited to appear & Show cause why said judgment Should not be Made final &c. which motion being heard by the court the Same is granted. & it is ordered that a copy of this rule be served on the said Thomas William Ward twenty days before the next term of this court it is further ordered that the judgment of the court in relation to the costs of this case be Suspended untill next term

Spring Term. Anno Domini. 1848.

It is Ordered by the court that a fine of ten dollars be entered against the following persons as defaulting jurors on the Original Venire (to wit) Clayburn Osburn, John L. Osburn R. T. Chandler J. S. Dead J. D. Doxy H. D. Edwards Isaac Harris Lemuel Taylor & that Scirafacias Issue to each of them returnable to the next Term to show cause why the same should not be made final.

It is ordered by the court that the fine of five dollars heretofore imposed upon the ~~following~~ Petit Jurors at the present Term, for dispersing without the leave of the court ~~be remitted~~ in the case of White vs Glascock be remitted -

It is ordered that the Court do now adjourn sine die

William E. Jones
Dist. Judge
2nd Jud. Dist.

365.

706

Venire Fall Term AD 1848

Be it remembered that on this the 4th day of September A.D. 1848 the following names were drawn according to law to serve as Jurors at the next term of the Dist: court for the county of Travis by B. F. Bassford Clerk of the District court of Travis county and A. B. McGill Clerk of the county court of said county in the presence of S. G. Haynes a Justice of the Peace in and for said county to wit,

1 Benj. F. Johnson
2 Lewis Menelle
3 John Horrell
4 David Epright
5 Hugh McClure
6 David Thomas
7 David C. Edmonson
John H. Hart
8 Albert Brown
9 Jackson Thompson
10 Wm M. Wilson
11 Charles L. Compton
12 Wm Cockburn
13 Wm Wilkes
14 A. F. Davis
15 Thos Wm Ward
16 John Talk
17 Thomas Puckett
18 Nathaniel Gilliton
19 Benjamin Piper
~~H. C. Collingsworth~~
20 William Clements
21 ~~Robt~~ Philip Golden
22 Thomas Pratt Washington
23 Joseph Barnheart
24 Nelson Merrell
25 Noah Smithwick
26 Benjamin C. Bennet
27 J. H. Farr
28 William Custard
29 J. H. Darlington
30 J. C. Cady
31 M. A. Porterfield
32 Michael Cronnicon
33 William D. Parris
34 ~~Wm~~ M. C. Burditt
35 Josephus Scotte
36 George Jewail

B. F. Bassford Clerk of Dist: court of Travis county

A. B. McGill
A. C. C. T. C.

S. G. Haynes
J. P. T. C.

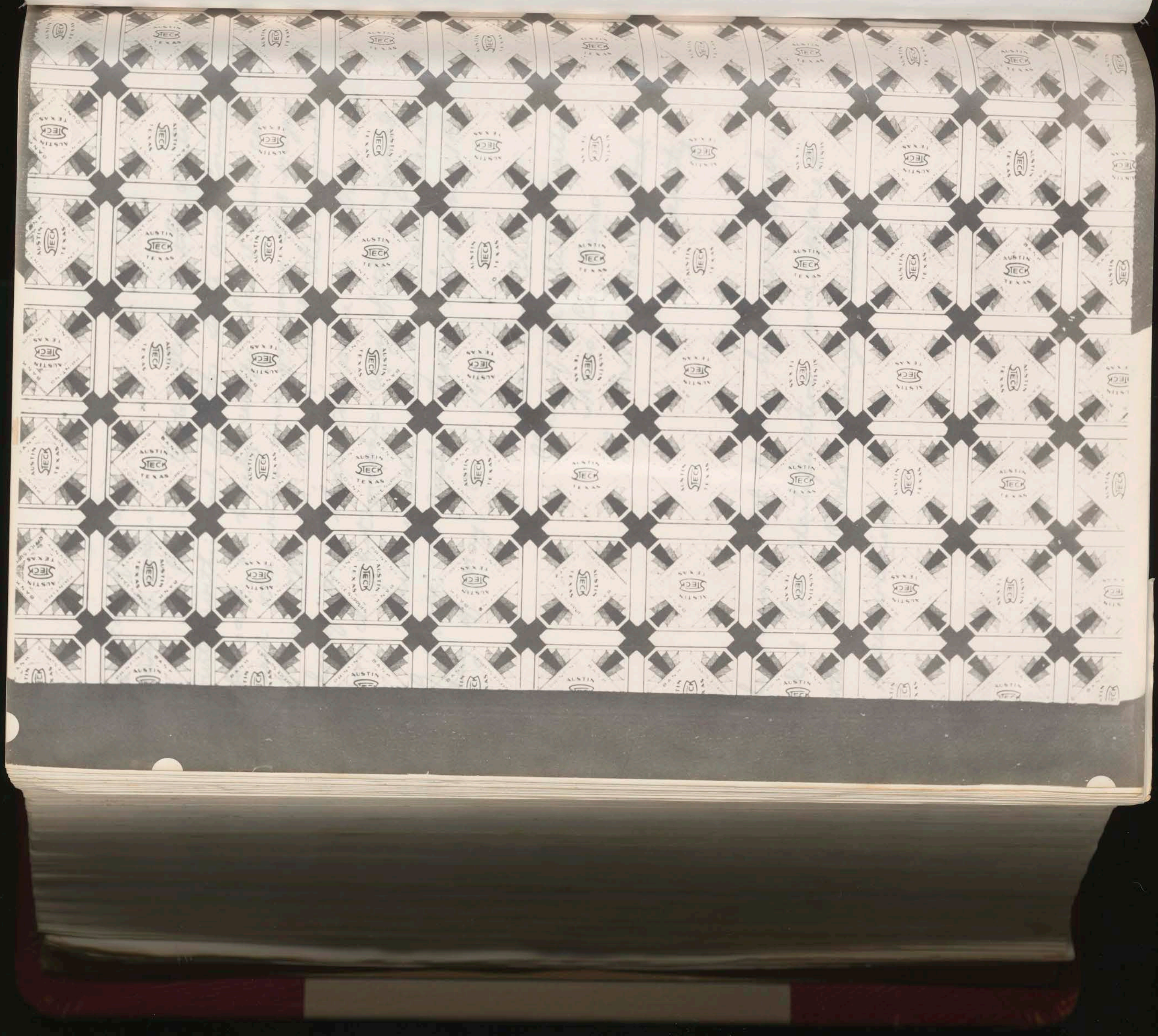
The State of Texas }
County of Travis }

I, Ben Lee Chote, Clerk of the District Courts within and for the State and County aforesaid, do hereby certify that I have compared the within and foregoing 508 pages of Civil Minutes, Vol. A, with the original thereof, and that the same is a true and correct photographic copy of the original.

Given under my hand and seal of office, at Austin, Texas, this the 1st day of May, A. D. 1943.

Ben Lee Chote
Clerk of the Dist. Courts,
Travis Co., Texas
By Carl Edward Bock,
Deputy

The original Vol. A has been wrapped, marked for identification, and placed in the Dist. Clerk's storage vault for preservation.


AUSTIN
TECK
TEXAS

CIVIL

MINUTES

A

Civil Minutes

A